

2013 SENATE EDUCATION

SB 2102

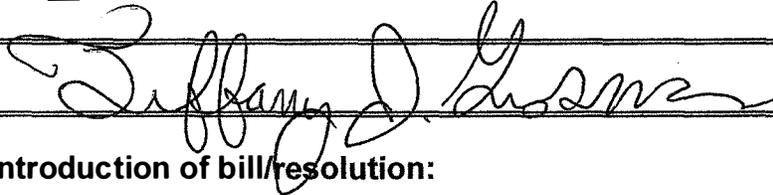
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

SB 2102
1-16-13
17262

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the annual administration of state academic achievement tests

Minutes:

Written Testimony Attached

Chairman Flakoll: We will open the hearing on SB 2102

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction: I wish to testify in support of SB 2102. (See attachment #1 for written testimony).

Senator Luick: Does it change the reporting back to the school district? To me that is the most critical thing. The district should get that information immediately so they can change what is happening.

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction; It in fact enhances it and allows for a much faster turnaround. It does provide an excellent opportunity for speeding up the reporting opportunity. In the end it is appropriations neutral, and we are expecting cost savings.

Senator Luick: I always wondered why this testing is done in the fall. This is a much more accurate assessment.

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction: The original intent of the fall testing is to allow the students a full year and asses them for the previous year. When you test in spring, that is a tradeoff because you are testing before the full year is complete. There are benefits of the spring as well. We test in the end of October that extends into the middle of November which allows for re-entry of students into the school year picking up their momentum and allowing for instruction to occur but it is a tradeoff. With the observations we think that this is probably in the best interest of all.

Senator Poolman: I read the bill as giving us the opportunity to be more flexible and still just giving it one time in the course of those years. Can you clarify what the department's intent is?

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction: The intent is to allow for the openness of flexibility to exercise it as the assessments themselves become more firm in the opportunities we have. We are trying to work our way through to find the best model for the state. So we are trying to build within law the best opportunity for us to make a good determination and that can be based on the data we get and an analysis with our technical advisors and from the advice of critical stakeholders who can guide the best choice. So the language is making very small changes so it could allow 9th, 10th, or 9th and 10th. It does not commit the state and allows for the best data to drive our policies.

Senator Heckaman: What if a school chooses to do grades 9, 10, and 11. Will that add an additional expense for the department?

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction: If the state were to make it as an overall offering then it would be built into the state's budget accordingly. If we choose one with the expectation that you do grades 9 and 10, then that is built in automatically. If the other model would be selected it becomes a voluntary issue. There may be provisions for districts individually to select that option of 9 and 10. The debate would be picking up the costs associated with that because it would be a voluntary expectation.

Senator Heckaman: So if the school districts opt for an additional year of testing that would be at their own expense?

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction: It is very possible that could be the case but historically the department has tried to pick up any associated costs of the assessments at the state level. We have been able to pick up some expense.

Senator Heckaman: If these are administered in the spring, is the data instant?

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction: Under the design as we see it, the assessments is not an instantaneous return because these are selective and compositions that require artificial intelligence. Human scorers take about two to four weeks.

Senator Marcellais: I have some concerns for this and I'll give you my reasons. At the beginning of the school year I challenged our 11th grade that I would take a pie in the face if they passed their testing. Now you are saying I have to take three pies to the face after this law is passes.

Chairman Flakoll: Why don't we test every year for the High School Students?

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction: When the testing system was set up it was intentionally set up to meet the minimum requirements.

Chairman Flakoll: What is the cost to test all 11th graders?

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction: The costs for the generalized test runs approximately 3.5 million dollars a year. Our costs are about \$60 per student. We are expecting for the costs to drop considerably.

Chairman Flakoll: Is this more about finding deficiencies and remediating that or is it about just saying where are we at today and comparing them against other school districts in the state or nation?

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction: Any assessment should lead to minimal remediation for the student by identifying the strengths and weaknesses but it also serves the purposes for higher level accountability and how we are doing as a state and whether we are finding stronger points, weaker points, in the delivery of curriculum.

Chairman Flakoll: What is the value of testing in May?

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction: The assessment will probably occur in early April but the dates are yet to be determined. There is no loss in the data that you gather at that point because it carries forth for the end of the year and the next year.

Chairman Flakoll: But according to the two to four week window we may not get it until May.

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction: The state assessments are not the only assessments during the year. The teachers are carefully monitoring what is happening with their students in terms of what they are learning and what they are not. Adjustments are occurring because remediation is built into the activity of schools. The state assessment provides the ability for to monitor carefully and see if we need to adjust our programs, curriculum, and strategies from a much broader level.

Senator Heckaman: How will these be tied to AYP for schools?

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction: These tests become the primary reference point because it is a standardized opportunity to make a comparison within the school against the district and the state. It is based on content standards and achievement scores. The common core does address the issue of college and career readiness by defining what we know from the feedback nationwide.

Senator Poolman: How much testing is too much or enough?

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction: There are several assessments and there is a requirement under state

law for some assessments. There is no single test that can achieve all of the purposes that one encounters in education. There is a legitimate purpose for the state assessment because it is the measure against the state's expectations that provides us the best information in a reliable fashion.

Senator Heckaman: Can I go online and look for the waiver information that was written and if so when are you expecting comments on that?

Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction: You can find them online of the front page of the DPI website. In the front page it says ESCA flexibility wavier.

Chairman Flakoll: Does anyone else wish to speak in support of SB 2102? Does anyone wish to speak in opposition to SB 2102? Hearing none we will close the hearing on 2102.

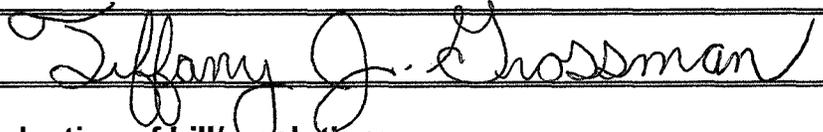
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

2102
1-16-13
17277

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the annual administration of state academic achievement tests

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll: We will begin discussion on SB 2102.

Senator Heckaman: When visiting with an individual that sat in the audience when this bill was being heard, she said she would get information to me and the information seems to state that the companies that the North Dakota Department of Public Instruction is contracting with for the tests only administer the tests in the spring. So it has more to do with the ease of what the company wants rather than what is better for the students in the state of North Dakota which often happens. She is getting me a copy of some recent publications on that and I'd like to read them first before we move on this bill.

Chairman Flakoll: Is there anyone else who has something? Senator Heckaman do you think if we reconvene at 3:15pm today that would give them time?

Senator Heckaman: She didn't give me a timeline when she's going to get me copies of that.

Chairman Flakoll: We will tentatively shoot for that. Noting it is a Wednesday so we have no tomorrow.

Senator Heckaman: It may not change my views on the bill itself but I want to gather more information.

Chairman Flakoll: I think it is one of those bills once we have more information we will be ready to amend or vote. This won't be the bill that holds us up this session. We will hold the one we just heard for a bit. Would you like the Treasurer's Office? The Auditor?

Senator Poolman: I'm thinking the Auditor.

Senate Education Committee

SB 2102

1-16-13

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Chairman Flakoll: I will ask if they can come down at 3:15pm today. We should get someone from the Treasurer's office too as long as we're summoning people. Molly let them know the context of what we are talking about so they know what it is about.

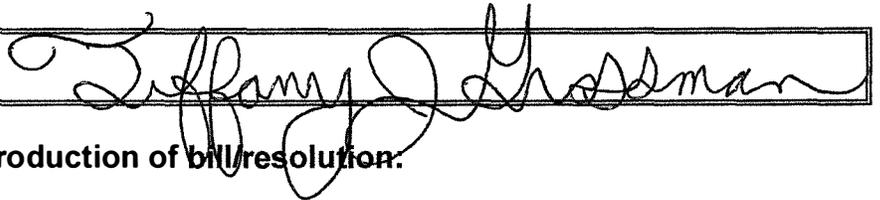
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

SB 2102
1-16-13
17315

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the annual administration of state academic achievement tests

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll: We have SB 2102 in front of us, I believe there is a motion

Senator Heckaman: I move for a Do Pass on SB 2102

Senator Poolman: Second

Chairman Flakoll: Any discussion?

Vice Chairman Schaible: My concern is this opens the door to more testing and I believe we already have more than we need to. This would take time away from instructional.

Senator Heckaman: In visiting with NDEA they gave a printout that says the DPI will be contracting with a different vendor for the assessments and in doing that these parallel what the two vendors ask for so I think it is to work with the vendors that will do the core curriculum assessments. This is the criteria the vendors set forth.

Chairman Flakoll: At some point in the next 24 hours could you send that document to the clerk.

Senator Luick: I am just looking at it moving this testing to the springtime rather than the fall. I feel that is a good proposition to do that. I'm also leery of the abuses.

Chairman Flakoll: A sliver of that will be driven by the fact that it costs a lot of money to test. DPI only has so much capacity to do that and if the school district wishes to do more, they could do it on a case by case basis.

Senator Marcellais: 9th and 10th graders right now are taking five different tests during the year. She listed them as the MAPs testing, limited English and English language learner testing, mid-quarter term testing, final testing, and they also have a military test. How much

do we test?

Senator Poolman: In many ways this bill does address that because in Bismarck it is our 11th graders that are over tested so I like the concept of having at least one grade level and the districts could choose. Or is this just the state only deciding?

Senator Luick: How many of these tests are state regulated? Are any federal regulated?

Senator Marcellais: These are state and federal.

Chairman Flakoll: What would happen if on line 10 we change it to "in one grade instead of at least one grade"

Senator Heckaman: I think that is what it is now. The grade is grade 11, that is why they are going to open that gate. I don't know if it going to be up to the school, or the state to select that grade. It is only for 11 right now.

Chairman Flakoll: Would it solve problems if we take 9, 10, or 11

Senator Heckaman: I would choose grade 11. It will tell you about the academic programs in 9-11.

Senator Luick: Grade 11 is already in there so it comes back to the required amount of testing. Are the testing going on now federal or state?

Senator Poolman: In grade 11, the state of North Dakota is already paying for 11th grader to take the ACT in the spring. If you leave it with 11, we will have all of this data from 11 but we have them in limbo in grades 9 and 10. I do hope they are looking for flexibility and not for more testing.

Senator Heckaman: We could add that a report be sent to the interim education committee on the results.

Chairman Flakoll: We could sunset it in two years.

Senator Luick: Can we limit the number of testing possibilities that a district would have?

Chairman Flakoll: I'm not sure we would want to do that. I am a big fan of MAPS testing. If we were to say there are 7,000 kids and with \$60 you are at \$420,000.

Senator Heckaman: Maybe I should withdraw my motion and I get copies of this to everyone to read. I haven't had time to read this and maybe we will learn something that will shoot us in the right direction.

Senator Poolman: I would like to withdraw my second.

Chairman Flakoll: Let the record show that it was withdrawn at 3:45pm on 1-16-13

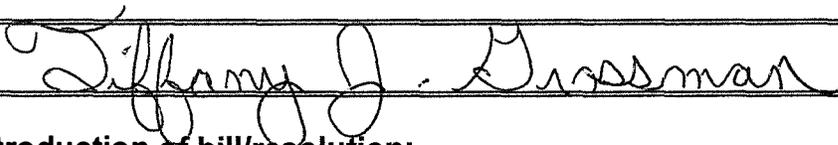
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

SB 2102
1-21-13
17458

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the annual administration of state academic achievement tests

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll opened the hearing on SB 2102

Kirsten Baesler, Superintendent, North Dakota Department of Public Instruction:

This bill would allow the state of North Dakota to align its assessment for adequate yearly progress to the new core of common standards. It is a bill that allows us to change the time frame that we would assess it at.

Senator Heckaman: I see a change in grade assessments.

Kirsten Baesler, Superintendent, North Dakota Department of Public Instruction: It would allow the opportunity for us to assess 9th and 10th graders as well as 11th graders. It doesn't add more requirements or assessment costs to the program.

Vice Chairman Schaible: By your office direction could you say that we will test 9th, 10th, and 11th.

Kirsten Baesler, Superintendent, North Dakota Department of Public Instruction: It would allow us the opportunity to have our 9th and 10th graders assessed.

Chairman Flakoll: What would the value of that be?

Kirsten Baesler, Superintendent, North Dakota Department of Public Instruction: The value would be earlier identification and more comprehensive information to our school systems in order to adjust and modify. This assessment allows educators to look at trends over a number of years to adjust their instruction.

Chairman Flakoll: So it is about trending for this area or that area or that class, not about a student in particular?

Kirsten Baesler, Superintendent, North Dakota Department of Public Instruction: That is correct. There are other tests that are better.

Vice Chairman Schaible: We get a lot of comments about testing time. This could open up for more testing.

Kirsten Baesler, Superintendent, North Dakota Department of Public Instruction: I agree with you. I don't place a lot of value other than accountability on the summative tests. It needs to be administrators to say they would like to do this before we move forward.

Chairman Flakoll: Would one of the limiters that the costs cost so much, you can't have too many tests?

Kirsten Baesler, Superintendent, North Dakota Department of Public Instruction: That would be a significant factor. The state would want to see the return on their investment.

Chairman Flakoll: Was there anything in testimony that you thought may have confused us?

Kirsten Baesler, Superintendent, North Dakota Department of Public Instruction: The department views this as a housekeeping bill that allows us to align us with the common core standards. It allows us to compare apples to apples.

Chairman Flakoll: Did everyone receive the attachment called "Coming Soon" and what are the committee's wishes? (Written document #1 attached)

Senator Poolman: I move a Do Pass on SB 2102

Seconded by Senator Heckaman

Senator Heckaman: Ms. Baesler eased my mind when she said we are only testing one grade. I see positives on spring assessments. I will support the bill even though we are unsure of the grades being tested.

A Roll Call Vote Was Taken, 5 yeas, 1 nay, 0 absent.

Senator Poolman will carry the bill.

2102

Date: 1-21-13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO.

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Poolman Seconded By Heckaman

Senators	Yes	No	Senator	Yes	No
Chairman Tim Flakoll	✓		Senator Joan Heckaman	✓	
Vice Chairman Donald Schaible	✓		Senator Richard Marcellais		✓
Senator Larry Luick	✓				
Senator Nicole Poolman	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Poolman

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

REPORT OF STANDING COMMITTEE

SB 2102: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2102 was placed on the Eleventh order on the calendar.

2013 HOUSE EDUCATION

SB 2102

2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

SB 2102
March 6, 2013
19511

Conference Committee

Committee Clerk Signature



Minutes:

Ch. Nathe: We will open the hearing on SB 2102.

Greg Gallagher, Director, Standards and Achievement, DPI: Support (see attached #1). There are changes on line 9 and line 15.

Rep. Rust: (34:16) I'm going to guess that you are the person from DPI that attends a variety of meetings with whomever on testing, since I think that's your area of expertise in the DPI. For the record, I know that most schools, in many grades, give 2 to 3 times a year testing NWEA, AZVEP, ACT, SAT, the Work Keys Test, the NAEP test, I think we even have a career test of some kind. When you start talking about the number of tests that are given, it just seems to me that we are doing way too much of it. We need to throttle back. I understand that this bill does give a little more latitude, so I think it is something that I can support because it actually provides some choices, but in the grand scheme of things, I still think and I think there are a number of educators, especially teachers, that would agree with me that we are doing way too much testing and spending a lot of time on that and that probably could be streamlined.

Rep. J. Kelsh: Do these test scores ever get back to the individual who took them, or is it just an aggregate of how the school is doing, the state and the country as a whole doing in education. Do they know when they write these tests, that they are going to see the results of how they did?

Mr. Gallagher: Yes, they do. In fact, currently they receive two different reports for each individual student. The first one is how the student has performed on that administrative test that year. It will report out how they did as a whole in overall proficiency terms as a discipline. Then within each of the respective standards of that assessed area, their overall performance and it's broken down almost like an outline into grouped up skills to very specific skills. The second report they receive is what we call our "growth report". The growth report will take the accumulated performance of the student from the 3rd grade all the way through the high school. It will show their overall growth. I wouldn't want this lost. It goes to the parent as well and it generally occurs through teacher/parent conferences. But on an individual student basis, and even within the classroom, it will show the relative growth up and what we also see is the patterns of students who start to show profound drops. That

is what assessing provides. It's one thing to see one event; it's something else to see the composite collected events. They tell a story about what is happening within the student. They also tell a story of what can happen within a classroom and within a school. It's pretty substantial data and it is good data. In fact, in 2010 the Center for Education Policy did an analysis of the states across the country of those who had enough assembled data to be able to look at overall performance against that of NAPE, the national assessment. The ND State Assessment had the most sensitive reading to the movement in the NAPE; its correlation was the closest we saw to the NAPE. That means, from a corroboration point of view, when NAPE ticks the state assessment, ticks to that same degree and same direction, more so than we saw with any other state. The tool we have is really very good. We understand that testing is not everybody's fun affair, it's not. We understand that. But it does tell us something. We know certain things, tests can pick up within very tight constraints, that level of proficiency where a student is truly at and people work within constructs, and even on bad test days we can get the feeling of where they are within that construct as it's down here. That's what it is also telling us about our schools. Schools perform within constructs at high and low performance. That tool gives us an insight into that. It's for those who have eyes to see and ears to hear. It's a tool, it's sensitive, it tells us something. We think it is an important investment. In fact, it might be one of the better investments that we can make, because it really holds us to our overall obligation, to ensure the literacy of our students statewide. It's not glamorous, but it is an important tool.

Ch. Nathe: As a parent who has gotten those tests on his children, we appreciate it because it not only shows the progress of the children, but also it shows if the teacher is doing a good job and how they are progressing. It just informs us even that much more. Quite frankly, my wife and I look forward to getting that because it gives us a much better sense of where our children are going. It's a piece of the puzzle that gives you that result.

Rep. Hunsakor: Having sat in a teacher/parent conference, I have had parents who have been very upset with me thinking I'm not doing a good job of teaching math, but when we show them the assessments and there is a rise and all of a sudden it is going down again, as you said, and they see it is going down in Science and English and all of the others, they change their perspective that it isn't the teacher in just one class. It's an overall downward trend on the part of the student not applying himself. So the assessments are very valuable in that sense, that it gives parents a different perspective. It's not the teacher, it's their child. That's a huge thing on the side of the teacher when you are visiting with parents on that visitation day. When we talk about the superintendent of public instruction shall administer tests, when we get to the different grade levels, it says 6-9, it would be possible for the superintendent of public instruction to give a test in every grades 3-11.

Mr. Gallagher: In theory, that would be true; we have no design to do so at this time. By making the change now, in anticipating the new generation of Science standards, which is again a voluntary national effort and it will be a relatively unique presentation of the standards. This is long overdue in many people's minds. We will someday have to revisit our state assessment at that point. But we would not

anticipate making changes on it at this time in order to not overreach development cycles.

Rep. Hunsakor: But it might be safe to say that in the future, we would be looking at another test or two that certainly seems to be the direction you are talking about.

Mr. Gallagher: That is a possibility.

Rep. Rohr: We know we have some data just recently that our high school graduation rates are looking good from a national level; apparently, we just got that last week. When I looked at the specific school district and statewide, we have been flat for many, many years. We have not altered by just a small percentage either way. How does this data then drive those action plans to show more improvement, when that's not what we have seen in the past.

Mr. Gallagher: The issue of graduation is something that is not a 12th grade or an 11th grade issue. It's an 8th or 9th grade issue. Our data shows that. When you are looking at graduation rates, you are really looking at a systemic issue for not only that student, but for the community as a whole. As you saw in the data you have, and it is all available on-line, the breakdown that we have, you will see that we have some communities with very high, 100% graduation rates and others that are in the neighborhood of the low 60's range, we are talking about 40% differential on graduation issues. The cause effect on that is far beyond my testimony here today. The measures that we take, when we talk about even college and career readiness, we artificially restrict it when we talk about high school impact. It's actually must more profound at the elementary level impact. The time when reading skills kick in or don't kick in will be a direct indicator of whether a student is going to through to graduate or not. Math skills that may get derailed in the 5th or 6th grade are a direct indicator of numeracy literacy that is going to cause an issue whether they graduate or not. Our graduation perspective must be seen from the earliest grades on, our data are telling us exactly what it is; this is no surprise. The data tells us that. What we will see, when the common core state standards are fully employed, the kind of data that we're going to see is something that you can then immediately transpose among the other states as well for comparing them. ND ranks in probably the top 3 positions in graduation as a whole and it tends to tap out somewhere around 90%. We are at 86.7%. We have some states that are in the 60-70 range, so differentially we are quite high. But we have to improve. If we know where the improvements are, the high school is about run onto itself, but we really have to put our eyes on the early elementary grades. The data tells us the path.

Rep. Rohr: That's my point, the action plans aren't working. The action plans are developed and they are reviewed by DPI and how does that process work.

Mr. Gallagher: We might be talking two different issues here. If we're talking about a school improvement plans that are going on, it depends on what the school improvement plan that was drafted by that local school district or school might be, that is driven at the local level; whereas that data shows in the graduation, is what we also see in the achievement. The variance statewide of the data shows, that we

have some school districts that are well positioned and also might be blessed with a great demographic base to be able to have a very high performance. We have others that may not be as well positioned and they have a more challenging demographic base that can show a suppressive kind of influence on what happens within graduation as a whole. That is a very complex area, it's a rich area, but it's far beyond my time limit here today.

Ch. Nathe: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing on SB 2102.

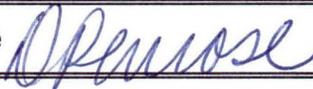
2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

SB 2102
March 12, 2013
19754

Conference Committee

Committee Clerk Signature



Minutes:

Ch. Nathe: Let's take a look at SB 2102.

Rep. Rust: I have a slight concern with the language in this bill. In particular, I do not like the language in "at least one grade level selected from 9 through 11". I think that opens the door for more testing. In fact, while that wasn't suggested, in the back of my mind, I don't think that is going to be the case. I would like to amend the bill to delete the words "at least". In other words, "and in one grade level selected from 9 through 11". Also on line 15, delete the second "at least". I move that amendment.

Rep. J. Kelsh: Second the motion.

Rep. Heller: The first "at least" is current law.

Ch. Nathe: The amendment is removing the second "at least" on line 15 in the new language.

Rep. J. Kelsh: I do believe that DPI said that it would probably be their intention to go all those grades; they felt if it was necessary for tracking purposes if something was happening, that their intention was to be able to test in all grades.

Rep. Mock: Isn't DPI required federally to test in grades 3, 4, 5, 6, 7, 8, and 11; then at least one grade between 9 through 11, by removing "at least" I don't know if that changes what you want it to. Are they required to test in grade 11? I am getting the look that it is at least once in high school.

Ch. Nathe: We will take a voice vote. Motion carried. We have amended SB 2102 before us. What are the committee's wishes?

Rep. Wall: I move a DP as amended.

Rep. Meier: Second the motion.

Rep. Schatz: In doing this, it looks like New England could test in the 9th grade, and Mott could test in the 10th grade and Carson could test in the 11th grade. I don't quite

understand what this test is going to amount to. If we all test in the 11th grade, then we have some sort of outcome.

Ch. Nathe: The 11th grade is already in there, so we're just giving them the option of selecting at least one grade level selected from 9-11.

Rep. Schatz: If all the schools aren't going to do it the same, why would you want to change it? According to this language, you could have three different schools, with three different tests. I think that would be counterproductive.

Rep. J. Kelsh: DPI administers this test, so I think they would do it equally across the state, so they are tracking on an equal level. It is the Dept. that does it, it's not the schools choosing when, and it's administered by the Dept. of Public Instruction.

Rep. Schatz: Are you saying then that they will only do the 9th grade for everybody in the state.

Rep. J. Kelsh: I don't know which grade they would do. But they have to do one grade 9 through 11. Their intention was at least one grade, which would give them the option to do it in all grades. That's what we were trying to prevent by making this amendment. I would assume that the DPI if they were going to do it in the 9th grade, they would do it in the 9th grade in every school that they test. Why would they do it in 9th grade in one school, and one in the 10th or 11th. The idea is to track.

Ch. Nathe: DPI would decide what grade for everybody across the state.

Matt Strinden, Director of Future and School Effectiveness, DPI: That is correct. Currently, our requirement is to assess all of our students in the 11th grade. This was the bill worked on most closely with Greg Gallagher, with our Standards and Achievement Unit. I think the language for "at least" certainly there is some cause for concern in the field about the "at least" giving DPI the opportunity to test students in every grade, 3 through 11, including 9 and 10. Some of the intent might be that that gives us an option to not assess at grade 11, but I think in the current language we probably could do that as well. There is no intention currently to test students in any other grade except 11.

Rep. B. Koppelman: When I was on the school board in West Fargo, one of the things that was almost a running joke, about testing in the 11th grade because by the time the testing was sorted, compiled and results received from DPI, they were halfway through the 12th grade. If the idea was to deal with kids as they are in school and identify concerns, unless you just want statistics, the 11th grade wasn't a good measure and if it was to be the 9th or 10th grade, there is still time to catch up.

Ch. Nathe: It says in the bill, it must be administered annually to grades 3, 4, 5, 6, 7, 8, and 11 as it reads in today's current language. Is that a federal requirement?

Matt Strinden: That's correct.

Ch. Nathe: So with the new language we're giving DPI the opportunity to test in 9th or 10th grade; because 11th grade is already required.

Matt Strinden: We currently require 11th grade.

Ch. Nathe: So basically we're saying "and one grade level selected from 9-11", so it's really 9 or 10.

Matt Strinden: Yes, 9th, 10th and 11th.

Rep. Meier: Would it be the will of DPI then to perhaps want to test both grades. Current law says you have to test in grade 11. Would you have a desire or want instead of testing in grade 11, to test in 9 or 10, but you would still have it uniform across the state, because I know it is federal funds. Is it the will of DPI to either want to test in a unified way in grade 9 or 10?

Matt Strinden: As you may or may not know, with the move to the Common Core in our new state assessment system which we are currently in the process of making decisions on, our state assessment will move from testing in the fall, which we currently now are testing in the spring. My estimation would be that this gives us the opportunity to test sophomores at the end of their sophomore year, as opposed to testing juniors at the end of their junior year going into their senior year, which might provide more data. Of course, the new assessments that we will have, will be on-line assessments, so in regard to Rep. B. Koppelman's comment that the data from those assessments we will get back more rapidly.

Rep. Meier: This will offer some flexibility just in case with the rules changing to get that data a little bit sooner if you test the sophomores instead of the juniors.

Matt Strinden: That would be my understanding, yes.

Rep. Heller: If a school called DPI and said that they wanted to test their kids in 10th grade, would DPI allow that or is it a state standard when your department picks the grade, then everybody has to do it in 9th grade, or is there leniency.

Matt Strinden: It is a determined year. Currently all of our schools will test in their junior year for the state assessment. That doesn't mean that our schools aren't doing a variety of interim assessment already in their schools using NWAMAP assessments, etc.

Ch. Nathe: With the new language, with the overstruck language on 16 and 17, will give your dept. more flexibility as to when to offer this, fall, winter or spring.

Matt Strinden: That is correct.

Rep. Schatz: If you're going to change the grade level, you're going to also have to change the test. Currently you offer a test to 11th graders. You are going to have to rewrite the test, going to have a whole new system of rewriting. There is going to be

a dollar amount of money associated with that. What kind of dollars is it going to be to rewrite this test?

Matt Strinden: That is currently the process that we're in with our determining of our testing company. Right now there are two national testing, grant-funded agencies that are currently developing this standardized test based on the common core. As far as the cost for the development of that test, there wouldn't be a cost to us. The only cost would be the cost for the assessment itself, which it's my understanding from Greg Gallagher that the assessment cost is potentially less than what we're paying for the CTBS currently.

Rep. Schatz: Is the federal government requiring you to do this, why don't we put down the 11th grade; we're going to test in the spring of the 11th grade, because it is a federal requirement. This is vague. It looks like you want to test in every grade. That's been changed now with the amendment. Where is this coming from?

Matt Strinden: I'm not sure that I know enough to answer the question. That would be a question for Mr. Gallagher.

Rep. Rohr: We did ask the question, but he walked around the answer.

Ch. Nathe: It would give them the ability to join a consortium with other states to get best value on testing results and implementation. Mr. Gallagher never really answered the question.

Matt Strinden: Correct. Then also in moving forward, I don't know if Greg made comment, but there are other players in that assessment game as well.

Ch. Nathe: This bill would just put the state basically on the same playing field, or same page as everybody else.

Matt Strinden: That's correct.

Rep. Heller: Can we entertain another amendment.

Ch. Nathe: We have a motion for a Do Pass as amended before us; we would have to withdraw those motions.

Rep. Rust: To me, I guess I will support the bill. I like the idea of allowing DPI the option to test a grade and if we're going to move to Common Core and move to testing in the spring, to me it makes no sense to test grade 11, because by the time you get that stuff, they are already going to be registered, everything is going to be done. So it would make sense to me to test grade 10. That gives you almost 2 years to take some corrective action. I like the flexibility it gives them, but I don't want to be tested in grades 9, 10 and 11, which I believe "at least" would have, and we've taken care of that. I will support the bill.

Rep. B. Koppelman: We need to make sure that DPI understands what our intent is behind the amended bill, if we pass it forward. In his testimony, he clearly wanted to extend it to grades 9 and 10.

Ch. Nathe: Yes, this changes that.

Rep. Schatz: That's why I would like to see it put down to the sophomore year, 10th grade in the spring, instead of this language. That way it clears it up and there aren't any other tests that are going to be added. That way you aren't going to add more tests.

Rep. Wall: I withdraw my motion of Do Pass.

Rep. Meier: I will withdraw my second as well.

Rep. Schatz: On line 9, "this test must be administered annually to all public school students in grades 3, 4, 5, 6, 7, 8 and 10." Then cross everything else off. Also, line 15, strike 9 and put in 10 and at the end of line 16, strike out "and in at least one grade level selected from 10 and 11".

Ch. Nathe: Matt, is 11th a federal requirement.

Matt Strinden: Yes.

Rep. Mock: My understanding is that the amendment is to require the test in both subsection 1 to be 3-8 and grade 10, and in subsection 2 to test for science what is in current language and then grade 10. Is that correct. To test in grade 10 for the high school test for both reading and math, subsection 1; subsection which is science, test in grade 10. Is that the motion?

Rep. B. Koppelman: Second the motion.

Rep. Rust: I don't think that I can support that amendment. Now you have nailed down somebody to testing in one grade and that may or may not work. I think the other way around that there was an option for the State of ND, through DPI to select one grade and go with that grade. Now you have narrowed down to one grade and only one. I like an option better than narrowly defining it. I can't support the amendment.

Rep. Heller: It's narrowed down right now, so how have they been surviving right now. It's 11 right now; all we did was change it to 10. Is the torture any worse?

Rep. Rust: I do like the option of DPI and other states having some discussion as to which grade might be better. This way, you are saying it's grade 10 and that's where we are hard and fast. Maybe through discussions that they have in a regional or national basis they may choose, for very good reasons that we don't have today, another grade level. Consequently, I like the idea of being able to give it once in grades 9, 10 or 11.

Rep. Meier: Matt has an issue with the amendment that we're looking at with just grade 10 and I think it has to do with the school year.

Matt Strinden: Limiting the tests currently to 10th graders, would create a significant logistical issue for DPI, as we this fall will be testing our 11th graders for state assessment and that's already in place. If you were to change that, it would go into effect July 1 and that would create a significant issue with our state assessment and have a gap in the students we would assess.

Ch. Nathe: If we made this effective after that, would that be a problem.

Matt Strinden: I would agree with Rep. Rust in the fact that it is beneficial for us to have the ability to be flexible in terms of which year we would choose to assess.

Rep. J. Kelsh: The reason for the bill was to allow some flexibility to DPI and now we're taking it all away. We took the option of having the test every year away and I totally agree with Rep. Rust that what's the sense of tying us down to something else, when we don't know all the effects of what we're doing.

Rep. Schatz: I withdraw the motion.

Rep. B. Koppelman: Withdraw the second.

Ch. Nathe: We're right back to where we started, with the amendment on lines 10 and 15.

Rep. B. Koppelman: The original amendment also had that "at least" struck on line 15 as well.

Ch. Nathe: The amendment passed was "at least" being struck on page 1, line 10 and 15.

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

Rep. Wall: Second the motion.

Rep. Rohr: Since we've increased the flexibility and they've been currently testing at grade 11, there will still be a gap depending on what year then they choose the next time they will be testing.

Rep. J. Kelsh: That will be a challenge for them to work that out. I'm sure they can.

Ch. Nathe: The clerk will take the roll.

10 YES 3 NO 0 ABSENT

DO PASS AS AMENDED

CARRIER: Rep. Meier

2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

SB 2102
March 13, 2013
19856

Conference Committee

Committee Clerk Signature



Minutes:

Ch. Nathe: We will take an additional look at SB 2102.

Rep. Mock: I move that we reconsider our actions on SB 2102.

Rep. J. Kelsh: Second the motion.

Ch. Nathe: Voice vote, motion carried.

Kirsten Baesler, Superintendent of DPI: Thank you for allowing me to talk on SB 2102, particularly in regard to the amendment made yesterday. The bill is in regard to the state assessment, which we are all very familiar with. I think in the State of North Dakota, we all agree that the less assessment we do for futile purposes the better. The reason I am asking for the reconsideration, is because of flexibility. As the superintendent of DPI, would like the flexibility that this bill as originally submitted would offer. As you know, we have a new state assessment that we will be giving in the spring of 2015. When this came about, we began planning for it. There are two consortiums across the nation; one is called PARCC and the other is Smarter Balance. Each state chose to participate in the pilot of those assessments. North Dakota, very wisely, chose to participate in both to keep our options open and the flexibility for what would work best for ND students was there. It is time to really make a decision and I've been in contact with the people and when I say that we participated in pilots, we had our technology people involved, local teachers from big and small school districts, curriculum coordinators, superintendents, principals, CTE people involved also, and learning about each of these two consortiums, PARCC and Smarter Balance for the last two years. I have been coordinating with these people and it is my plan to have them come together at the end of May, the first part of June, so we can vet out which of these two consortiums, which assessments will be best for North Dakota. We would do the pros, cons, pluses, minuses, and the time that it would require and discuss all of that as a group, so we could decide which would be best. PARCC at this point, requires as it is now, and knowing that these consortiums are still developing these tests as they move along, they are unveiling and rolling out additional information as we move along. But, at this time, PARCC in their plan requires testing at 9th and 10th grade. Smarter Balance, on the other hand, only has testing in 11th grade. They don't even offer, at this time, for 9th or 10th grades. Understanding the feedback that I'm getting so far

from the field, from the teachers, are those that have piloted PARCC have some very strong feelings for that program and they believe it has a lot of potential, because it has some strengths and advantages. The reason that I am asking for the flexibility is this, I want to be able to have both of them as an option, so we as educators in ND can make that decision. I don't want to eliminate PARCC and have Smarter Balance be the only option when it comes time to choose a state assessment. If we pass it with "at least" we would not be able to have that as an option. I believe that when the group comes together, if we determine that PARCC is the best one for ND, then I have some flexibility and bargaining power to go to PARCC you are our first choice, but we only want to assess 10th grade, can we work with that. Smarter Balance, only having an option to test at 11th grade truly isn't my first choice, especially since we are moving to a spring assessment, which would mean April of 2015. It makes no sense for me, as an educator, to give our 11th graders the state assessment and then two weeks later, turn around and have those same 11th graders take the ACT test. Our state assessment belongs in 10th grade and that's where we will get the most useful information. I'm not asking you to design and plan all that. That is the responsibility of the Dept. to take the lead in as we bring the groups, the stakeholders, together. It is not the intent of DPI to assess more tests, just to have the flexibility and bargaining power with both of those state assessment options to do what is best. If PARCC would come back and say to ND, that we can't just test 9th or 10th grade. The plan would be to then go to that group and say, that's not what they are going to give us, do we still want to go with PARCC or do we go with Smarter Balance. That's the rationale behind this. I know that there was a lot of concern, LeeAnn Nelson, who is from NDEA and I have visited numerous times, three or four times over the past 24 hours and right before I came down here, she called me again and we talked about some things. It truly is a matter of trust that DPI isn't test hungry, that we love to test. I'm just asking for the flexibility for those people that it's going to impact, to negotiate and bargain with those companies.

Ch. Nathe: You said that the State assessment test will start on April 15.

Kirsten Baesler: Yes.

Rep. Mock: You said that the pilot programs from PARCC and Smarter Balance are being tested by the teachers and whatever assessment that you as a dept. implement, or the consortium that we as a state join, would be coming from, at the recommendation of teachers, is that correct.

Kirsten Baesler: Yes. In fact, Grand Forks has been very involved in the PARCC assessment.

Rep. Mock: So it is teachers that are leading this.

Kirsten Baesler: Yes, teachers that have had to deliver it, look at the results, take the time from their classroom. That's who we are bringing together.

Rep. Heller: What does PARCC stand for?

Kirsten Baesler: The Partnership for Assessment of Readiness for College and Careers (see attached #1).

Rep. B. Koppelman: Yesterday, when we had discussed different amendments on this, we almost settled on an amendment that said 10th only. Then it was discussed that maybe 9th and 10th as an option. Then we ended up keeping 11th because an employee of DPI said we had to keep 11th in there for transitional purposes.

Kirsten Baesler: And we would.

Rep. B. Koppelman: From what you are saying, your intent I think is that we should test in the 10th grade probably. Unfortunately, what I think I am also hearing is that whichever one of those two consortiums that we choose, you want flexibility to be able to negotiate. I would content that this group made it clear that they wanted to test one year within those three, and preferably not 11th, and that if we leave it open like it was written, and then the consortium you choose, that the teachers prefer, either one of them could then take a hard line, and either we're going to be stuck in 11th grade or we're going to test 9th and 10th both against the will of this committee. I am hearing from you that if the teachers want it, and you can't get the negotiation done, we are going to be stuck with what we don't want.

Kirsten Baesler: That may be true, but that would take a change of federal law, because we have to test. We would have to test something.

Rep. B. Koppelman: I'm not suggesting that, clearly whichever consortium you take, if they take a hard line and one of them says you are testing 11th grade, and the other says you are to test 9th and 10th, neither one of those is what this committee wants. This committee wants one year and that being 9th or 10th. The point is, I think if this committee came out and even amended this and said it is going to be 9th or 10th, however 11th grade is permitted until the transition is completed, that would give you the strongest bargaining power, because then you would tell the consortiums, if you want ND's business you have to fit into our box. I think by us leaving it wide open, it gives you a weaker bargaining power.

Kirsten Baesler: I would say, let's play that out further. They say, sorry, ND, you are the only state, we are keeping it that way, because the purpose of the consortium is that it is going to be a nationally normed comparable test. With that scenario, if they hold the hard line, you would be putting the state of ND and our school districts in a position of either violating federal law or state law, because if we were going to do the assessment, we would be violating state law, if we chose not to participate and hard line, we violate federal law.

Rep. J. Kelsh: I think I agree that if we left it to where it is only 10th grade, they could just say that we don't fit their program, then we are automatically stuck with 11th; or we would be out of compliance with the laws. Is 11th any good in your opinion.

Kirsten Baesler: The 11th is not as good as 10th. Eleventh will be a real terrible option when we move to the spring. It would be a month of assessing for those 11th graders that are required to take the ACT and then the state assessment. When we look at this assessment, in the education world, we talk about two types of assessments; formative and summative assessments. Formative means that it forms instruction; it determines where you go next. Summative has summed up everything they should have learned, kind of like your end of the unit test, a final semester exam. This state test is a summative exam. It really shouldn't be used to determine what you are going to do with that year's class of students or that student. But what school districts should be doing and are doing more and more of, is that they are using these summative assessments to take a look at the trends over 3, 5, 7 years to look at the strength of their curriculum. Adults are using the results of this during professional development to say over 5, 7 years, our English or writing skills are flat-lined or decreasing. Then as a school district, you need to find out what is the problem with the English curriculum or the course of education registration. In that case, 11th grade is summative, because you do have 3 years of high school data that you could use as a high school to determine what your curriculum is. But not as useful as even 10th grade.

Rep. J. Kelsh: Did I hear you say that if PARCC doesn't make an exception, they would have to change their whole program, is that what you said.

Kirsten Baesler: No, I'm saying that both of the consortiums are still in the roll-out stages. They are still doing a lot of roll-out. We will be making this decision within the next four months, as the state of ND. I do think that there is some opportunity to have them change.

Rep. J. Kelsh: You do promise that if we do this, there will only be one.

Kirsten Baesler: I will promise you that if I were saying that individually, absolutely. I really want to leave it up to the group of people who have been working with this program. I have never administered the PARCC or Smarter Balance programs. I have never been in the building as an administrator. I have never been a teacher that has had to give it, or the technology aspect of it. If the group says there are additional benefits to PARCC that are overcoming the negatives, then I want to be able to follow their lead. I think that, all of us as that group will be looking at it as just wanting one year.

Rep. Wall: How exactly would you like the change to read?

Kirsten Baesler: In light of the new information that I've learned about 9th, 10th and 11th I would like you to remove the amendment from yesterday and put "at least" back in, one grade level selected from nine, ten, and eleven". I know it's a leap of faith, but it would allow us to have the most bargaining power and the more options that you have, the better position you are in.

Ch. Nathe: That would be the original bill.

Rep. B. Koppelman: Is the testing, which is a federal requirement, are any state dollars used by the department to administer the test or is it completely federally funded.

Kirsten Baesler: Federally funded.

Rep. B. Koppelman: Why then do we need any part of the sentence that says the test must be administered annually to all public school students, etc., starting on line 9 through 11. Why do we need that sentence at all? If we're going to bend to federal requirements as the feds decide to change them, why are we putting that in state law?

Ch. Nathe: That is currently the law.

Rep. B. Koppelman: I understand that. Why would we keep it in there, if we are just going to come back to this body and say, we need to reprint our statute to match federal law consistently? This whole consortium is a federal change that we're trying to adapt to, and then we're leaving it wide open with really very little restraint, other than what the feds are saying anyway, why not just get rid of it.

Rep. Schatz: What's the name of the test we are taking now in the 11th grade, and how long does it take to finish the test.

Kirsten Baesler: It is a state developed test called the ND State Assessment. We work with several people to have developed that test, but basically our department has developed it.

Ch. Nathe: That is state funded.

Kirsten Baesler: Actually, I believe it is federal funding. It is given in grades 3-8, and grade 11, and it takes on average about 2-3 half days, a day and a half total.

Rep. Schatz: We are changing that why?

Kirsten Baesler: Based on an alignment of national common core state standards and the national standards.

Rep. Schatz: If we don't do it, and keep doing what we are doing now, we don't get federal money.

Kirsten Baesler: We would be in violation of the ESEA law.

Rep. Schatz: So we have 173 contact days with the students; we're using 1.5 right now for this ND State Assessment. Under the PARCC and the Smart Balance, which I think is a better name, how many days do those take.

Kirsten Baesler: As we are just in the roll-out phases, I just received the latest update this morning from PARCC and am trying to determine our readiness capacity.

The short answer to your question is about 8 hours, so that would be about 4.5 each day for 2 days. As part of this, as we talk about higher ed, I know a lot of your day was spent yesterday talking about higher ed and we've had much conversation about college and career readiness. Part of this new state assessment, PARCC or Smarter Balance, one of the conditions that are required by the ESEA now and the college/career readiness, and the common core, is that a state's university system must include this state test, as one of their determining factors for admission. When we talk about purpose of this test and if it is just an exercise in futility. With that being said, our students will be taking it for more purpose and intent when they know it will be part of their admission requirements for the university or college of their choice.

Rep. Schatz: The ND State Assessment, who writes that. Is that written by state employees and if so, what are they going to do if they are no longer in the process.

Kirsten Baesler: This is my understanding, because I have never been involved in this end of creating the test. I have only had to give it to students. There is a bank of test questions nationally, and there is a consortium that kinds of exists, and groups one of them based out of ND that compiles a bank of questions. Our standards and achievement unit at DPI annually reviews and determines the make-up and the weighting factors of the questions on our state assessment.

Rep. Schatz: If the employees are no longer needed, what will they do?

Kirsten Baesler: There is a whole host of other things that always will remain that need to be done, on the norming and just the validity as there is with any normed national test, much like the ACT test, there is a whole host of background information and work that needs to be done. In my desire, to become a service and support-oriented agency, rather than regulatory, I really do want to take a look at those positions and realign them to become more of the content specialist bridge people in those assessment areas so we can repurpose those and provide delivery and support, which is what our school districts are really asking for.

Rep. Schatz: In other words, no, you're not going to get rid of them.

Kirsten Baesler: I would hope not.

Rep. Rust: Did I hear you say that if this group that you are working with decides to go with testing two grades that you will agree to that.

Kirsten Baesler: If that is what the group decides; and both of those companies hold firm and won't change their requirements, and our educators are saying that it will be better for us to test 9th and 10th graders, then it is for us to test our 11th graders twice in a month, I will respect that. But, as you know, with educators you are going to have a lot of flow, the result is going to have to be a general consensus. I'm still pretty confident that PARCC and Smarter Balance, they are new in development, may still change their minds.

Rep. Heller: Are these are only two choices, as we move on, when we have to replace our state assessment right now. These are the only two choices that each state has.

Kirsten Baesler: All of the states are participating in one of the two consortiums. Some states are choosing to again write their own, but they have much larger departments of education. I've not heard from a single educator out there, that wants the state to develop its own assessments.

Rep. Schatz: If they are writing their own test, then they aren't getting federal money.

Kirsten Baesler: That is exactly right. When the national reports come out, that I think are purposeful for state legislators, they are going to be an anomaly and they aren't going to be within.

Rep. Schatz: Sounds like a good group to be with. What kind of money would that involve? What are the names of the states that don't take part in these two?

Kirsten Baesler: At this point, I believe AL has pulled out; they are struggling.

Ch. Nathe: We will come back after the floor session.

Ch. Nathe: We will come back to order and take a look at SB 2102.

LeeAnn Nelson, North Dakota Education Association: We are all in a dilemma with this bill and giving us a little more voice on it, it sends a word out to all the educators in ND that you are concerned with them and what goes on here and how it would affect them in the classroom. I have had a few conversations with the superintendent of DPI. I did sit down with our executive director and our president, but we have had so much voice on this, there is way too much testing in our schools, our retired association, they wanted to bring a resolution forward at our REA in April to do something with all the testing. We told them to wait, a lot of this is coming from the federal, and this is not all on the state. Why don't you go out into the schools and see how you can help them during these testing times. That seemed to help and then we had a few that are already getting into the schools and asking how they can help when they have these testing dates. One thing is if we can't get a guarantee that additional testing will not happen, we cannot support reverting back to the original bill. We understand where everybody is coming from.

Ch. Nathe: You were in favor of the amended version.

LeeAnn Nelson: Correct.

Rep. Mock: Are you visiting with the members who are working on the pilot program and vetting the two different consortiums.

LeeAnn Nelson: No, I am not. As a matter of fact, when I called the state dept. a few months ago and asked who the pilot schools were, they couldn't give me those names. I don't know who was involved with it.

Rep. Heller: When Sup. Baesler explained her situation, and if we don't take the words "at least" out, she's not going to have a lot of options. Is that what you really want, for her to be in that box of no options? Is that what you would prefer?

LeeAnn Nelson: We do not prefer this situation at all. We are so concerned with the amount of testing. We are so concerned about the negativity on education, particularly on teachers about academic achievement, and our students not achieving up to a level, and you put on additional tests, that means more time out of instruction and how do you want to get your students to achieve, if you keep pulling them out of the instruction and doing other testing with them. At the elementary level, I can see, because you usually have one teacher for all your students, so during the day if they have testing, they can switch up their content. When you get into high school testing, a lot of the high schools, unless they have block scheduling, have those students for 50 minutes a day. If you start taking more and more time away from a 50 minute period, that is not a lot of time during the day. That's their concern; it is taking away from the instruction. I see the predicament that they are in. I see the teacher's predicament and concern with all the instruction being taken away. I see your predicament with this decision as well.

Rep. Meier: When you work with the educators and survey them, are standardized tests an issue, one of the largest concerns. Because when I talked to educators that seemed to be a bone of contention because it takes away from time in the classroom and more is placed on them. Does that seem to be a top priority for educators when they are voicing their concerns?

LeeAnn Nelson: I haven't gotten that specific. I just keep hearing, "testing". A lot of schools do additional tests on their own as well. I just keep hearing "testing, testing, testing". They haven't isolated out any test, just all the testing.

Rep. D. Johnson: From the testimony I heard this morning, the Sup. was talking about trust and unknowns. We meet every two years, couldn't we trust for two years and see how it is going to start and next session if we are having a problem, we can address it then.

LeeAnn Nelson: That would be ideal, but we're going into common core implementation next school year, and then the assessment begins the following school year so you're not into a session before the implementation of this begins. Really we wouldn't know any results of the assessment, if it's going to work or not.

Ch. Nathe: Thank you.

Kirsten Baesler, Sup., DPI: It really comes down to a trust issue. I understand where NDEA is coming from. They are in a difficult position. I was a member of NDEA for dozens of years. I really do see an opportunity here and I think that LeeAnn and I

have vetted out a plan where we are coming together on this for the next 4-6 months, work together to overcome that perception of what the DPI has been to them and with them in the past. I respect the teachers that Ms. Nelson represents and the position that they need to take because of past practices. I am just asking for the flexibility and opportunity to resolve and overcome it, so that all the groups can come together and have the most options in front of them.

Rep. Rust: Any thoughts about sunseting this bill in 2017.

Kirsten Baesler: I don't have any thoughts on that. I am hoping that by 2017, we will have a new and improved version of the ESEA and that a lot of these questions will be answered for us. I don't know if a sunset would work for you, but I also like the idea that if it isn't working and things are running amok, we have the opportunity to reintroduce a bill each and every session.

Rep. Heller: Why do you think it was when NDEA wanted the list of schools that were in the pilot programs that they didn't get that list?

Kirsten Baesler: I am not sure on that at all. When Ms. Nelson and I spoke after lunch, I do know the person who has those lists and I will absolutely give a list to her. I need to have those complete and full lists and augment them as well as we prepare for these meetings.

Rep. Meier: I wasn't here this morning; your choice would be that we bring this bill back to its original form as it was brought to us from the Senate.

Kirsten Baesler: Yes, that's correct.

Rep. Meier: So no amendments, just in its original form.

Kirsten Baesler: Yes.

Rep. J. Kelsh: Don't you think it would give you more leverage, more bargaining power if you could say, our state law says that it is only going to be one year of testing; not one of two or three years. If you leave "at least" in there, they can say that gives you the option, you can have it both years. Don't you think they are going to say, let's just stay with that. If our state law says just one year, you're going to say we can't use you unless you change your program.

Kirsten Baesler: It would remove one of two options from the table completely. As one state, we may not have the type of leverage that we would need. I would hope that they would speak to us as one state, but if they do stand firm, we have one option and one option only, and that's Smarter Balance and that's testing our 11th graders twice in April; or putting us in the position because we will test in 2015, and you would still be in session and it would not be in effect. It would put us in the position of either breaking state law or federal law.

Rep. J. Kelsh: If that "at least" is back in there, you're bargaining from a weak level, because they are saying that your state law allows it. If it's not in there, we want one grade out of those three, no more. Either you conform or we still have the option of going to 11th. This way, what I see, is that we are going to have two years of testing.

Kirsten Baesler: I believe you are in a better bargaining position when you have two options, and I wouldn't need a state law to play hard ball with a company about what's best for ND. I wouldn't need the back-up of a state law, I would say that as the Dept. of Public Instruction, this is what our teachers have decided is best and we're not going to do it, and then see what their counteroffer would be.

Rep. Mock: Just an observation and I understand the difficult position that Sup. Baesler is in and I want to make sure that those that have been testing and piloting and trying to determine which assessment and which consortium is best for ND, I do want to make sure that we do empower them. At the end of this, we are going to have hours of testimony on tape, an official record, and that record actually makes up the legislative intent of SB 2102. I don't think anyone on this committee is going to argue that it was not the intent of passing this bill to create annual testing in high school. In fact, it is contrary to the intent of what we're trying to do, to ensure that we are testing efficiently and it is being done in a manner that provides a benefit to the students and provides a tool for the educators. I supported the amendment, I can support going back to the original bill knowing that the record will reflect that we do not mean to have annual testing and we would like it to be done in a manner that minimizes the amount of time that our students and teachers are doing tests. I just wanted to make that observation, instead of going back and forth as to whether "at least" is necessary or not, I think Rep. Johnson brings up a good point, that it is a tool for the next two years and if we need to come in and set in statute to comply with the consortium, I think that would probably be the best thing we could do as a committee and make that a point in 2015.

Kirsten Baesler: We talked about using the assessment as a summative assessment. I think as we move forward down this path, it is going to be critical as we move toward principal evaluations and teacher evaluations, that we really make it a part of our principle requirements or learning opportunities that they are ensuring that they are using that data from those summative assessments to really take a look over the trending patterns and use these summative state assessments to look at the curriculum and the trends in their schools. If we do that, I think you will have a lot less resistance from teachers in seeing a value in why we are testing any grade.

Rep. J. Kelsh: I keep hearing that "we keep adding more tests, adding more requirements and some of them during required class time", we take time out to do whatever, and then we catch heck because the kids maybe don't know as much as everybody thinks they should know at the end of the school year. I think we have to stop and think about that. We are putting those folks into a bad situation also. They catch a lot of criticism, if the students need remedial instruction in college, is not a small matter. Whose fault is it; it is the school and the teachers' fault. It's not anybody else's that's dumped all the load of things that maybe parents should be

doing at home, that is being dumped on the schools. Discipline is a big thing. I am really torn on this and don't know what to do.

Rep. Heller: I have a word picture in my head, when we were little and go snowmobiling, and my brother would drive the snowmobile, let's make that the federal government, and we're hooked on, on the sled, and the rides he took us on weren't so fun, but unless we decide to unhook ourselves from the federal government strings, this is the road we're on. We might not like it, but what are we going to do, do you not want to take the money and develop our own tests. This is the situation, that I can't even see how to get unhooked from unless somebody says let's not take the money.

Ch. Nathe: It's one of those situations where you're damned if we do or don't. From the parents' perspective, I appreciate those tests. I guess we don't look at it as knocking a teacher over the head with it; it's more or less knocking the kid over the head with it. That's how we approach it. There are a lot of things at stake here; if we leave the bill in its original form, it gives us options. With the amended bill, we are really not giving them a choice. We're dealing with federal money, it's a tough decision.

Rep. Mock: I move to amend the bill to insert the language "at least" in both subsections 1 and 2 in their original location, essentially reverting back to the original version of SB 2102.

Rep. D. Johnson: Second the motion.

Rep. B. Koppelman: I'm not sure with this amendment if we don't also insert something that states for this biennium that this is going to be the rules. I think we need to be reconsidering this and know what is going on next session being that this has a potential of flying sideways from what our committee wanted. It's not so much of a trust issue with our Sup. of Public Instruction as it is with how much give these consortiums decide to have and how much pushing around the federal government wants to do. I would encourage us to make an additional amendment to do that.

Ch. Nathe: We will take a voice vote on Rep. Mock's amendment. Motion carried.

Rep. J. Kelsh: I move a further amendment that this bill would sunset on June 30, 2015.

Rep. B. Koppelman: Second that.

Rep. J. Kelsh: I guarantee that we have to take another look at it. If this amendment would have stayed on, I would have probably voted for the other amendment.

Rep. Heller: Rep. Heilman and I were talking about this and the testing won't even start until the spring of 2015, so we wouldn't have any results.

Ch. Nathe: It should be 2017.

Rep. J. Kelsh: I move to change the amendment to June 30, 2017.

Ch. Nathe: Rep. B. Koppelman do you move your second.

Rep. B. Koppelman: Before I consent, I want to clarify. It was my understanding that we would know in 3 or 4 months which consortium we were going to choose and if the testing wouldn't start till the spring of 2015, but we will meet before that, and we'll know what the consortium has said and whether or not her negotiation strategy has worked, and what's going to happen. So when we come back next legislative session, we could remove the sunset clause, change the bill, or let it fly. Before I agree, I would like more information.

Kirsten Baesler: As I mentioned this morning, both of these consortiums are still in roll-out stage. There are probably many more things that will be rolled in and rolled out, adjusted, changed. I suspect that even through that first year of the pilot in 2015, there will still be things in pilot mode, roll-out mode. In order to have a better trend, longitudinal information to give to you, that if you would give us 2015-16 and then when you meet in 2017, at least we would have two years with that pilot, and which consortium we went with.

Rep. B. Koppelman: If you're going to go out, and once this becomes law, with a sunset of some sort on it, I am assuming you are going to convey our message, which it sounds like we share with you to these consortiums and say, we're considering which one we want to join, but this is our condition to both of them.

Kirsten Baesler: Yes.

Rep. B. Koppelman: I would sure hope that if we're going to implement this in the spring of 2015, that we know in advance of the 2015 legislative session whether they've agreed to that or not. If they say no, we may want to talk about that. I assume that you're not going to be implementing a test in April that you got in March.

Kirsten Baesler: The PARCC and Smarter Balance consortiums are meeting continuously, consistently. I suspect that those meetings and those decision-making meetings will be occurring right up until that final fall before they roll it out. Probably decisions will be made right up to the final 6 weeks with our technology department whether we have enough technology capacity to do it on-line, or whether we need to go to paper/pencil. There are so many unknowns. In addition to that, there is the possible reauthorization of an ESEA that might change the whole gambit. I am just saying that I know that I would be able to give you better information after a 2015-16 testing period than just a 2015.

Rep. D. Johnson: I am going to resist the amendment, because we do meet every two years and it's not that hard to come back in and make changes. I would just as soon keep this clean so they can start going forward with it and if there are problems, we will address them next session, rather than to have it muddied up with

a sunset. We've had a couple of bills this session, that were brought back in and in fact, I went down to the Senate the other day and testified to take off a sunset, and I was the only one in the room. The people wanted the sunset off; everybody assumed that it was going to come off, so nobody came to town to testify. If this bill is not going to work, I guarantee this room will be full to get this changed.

Rep. Hunskor: Second.

Ch. Nathe: Clerk will take the roll. Motion failed. We now have the bill before us in its original form.

Rep. D. Johnson: I move a Do Pass on SB 2102.

Rep. Meier: Second the motion.

8 YES 4 NO 1 ABSENT

DO PASS

CARRIER: Rep. Meier

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Adopted by the Education Committee

March 12, 2013

VK
3/12/13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2102

Page 1, line 10, remove "at least"

Page 1, line 15, remove "at least"

Renumber accordingly

Date: 3/12/13

Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2102

House EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Amended Rerefer to Appropriations
 Do Not Pass Adopt Amendment

Motion Made By Rep. Meier Seconded By Rep. Wall

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe	✓		Rep. Bob Hunsakor	✓	
Rep. Mike Schatz		✓	Rep. Jerry Kelsh	✓	
Rep. Joe Heilman	✓		Rep. Corey Mock	✓	
Rep. Brenda Heller	✓				
Rep. Dennis Johnson	✓				
Rep. Ben Koppelman		✓			
Rep. Lisa Meier	✓				
Rep. Karen Rohr		✓			
Rep. David Rust	✓				
Rep. John Wall	✓				

TOTAL (YES) 10 (NO) 3 (ABSENT) 0

FLOOR ASSIGNMENT Rep. Meier

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

Date: 3/13/13

Roll Call Vote #:

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2102

House EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number Reconsider action

Action Taken: Do Pass Amended Rerefer to Appropriations
 Do Not Pass Adopt Amendment

Motion Made By Rep. Mock Seconded By Rep. J. Kelsh

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe			Rep. Bob Hunsakor		
Rep. Mike Schatz			Rep. Jerry Kelsh		
Rep. Joe Heilman			Rep. Corey Mock		
Rep. Brenda Heller					
Rep. Dennis Johnson					
Rep. Ben Koppelman					
Rep. Lisa Meier					
Rep. Karen Rohr					
Rep. David Rust					
Rep. John Wall					

TOTAL (YES) _____ (NO) _____ (ABSENT) _____

FLOOR ASSIGNMENT _____

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

Voice vote - motion carried

Date: 3/13/13

Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2102

House EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number Sunset Clause 6/30/2017

Action Taken: Do Pass Amended Rerefer to Appropriations

Do Not Pass Adopt Amendment

Motion Made By Rep. Kelsh Seconded By Rep. Hunskor

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe		✓	Rep. Bob Hunskor	✓	
Rep. Mike Schatz			Rep. Jerry Kelsh	✓	
Rep. Joe Heilman		✓	Rep. Corey Mock		✓
Rep. Brenda Heller		✓			
Rep. Dennis Johnson		✓			
Rep. Ben Koppelman		✓			
Rep. Lisa Meier		✓			
Rep. Karen Rohr		✓			
Rep. David Rust		✓			
Rep. John Wall		✓			

TOTAL (YES) 2 (NO) 10 (ABSENT) 1

FLOOR ASSIGNMENT _____

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

Motion failed.

Date: 3/13/13

Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2102

House EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Amended Rerefer to Appropriations
 Do Not Pass Adopt Amendment

Motion Made By Rep. Johnson Seconded By Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe	✓		Rep. Bob Hunsakor		✓
Rep. Mike Schatz			Rep. Jerry Kelsh		✓
Rep. Joe Heilman	✓		Rep. Corey Mock	✓	
Rep. Brenda Heller	✓				
Rep. Dennis Johnson	✓				
Rep. Ben Koppelman		✓			
Rep. Lisa Meier	✓				
Rep. Karen Rohr	✓				
Rep. David Rust		✓			
Rep. John Wall	✓				

TOTAL (YES) 8 (NO) 4 (ABSENT) 1

FLOOR ASSIGNMENT Rep. Meier

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

REPORT OF STANDING COMMITTEE

SB 2102: Education Committee (Rep. Nathe, Chairman) recommends DO PASS
(8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2102 was placed on the
Fourteenth order on the calendar.

2013 TESTIMONY

SB 2102

1

**TESTIMONY ON SB 2102
SENATE EDUCATION COMMITTEE
January 16, 2013**

**By: Greg Gallagher, Director, Standards and Achievement
701-328-1838
Department of Public Instruction**

Mr. Chairman and Members of the Senate Education Committee:

I am Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction. I am here to testify in support of SB 2102 regarding certain aspects of the administration of the state's K12 assessment system.

The Department of Public Instruction submitted SB 2102 as an agency bill and supports its adoption. SB 2102 carries no appropriation or fiscal note.

SB 2102 accomplishes two aims: (1) it removes from current law calendar date restrictions which have limited the administration of the North Dakota State Assessments to the first semester (fall months) of any academic year and which effectively limit certain forthcoming assessment innovations; and (2) it provides for the possible extension of the North Dakota State Assessments to grades nine and ten, which currently are not provided for under law. SB 2102 seeks to remedy these two deficiencies to provide the state's K12 assessment system with the best opportunity to gain value from the emerging next generation of K12 assessments.

The need to provide for the next generation of state assessments

The state's current K12 assessment system provides for criterion-based standardized assessments in reading, language arts, and mathematics for all students in grades 3-8 and 11 and in science in grades 4, 8, and 11. Approximately 50,000 North Dakota students participate annually in the state's various general and alternate assessments, and this participation forms

the basis for all state academic accountability reporting. The state administers a total of 72 academic assessments annually, inclusive of all subjects, grades, and assessment forms. All assessments undergo extensive quality assurance measures throughout the development, administration, scoring, compilation, and reporting phases of the tests' overall management. All state assessments must undergo independent national peer review and meet high industry and regulatory standards for validity and reliability. The state's K12 assessment system remains in good standing with the U.S. Department of Education.

The Department of Public Instruction adopted in 2011, for full implementation in 2013, the Common Core State Standards in English language arts and mathematics, following a national, voluntary, and state-driven development effort. A seventy-member statewide committee of educators, nominated by their local school districts, recommended the adoption of the Common Core State Standards following a one year review period, which the State Superintendent approved. These voluntary, national standards represent rigorous content expectations that are intended to establish comparability among the states and improve college and career readiness nationwide. North Dakota is a participating state in this endeavor.

As an extension of this national effort, North Dakota has enrolled as a participating member in three national assessment consortia, whose missions are to develop high-quality, innovative standardized assessments that measure student achievement and growth in terms of the Common Core State Standards. These consortia have been engaged in a four-year development process, which will result in the first administration of this next generation of innovative state summative and formative assessments during the 2014-15 academic year. All consortia have determined that the final summative assessments will occur during the spring of the academic year. The Department of Public Instruction, with the assistance of national technical advisors and state educators, continues to assess the overall efforts of these development activities and has determined that the state will optimize its assessment system's

operations by incorporating the various critical components of the consortia's deliverables, including the adoption of a spring testing window.

For additional information on the Common Core State Standards and the national assessment consortia, refer to the following website:

http://www.dpi.state.nd.us/standard/common_core.shtm.

Required changes within state law

To accomplish this goal and to ensure an integrated assessment system, the Department of Public Instruction requests the adoption of SB 2102, which removes restrictive language regarding the testing window and allows the state the full latitude of testing window options, including the desired spring assessment testing window. If this testing window were not to be amended as requested, then the state's assessment offerings would encounter a profound limitation of expression and innovation. The Department respectfully requests that this restriction be removed from current law, as provided in SB 2102.

Extensive development work within the national assessment consortia has provided flexibility for states to adopt voluntarily and administer assessments within grades nine and ten, which are generally not assessed in many states, including North Dakota. Extending summative assessments to grades nine and ten is designed to improve the vertical alignment of assessments and improve the overall growth measurement of students across the grades. This ability to track student growth into and within high school has been sought as a means to better support student transition and achievement from elementary/middle schools into high school. To allow the state the flexibility to adopt ninth and tenth grade assessments, permissive language must be amended into current state law. The Department will continue to study the optimal balance of the state's assessment system, including the possible extension of testing to grades nine and ten with the full participation of educators statewide. The Department respectfully

requests that this permissive language be adopted, as specified within SB 2102, to allow the state optimal system design.

No funding appropriation is sought within SB 2102. Current next generation assessment development is proceeding based on ongoing assessment cost projections, which currently do not anticipate an increase in state funding levels. Any adjustments to funding levels would be proposed during the 2015 legislative assembly.

Mr. Chairman and Committee members, the Department respectfully requests your favorable consideration of SB 2102 to provide the state with the means to provide for a value-rich, optimally structured statewide assessment system.

Mr. Chairman, this completes my presentation regarding SB 2102. I am available to answer any questions from the Committee. Thank you.

#1

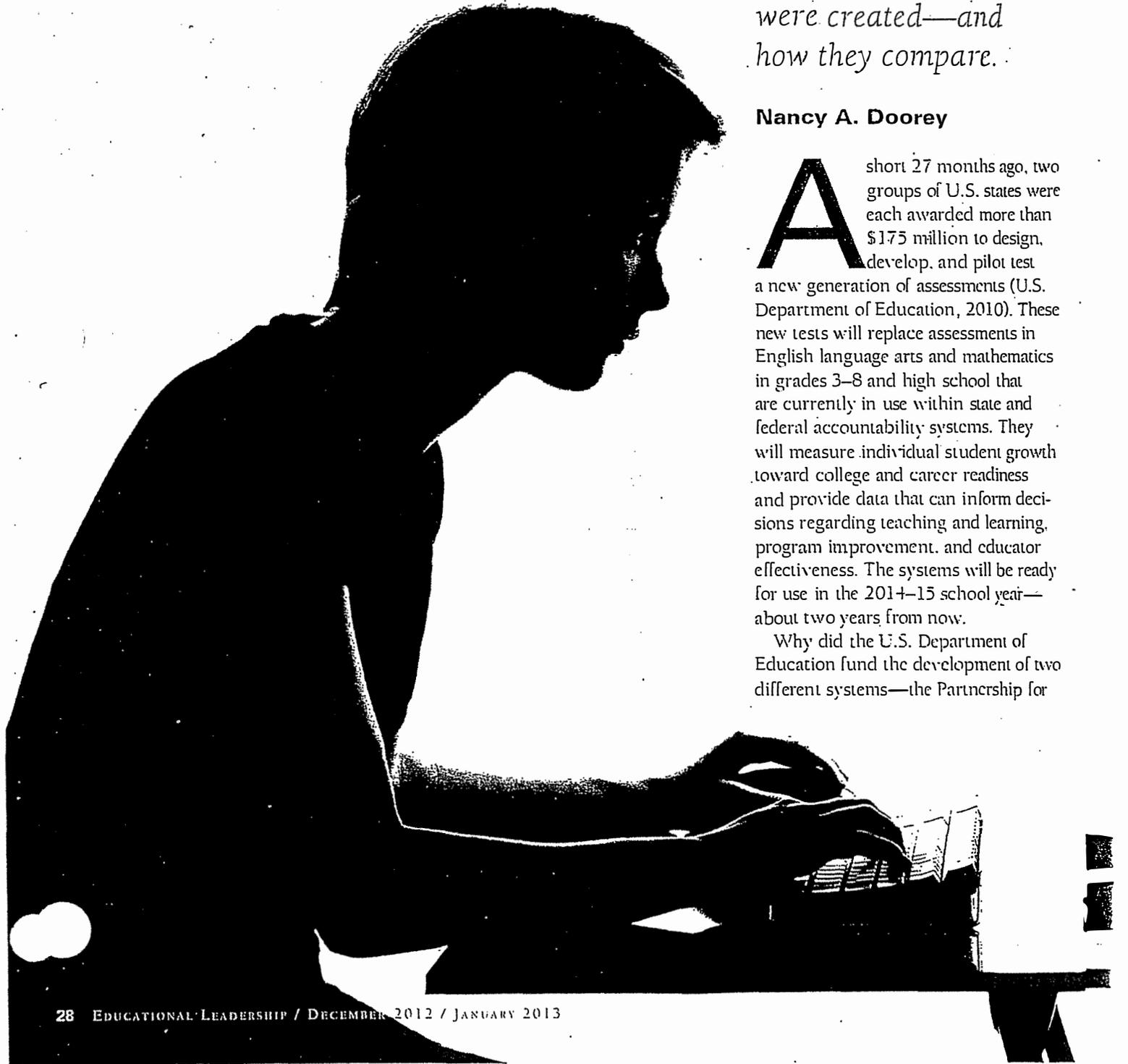
Coming Soon!

How two Common Core assessment consortia were created—and how they compare.

Nancy A. Doorey

A short 27 months ago, two groups of U.S. states were each awarded more than \$175 million to design, develop, and pilot test a new generation of assessments (U.S. Department of Education, 2010). These new tests will replace assessments in English language arts and mathematics in grades 3–8 and high school that are currently in use within state and federal accountability systems. They will measure individual student growth toward college and career readiness and provide data that can inform decisions regarding teaching and learning, program improvement, and educator effectiveness. The systems will be ready for use in the 2014–15 school year—about two years from now.

Why did the U.S. Department of Education fund the development of two different systems—the Partnership for



A New Generation of Assessments

the Assessment of Readiness for College and Careers¹ (PARCC) and the Smarter Balanced Assessment Consortium² (Smarter Balanced)? Certainly both groups submitted high-quality proposals. Some observers predicted that at least two consortia would receive funds to allay fears of a “national assessment” and of usurpation of local control over the curriculum. Whatever the reason, the two systems offer unique attributes and are working together to bring about substantive advances in K–12 testing, scoring, and reporting.

How the Initiative Got Started

The Common Core State Standards Initiative began in 2009, a collaborative effort among nearly all of the U.S. states and territories, the National Governors Association, and the Council of Chief State School Officers. Several issues drove the initiative, such as evidence of significant differences in academic expectations across U.S. states; student mobility, which exacerbates the problem of disparate state standards;

changes in the skill sets required for current and emerging jobs; and increasing global competition in the workplace.

The initiative released voluntary standards for mathematics and English language arts in 2010. Since then, all but five states (Alaska, Minnesota, Nebraska, Texas, and Virginia) have formally adopted them (and Minnesota has adopted the English language arts standards only). Adopting states may augment the new standards with state-specific standards, provided the latter comprise no more than 15 percent of the state’s total standards.

The initiative didn’t call for, nor does it support, a national curriculum. The common standards were designed to identify the most essential skills and knowledge students need—not *how* students acquire them. The initiative is state led; oversight of curricular matters will continue to be the prerogative of the individual states.

The initiative also recognized that common standards alone would not

Most students will complete the assessments on computers or other digital devices and receive the results within two weeks.

achieve the goal of preparing all students for college or careers. The group called for the development of tools and resources for educators to use in adjusting their classroom practices, instructional materials aligned to the standards, and new assessments to measure and report on student progress. In response, the U.S. Department of Education launched the Race to the Top Assessment Program (U.S. Department of Education, n.d.), allocating \$362 million to support the development of new assessment systems and a range of related supports.

Common Assessments and the Consortia

In March 2010, the U.S. Department of Education announced a competitive grant program for consortia of 15 or more states to develop new assessment systems aligned to common academic standards. In September 2010, two consortia,³ PARCC and Smarter Balanced, were awarded grants to develop comprehensive assessment systems.

Currently, 39 states and the District of Columbia have joined one of these two consortia as governing members, which means they will implement the new common assessments in 2014–15 in grades 3–8 and high school as their federally required assessments under No Child Left Behind. Another five states are currently provisional members of one or both consortia.

Although the Race to the Top Assessment Program funds are paying for the design, development, and piloting of the assessment systems and related supports, members will assume test implementation costs. For many states, these costs are projected to be lower than the costs of their current state testing systems, but for some, these costs will likely be higher. The federal grant requires that all assessment content developed with grant funds be made freely available to all states—even those that don't belong to a consortium—that request it for

administering assessments. However, the timeline and security procedures for such access are not yet known.

What Should You Expect?

The assessment consortia are drawing on new advances in technology, cognitive science, and measurement as they develop this improved generation of assessments. They hope these new systems will address concerns about existing state assessments—that many assessments measure skills too narrowly; return results that are “too little, too

The Common Core initiative didn't call for, nor does it support a national curriculum.

late” to be useful; and do not adequately assess whether students can apply their skills to solve complex problems, an ability students need to succeed in college, the workplace, and as citizens.

These new assessments will differ significantly from most existing state assessments in the following ways:

- Most students will complete the assessments on computers or other digital devices and receive the results within two weeks.

- The assessments will feature complex, multipart tasks. In language arts, these include executing electronic searches, selecting credible sources, and developing a written argument supported by evidence from those sources. In math, these include solving applied math problems that require using modern tools such as statistical packages and dynamic graphing software.

- The assessments will require students to comprehend and analyze texts

across all content areas that are at a higher level of complexity than those that many districts now use.

Accordingly, teachers and students should expect to see more challenging reading materials on these assessments and more complex, real-world tasks in addition to the more traditional selected-response and short-answer questions. (For a comparison of the two assessment systems, see fig. 1.)

An Overview of PARCC

The PARCC system aims to increase the rates at which students graduate from high school prepared for success in college and careers. The assessments are intended to help educators increase student learning by providing data throughout the school year to inform instruction, interventions, and professional development as well as to improve teacher, school, and system effectiveness.

The PARCC assessment system will have a two-part summative assessment (a performance-based assessment and an end-of-year assessment); two optional components (a diagnostic assessment and a midyear assessment); and one required nonsummative assessment in speaking and listening. (To see PARCC test items and task prototypes, go to www.parcconline.org/samples/item-task-prototypes.)

The Summative Assessments

The two required summative assessments will assess Common Core State Standards in English language arts and literacy and in mathematics for grades 3–8; three grades of high school English language arts; and two pathways in high school mathematics (Algebra I, Geometry, and Algebra II; and Mathematics I, Mathematics II, and Mathematics III). Students will take the summative assessments on computers.

Performance-based assessments. For each grade and course tested, the performance-based assessments will focus on the hard-to-measure standards,

FIGURE 1. PARCC and Smarter Balanced: A Comparison

KEY SIMILARITIES:

Summative Assessments:

- Online assessments for grades 3–8 and high school in English language arts and literacy and in mathematics.
- Use of a mix of item types, including selected-response, constructed-response, technology-enhanced, and complex performance tasks.
- Two required components, both given during the final weeks of the school year. *performance-based + end-of-yr*
- Use of both electronic and human scoring, with results expected within 2 weeks.

Other Assessments, Resources, and Tools:

- Optional interim assessments.
- Professional development modules.
- Formative items and tasks for classroom use.
- Model curricular and instructional units.
- Online reporting suite.
- Digital library for sharing vetted resources and tools.

Cost Estimates:

- Approximately \$20 per pupil per year for all summative assessment components.

KEY DIFFERENCES

PARCC Summative Assessments

- Fixed-form delivery (students take one of several fixed, equated sets of items and tasks).

Smarter Balanced Summative Assessments

- Adaptive delivery (students see an individually tailored set of items and tasks).
- A retake option for the end-of-year component.

PARCC Other Assessments and Tools

- One optional diagnostic and one optional midyear assessment, with the latter made up primarily of tasks similar to the summative performance-based tasks.
- Optional K–2 formative performance tasks.
- A required, nonsummative speaking and listening assessment for grades 3–8 and high school, locally scored.

Smarter Balanced Other Assessments and Tools

- Optional interim assessments for grades 3–12 will be computer adaptive and include multiple item types, including performance tasks. The number, timing, and scope (whether all standards or clusters of standards) can be locally determined.

To see Smarter Balanced test items, go to www.smarterbalanced.org/sample-items-and-performance-tasks.

such as the grade 11–12 English language arts standard that calls for students to “synthesize information from a range of sources (for example, texts, experiments, simulations) into a coherent understanding of a process, phenomenon, or concept, resolving conflicting information when possible” (National Governors Association Center for Best Practices & Council of Chief State School Officers, 2010).

Tasks may include short-, medium-, and extended-response items as well as computer-enhanced items. Simulations may also be used when needed to obtain a better measure of a standard, with more sophisticated simulations to be added as the technology infrastructure

in member states evolves. For example, the mathematics standards call for “making inferences and justifying conclusions.” Simulations of a wide variety of experiments could be used to determine whether students can generate a model of the relationship among multiple variables, draw inferences, and justify those inferences with data.

* These assessments will be given as close to the end of the school year as possible (after approximately 75–80 percent of the instructional time for the school year has occurred) and will likely require a mix of human and computer scoring. This component will not generate a separate score but will be used in conjunction with the

end-of-year assessment to determine the student’s summative score.

End-of-year comprehensive assessments. The end-of-year assessments will take place during the last few weeks of the school year and use a range of innovative item types, such as selected-response, constructed-response, and technology-enhanced items. Multiple versions of the test will be developed for each-grade level to allow for varying time frames across member states and schools. The assessments will be electronically scored for fast return of results.

The system will produce data on proficiency, college and career readiness, and growth for use in accountability

systems. Because results from the two portions of the summative assessment will be combined, PARCC anticipates having nearly twice as many score points in its summative tests as state tests currently have. This will enhance the system's ability to measure the full range of student performance against grade-level standards and student growth across a broad performance spectrum.

An online interactive data tool will provide teachers, parents, and administrators with access to results after each assessment and will include tools for displaying data, creating customized reports, and comparing the performance of similar schools. In addition, parents will be mailed printed reports after each assessment.

The Diagnostic, Midyear, Speaking and Listening Assessments

PARCC is developing optional diagnostic and midyear assessments for grade levels 3–8 and high school as well as a required speaking and listening assessment.

Diagnostic assessments. Diagnostic assessments in English language arts and mathematics will be designed to pinpoint students' strengths and weaknesses relative to particular standards for each grade or course. Starting in September 2014, these assessments will be available throughout the school year and will provide an indicator of student knowledge and skills so schools can tailor instruction, supports, and professional development to address student needs.

For example, they may be used to identify a subset of students in a classroom who share a common misconception that can be addressed through targeted instruction, a student missing fundamental prerequisite skills, and requires additional support,

or an area of the standards in which the faculty could benefit from targeted professional development.

Midyear assessments. Midyear assessments will feature rich performance tasks that mirror the types of tasks included in the summative performance-based assessments. States and districts may choose to administer—even require—a midyear assessment. In future years, if studies support such use, states may choose to include this component as part of their summative results.

Speaking and listening assessments. To assess the speaking and listening standards within the Common Core State Standards, an assessment will be required, but it will not be used in determining the summative score. Schools can administer this component at any time during the academic year. One option for this assessment may involve asking students to do an oral

presentation on their written product from the English language arts midyear performance task and engage in academic conversation with classmates about the ideas presented. Teachers will score students' speaking and listening skills using a standardized rubric. If they wish, they can incorporate the scores as part of student grades.

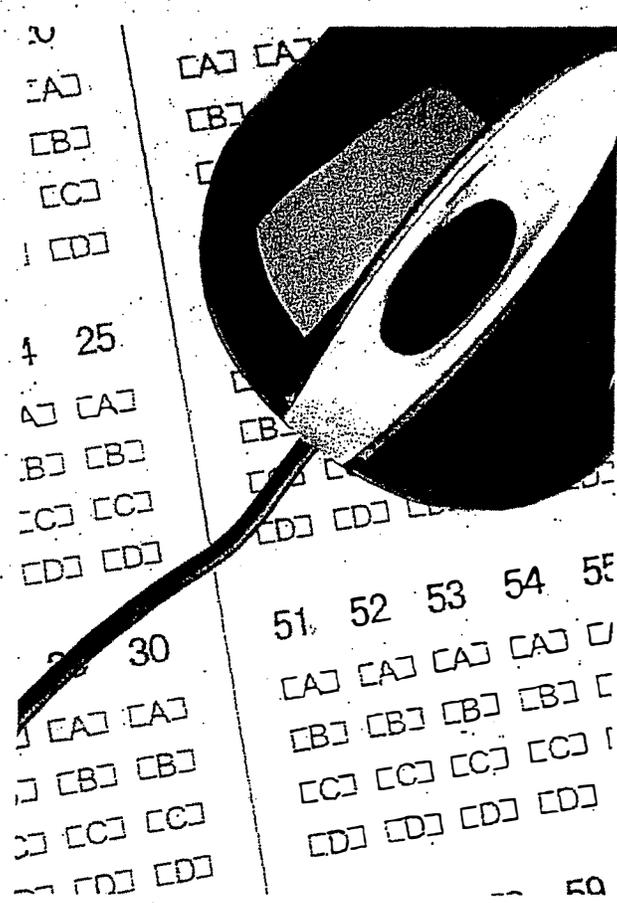
Other Resources from PARCC
PARCC will develop a Partnership Resource Center, which is expected to launch in 2013. This web-based platform will offer a continually expanding collection of resources for teachers, students, administrators, and parents, such as released test items, formative assessments, model content frameworks, professional development resources, practice tests, and student and teacher tutorials.

An Overview of Smarter Balanced

The Smarter Balanced system is designed to strategically “balance” summative, interim, and formative assessments while providing accurate year-to-year indicators of students' progress toward college and career readiness. The system has two summative components and an optional, customizable system of adaptive interim assessments. (To see sample test items; go to www.smarterbalanced.org/sample-items-and-performance-tasks.)

Summative Assessments

Smarter Balanced will develop accountability assessments for English language arts and literacy and for mathematics for grades 3–8 and grade 11 consisting of two components—performance tasks and an end-of-year computer-adaptive assessment. Although the assessments will be delivered on the computer, the



consortium will offer a paper-and-pencil option for three years as schools transition to this format. A unique attribute of the Smarter Balanced summative assessments is that students can retake the summative assessments if this option is locally approved. The retake would consist of a new set of items and tasks.

Performance tasks. Administered during the final 12 weeks of school, these tasks will generally take students 90–120 minutes to complete for each content area; high school tasks will take longer than those for younger grades. The tasks will be organized around real-world scenarios. For example, high school students may be asked to review a financial document, conduct a series of mathematical analyses using a spreadsheet or statistical software, develop a conclusion, and provide evidence for it. The performance tasks will evaluate aspects of the Common Core State Standards that are difficult to assess through more traditional items. A combination of teacher and machine scoring will be used.

End-of-year computer-adaptive assessment. This end-of-year assessment will consist of approximately 40–65 questions for each content area and will include selected-response, constructed-response, and technology-enhanced items. Most of these items will be immediately scored, although some human-scored elements may be included.

Student scores from both the performance tasks and the computer-adaptive test will be combined for the annual summative scores in English language arts and mathematics. The consortium will build vertical scales across grades 3–11 in both subject areas, which schools can then use as the basis for growth measures that evaluate an individual's progress toward college and career readiness across the years. Although the specifics of the vertical scale have not yet been developed, it can be thought of as similar to a yardstick used to measure a child's height across the years. Both the summative assessment results and the interim

assessment results will be reportable on this vertical scale.

A web-based platform will manage assessment data and provide sophisticated data reporting and analysis tools for customized reports. Security settings will enable students, teachers, parents, and administrators to view appropriate data. Student scores on the performance tasks will be reported separately as well as in combination with the computer-adaptive testing component. To aid interpretation, the report will illustrate student performance levels with specific examples.

The assessment
consortia are drawing
on new advances
in technology,
cognitive science
and measurement.

Optional Interim Assessments

Optional computer-adaptive assessments will be available for grades 3–12 in English language arts and mathematics. The item types will mirror those on the summative assessment. Educators can use the open item bank for both instruction and professional development.

Because states, districts, and schools can determine the number, scope, and timing of the interim assessments, they can tailor them to local curriculums. Two modes of test administration will be available. One version will yield a score on the same scale as the summative assessment, which schools can use as a growth or achievement metric. A shorter "cluster assessment" mode, perhaps targeting the most recently taught standards, will provide more detailed feedback.

Other Resources from Smarter Balanced

A digital library and comprehensive electronic platform will hold an expanding collection of resources for teachers, administrators, students, and parents, such as released items and tasks, model curriculum units, instructional resources, formative tools and exemplars, and professional development modules.

Navigating the Transition

Tough challenges are likely ahead as district and school leaders work to bring the Common Core State Standards alive in their classrooms within two years. What can school and district leaders do to begin this transition?

Build Teacher Understanding

A necessary first step is to engage teachers in a careful analysis of the standards. Discuss the standards within grade-level groups and across grade levels so teachers see how the key concepts develop and build on one another over multiple years. For example, students in grades 6–8 will build their understanding of geometry beginning with surface, area, and volume. They will then progress through the use of angle measure in figures to the rotation, reflection, and translation of cylinders, cones, and spheres. (See the progressions documents at <http://ime.math.arizona.edu/progressions>.)

The English language arts standards include three appendices (see www.corestandards.org/the-standards) that illustrate the practical application of the standards at the classroom level, which many teachers find essential to understanding the instructional shifts required. In mathematics, the Standards for Mathematical Practice (see www.corestandards.org/assets/CCSSI_Math%20Standards.pdf) are an excellent starting point for understanding what's new and different about these standards. Carving out regularly occurring blocks of time for teachers to explore the

standards is essential to building depth of understanding.

Take Advantage of Resources

Even as the field awaits the resources that the consortia are developing, a growing number of free, high-quality resources are available on the web. The Council of Chief State School Officers has developed a list of tools and resources (see www.ccsso.org/Documents/2012/Common_Core_Resources.pdf). Several states that won Race to the Top state grants are also making their tools and resources available. Of particular note is EngageNY (<http://engage.org>), which offers tailored materials for principals, transition team leaders, teachers, and administrators. Administrators should also check their own state education department website for resources and guidance.

Groom Lead Teachers

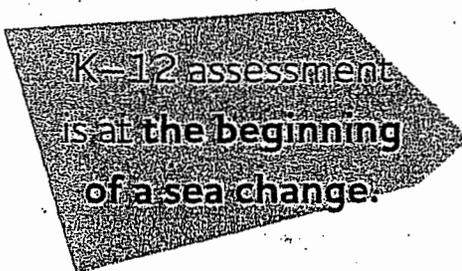
Both PARCC and Smarter Balanced are forming cadres of lead teachers and educators within each member state. These educators will gain deep understanding of the standards, assessments, and available tools and resources and then train others within their states. Check with your consortium contact person to find out about your state's plans for these activities. (For PARCC, go to <http://parconline.org/parcc-states>; for Smarter Balanced, go to www.smarterbalanced.org/about/member.)

2015 and Beyond

K–12 assessment is at the beginning of a sea change. Many of the competencies now considered essential for success in college and the workplace are complex and difficult to measure. The assessment consortia, caught in the midst of this change, must navigate a series of tough challenges, choices, and trade-offs.

To meet the expanded policy purposes and anticipated uses of the data, these systems of assessments must go far beyond simply determining whether a

student has met grade-level standards. They must measure individual growth for all students and provide more accurate information concerning students who perform well above or well below the standards. They must yield fine-grain information that can inform instructional and programmatic decisions. And they must be able to evolve over time to reflect changes in the skills needed in our global marketplace and



to incorporate advances in technology, cognitive science, and measurement.

The goal, then, is to ensure that the assessment systems of 2014–15 are the best possible starting point for this new generation of assessments. Perhaps the greatest benefit of this coalescence of states around a common set of academic standards and two comprehensive assessment systems is the creation of the critical mass needed to accelerate research and development across the entire K–12 education enterprise.

Thus, 2014–15 is not really the finish line, but only the first leg in a longer relay race to create next-generation teaching, learning, and assessment systems that prepare all students for a strong future and are worthy of our children, teachers, and schools. ■

The following states are members of the PARCC consortium: Alabama, Arizona, Arkansas, Colorado, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, and Tennessee.

The following states are members of the Smarter Balanced consortium: Alabama, California, Connecticut, Delaware, Hawaii, Idaho, Iowa, Kansas, Maine, Michigan, Mis-

souri, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

In addition to the two consortia chosen to develop comprehensive assessments, four other consortia were awarded grants to develop next generation assessments. The Dynamic Learning Maps Alternate Assessment Consortium and the National Center and State Collaborative will design assessments for students with the most significant cognitive disabilities. New assessments of English proficiency for English language learners will be developed by the Wisconsin Department of Public Instruction in collaboration with the World-Class Instructional Design and Assessment Consortium and by the Oregon Department of Education in collaboration with a group of states. The Oregon-led consortium of 12 states was awarded an Enhanced Assessment Grant in fall 2012, and the specifics are not yet available at the time of this writing.

Author's note: This article draws much of its content from two K–12 Center publications, *Coming Together to Raise Achievement: New Assessments for the Common Core State Standards* (2012) and *Sea Change in Assessment: How Technology is Transforming K–12 Testing* (2012), both of which are available at www.k12center.org. The information in this article is accurate as of October 15, 2012.

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**TESTIMONY ON SB 2102
HOUSE EDUCATION COMMITTEE
March 6, 2013**

**By: Greg Gallagher, Director, Standards and Achievement
701-328-1838
Department of Public Instruction**

Mr. Chairman and Members of the House Education Committee:

I am Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction. I am here to testify in support of SB 2102 regarding certain aspects of the administration of the state's K12 assessment system.

The Department of Public Instruction submitted SB 2102 as an agency bill and supports its adoption. SB 2102 carries no appropriation or fiscal note.

SB 2102 accomplishes two aims: (1) it removes from current law calendar date restrictions which have limited the administration of the North Dakota State Assessments to the first semester (fall months) of any academic year and which effectively limit certain forthcoming assessment innovations; and (2) it provides for the possible extension of the North Dakota State Assessments to grades nine and ten, which currently are not provided for under law. SB 2102 seeks to remedy these two deficiencies to provide the state's K12 assessment system with the best opportunity to gain value from the emerging next generation of K12 assessments.

The need to provide for the next generation of state assessments

The state's current K12 assessment system provides for criterion-based standardized assessments in reading, language arts, and mathematics for all students in grades 3-8 and 11 and in science in grades 4, 8, and 11. Approximately 50,000 North Dakota students participate annually in the state's various general and alternate assessments, and this participation forms

the basis for all state academic accountability reporting. The state administers a total of 72 academic assessments annually, inclusive of all subjects, grades, and assessment forms. All assessments undergo extensive quality assurance measures throughout the development, administration, scoring, compilation, and reporting phases of the tests' overall management. All state assessments must undergo independent national peer review and meet high industry and regulatory standards for validity and reliability. The state's K12 assessment system remains in good standing with the U.S. Department of Education.

The Department of Public Instruction adopted in 2011, for full implementation in 2013, the Common Core State Standards in English language arts and mathematics, following a national, voluntary, and state-driven development effort. A seventy-member statewide committee of educators, nominated by their local school districts, recommended the adoption of the Common Core State Standards following a one year review period, which the State Superintendent approved. These voluntary, national standards represent rigorous content expectations that are intended to establish comparability among the states and improve college and career readiness nationwide. North Dakota is a participating state in this endeavor.

As an extension of this national effort, North Dakota has enrolled as a participating member in three national assessment consortia, whose missions are to develop high-quality, innovative standardized assessments that measure student achievement and growth in terms of the Common Core State Standards. These consortia have been engaged in a four-year development process, which will result in the first administration of this next generation of innovative state summative and formative assessments during the 2014-15 academic year. All consortia have determined that the final summative assessments will occur during the spring of the academic year. The Department of Public Instruction, with the assistance of national technical advisors and state educators, continues to assess the overall efforts of these development activities and has determined that the state will optimize its assessment system's

operations by incorporating the various critical components of the consortia's deliverables, including the adoption of a spring testing window.

For additional information on the Common Core State Standards and the national assessment consortia, refer to the following website:

http://www.dpi.state.nd.us/standard/common_core.shtm.

Required changes within state law

To accomplish this goal and to ensure an integrated assessment system, the Department of Public Instruction requests the adoption of SB 2102, which removes restrictive language regarding the testing window and allows the state the full latitude of testing window options, including the desired spring assessment testing window. If this testing window were not to be amended as requested, then the state's assessment offerings would encounter a profound limitation of expression and innovation. The Department respectfully requests that this restriction be removed from current law, as provided in SB 2102.

Extensive development work within the national assessment consortia has provided flexibility for states to adopt voluntarily and administer assessments within grades nine and ten, which are generally not assessed in many states, including North Dakota. Extending summative assessments to grades nine and ten is designed to improve the vertical alignment of assessments and improve the overall growth measurement of students across the grades. This ability to track student growth into and within high school has been sought as a means to better support student transition and achievement from elementary/middle schools into high school. To allow the state the flexibility to adopt ninth and tenth grade assessments, permissive language must be amended into current state law. The Department will continue to study the optimal balance of the state's assessment system, including the possible extension of testing to grades nine and ten with the full participation of educators statewide. The Department respectfully

requests that this permissive language be adopted, as specified within SB 2102, to allow the state optimal system design.

No funding appropriation is sought within SB 2102. Current next generation assessment development is proceeding based on ongoing assessment cost projections, which currently do not anticipate an increase in state funding levels. Any adjustments to funding levels would be proposed during the 2015 legislative assembly.

Mr. Chairman and Committee members, the Department respectfully requests your favorable consideration of SB 2102 to provide the state with the means to provide for a value-rich, optimally structured statewide assessment system.

Mr. Chairman, this completes my presentation regarding SB 2102. I am available to answer any questions from the Committee. Thank you.



**Partnership for Assessment of
Readiness for College and Careers**

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The Partnership for Assessment of Readiness for College and Careers (PARCC) is a consortium of 22 states plus the U.S. Virgin Islands working together to develop a common set of K-12 assessments in English and math anchored in what it takes to be ready for college and careers. These new K-12 assessments will build a pathway to college and career readiness by the end of high school, mark students' progress toward this goal from 3rd grade up, and provide teachers with timely information to inform instruction and provide student support. The PARCC assessments will be ready for states to administer during the 2014-15 school year.

PARCC received an \$186 million grant through the U.S. Department of Education's [Race to the Top assessment competition \(http://www2.ed.gov/programs/racetothetop-assessment/index.html\)](http://www2.ed.gov/programs/racetothetop-assessment/index.html) to support the development and design of the next-generation assessment system.

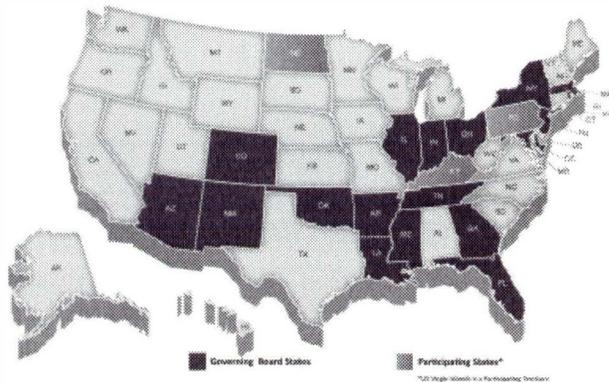
The PARCC Vision

PARCC states have committed to building a K-12 assessment system that:

- Builds a pathway to college and career readiness for all students,
- Creates high-quality assessments that measure the full range of the Common Core State Standards,
- Supports educators in the classroom,
- Makes better use of technology in assessments, and
- Advances accountability at all levels.

PARCC States

Collectively the states in PARCC educate about 24 million students. The PARCC states include: [Arizona \(/arizona/\)](#), [Arkansas \(/arkansas/\)](#), [Colorado \(/colorado/\)](#), [District of Columbia \(/district-columbia/\)](#), [Florida \(/florida/\)](#), [Georgia \(/georgia/\)](#), [Illinois \(/illinois/\)](#), [Indiana \(/indiana/\)](#), [Kentucky \(/kentucky/\)](#), [Louisiana \(/louisiana/\)](#), [Maryland \(/maryland/\)](#), [Massachusetts \(/massachusetts/\)](#), [Mississippi \(/mississippi/\)](#), [New Jersey \(/new-jersey/\)](#), [New Mexico \(/new-mexico/\)](#), [New York \(/new-york/\)](#), [North Dakota \(/north-dakota/\)](#), [Ohio \(/ohio/\)](#), [Oklahoma \(/oklahoma/\)](#), [Pennsylvania \(/pennsylvania/\)](#), [Rhode Island \(/rhode-island/\)](#), and [Tennessee \(/tennessee/\)](#).



ADDITIONAL INFORMATION

[PARCC Final Application to US Education Department \(http://www.parcconline.org/sites/parcc/files/PARCC%20Application%20-%20FINAL.pdf\)](http://www.parcconline.org/sites/parcc/files/PARCC%20Application%20-%20FINAL.pdf)

PARCC Final Application to US Education Department

[Press Release \(Sept 2, 2010\) \(http://www.parcconline.org/sites/parcc/files/PARCCAwardReleaseFINAL9-02-10.pdf\)](http://www.parcconline.org/sites/parcc/files/PARCCAwardReleaseFINAL9-02-10.pdf)

Press Release (Sept 2, 2010)

[Press Release \(June 23, 2010\) \(http://www.parcconline.org/sites/parcc/files/PARCCPressRelease6-23-2010.pdf\)](http://www.parcconline.org/sites/parcc/files/PARCCPressRelease6-23-2010.pdf)

Press Release (June 23, 2010)