

Introduced by

1 A BILL for an Act to establish an advisory commission on the No Child Left Behind Act; to
2 repeal section 54-35-21 of the North Dakota Century Code, relating to appointment of a select
3 committee to study the No Child Left Behind Act of 2001; and to provide an expiration date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. Advisory commission on the No Child Left Behind Act - Membership**
6 **- Terms - Meetings.**

- 7 1. The advisory commission on the No Child Left Behind Act of 2001 [Pub. L.
8 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.] consists of the following
9 members:
- 10 a. Two individuals appointed by the North Dakota council of educational leaders;
 - 11 b. Two individuals appointed by the North Dakota education association;
 - 12 c. Two individuals appointed by the North Dakota school boards association;
 - 13 d. Two individuals appointed by the state superintendent of public instruction;
 - 14 e. One individual appointed by the North Dakota Indian affairs commission;
 - 15 f. One individual appointed by the education standards and practices board;
 - 16 g. One individual appointed by the governor; and
 - 17 h. Six legislators appointed by the legislative council.
- 18 2. The legislative council shall designate the chairman and vice chairman of the
19 commission.
- 20 3. If any member of the commission resigns or ceases to be a member of the class
21 the member represents, that individual's membership on the commission ceases
22 immediately and the appropriate appointing authority shall appoint a new member
23 to complete the remainder of the term.
- 24 4. The commission shall meet at least semiannually.

- 1 **SECTION 2. Commission functions and duties.** The advisory commission on the No
2 Child Left Behind Act of 2001 shall:
- 3 1. a. Examine the nature and scope of assessments permissible under the No
4 Child Left Behind Act in determining the adequate yearly progress of special
5 education students and English language learners and in determining the
6 adequate yearly progress of students in other subgroups, if applicable.
- 7 b. Review issues of cost, staff training, and communication to the field of known
8 assessment alternatives.
- 9 c. Explore the use of instructional level assessments and the use of exemptions
10 from assessment.
- 11 d. Collect and analyze data regarding the percentage of students who are
12 eligible to be assessed by alternative means and determine the effects that
13 would result from any increases in the current percentage cap on eligible
14 students.
- 15 2. Determine the feasibility and desirability of using growth data rather than cohort
16 testing to determine adequate yearly progress.
- 17 3. a. Examine the manner in which student achievement proficiency ratings are
18 established, including the selection and qualifications of individuals involved in
19 determining the ratings.
- 20 b. Examine alternate means of establishing student achievement proficiency
21 ratings and address matters of public policy with respect to the objectivity of
22 the ratings.
- 23 4. a. Examine the efficacy of the binomial distribution formula in terms of its ability
24 to provide a full and complete accounting of the adequate yearly progress of
25 schools and school districts and its ability to segregate, separate, or shelter
26 schools having small or identifiable populations of students.
- 27 b. Compare the identification of schools under the binomial distribution formula
28 against the identifications that would occur under other measurements,
29 including measurements requiring subgroups of at least thirty students in
30 regular education and forty-five students in special education.

- 1 c. Examine from a policy perspective the impacts of increasing and the impacts
2 of decreasing the identification of schools not meeting adequate yearly
3 progress.
- 4 d. Determine the feasibility and desirability of assessing students in the seven
5 subgroups and reporting the results of their assessments while precluding any
6 punitive actions stemming from the results of the subgroups' assessments.
- 7 5. a. Review the provisions of the No Child Left Behind Act governing the right of
8 students to transfer from a school that is not making adequate yearly
9 progress.
- 10 b. Monitor the number of students who have requested transfers in accordance
11 with the No Child Left Behind Act.
- 12 c. Determine the feasibility and desirability of implementing a reporting system
13 that allows school districts to be informed about the location to which a
14 student is transferring and the reasons for such transfer.
- 15 d. Determine the feasibility and desirability of recommending to the Congress of
16 the United States an amendment to the No Child Left Behind Act which would
17 allow only those individual students who did not meet established proficiency
18 levels to obtain transfers.
- 19 6. Study the effect of the No Child Left Behind Act on the availability of teachers for all
20 grade levels throughout the state and determine whether greater flexibility in
21 teacher preparation or qualifications would affect teacher availability.
- 22 7. a. Establish a mechanism whereby school districts can account for all costs
23 incurred as a result of the No Child Left Behind Act and determine which of
24 the costs would have been incurred regardless of enactment of the No Child
25 Left Behind Act.
- 26 b. Establish a system to ensure that the cost data submitted is valid and reliable
27 and reported in a fashion that allows for accurate comparisons from year to
28 year and for comparisons by and among schools and school districts.

29 **SECTION 3. Staff services.** The advisory commission on the No Child Left Behind Act
30 of 2001 may request provision of appropriate staff services from the legislative council.

31 **SECTION 4. Finances - Compensation.**

- 1 1. The commission may apply for, contract for, receive, and expend for its purposes
2 any appropriation or grant from any public or private source.
- 3 2. A member of the advisory commission on the No Child Left Behind Act of 2001
4 who is a member of the legislative assembly is entitled to receive, from funds
5 available to the legislative council, compensation for each day spent in attendance
6 at commission meetings in the same amount as provided for members of the
7 legislative council and reimbursement for travel and other expenses incurred in the
8 performance of official duties as provided by law for other state officers. Members
9 of the advisory commission who are appointed by entities other than the legislative
10 council may be reimbursed for attendance at commission meetings by their
11 appointing authorities.

12 **SECTION 5. Reports.** The advisory commission on the No Child Left Behind Act of
13 2001 shall report its findings and recommendations, together with any legislation required to
14 implement the recommendations, to a joint meeting of the senate and house education
15 committees in January 2007.

16 **SECTION 6. REPEAL.** Section 54-35-21 of the North Dakota Century Code is
17 repealed.

18 **SECTION 7. EXPIRATION DATE.** Sections 1 through 5 of this Act are effective
19 through June 30, 2007, and after that date are ineffective.