

1999 SENATE EDUCATION  
SB 2429

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2429

Senate Education Committee

Conference Committee

Hearing Date February 8, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-end
2	x		0-484
3	x		3289-end
Committee Clerk Signature <i>Jincla Christman</i>			
3		x	0-213

Minutes:

Hearing on SB2429 was called to order by SENATOR FREBORG . All present.

SENATOR FREBORG : So there is no misconception, I introduced the bill for myself. Not for DPI or anyone else. The story has it that it is really DPI's bill. It may be some of the things they have wanted over the years but it was my idea and my bill, so that you don't misunderstand.

Greg Gallagher from DPI will explain the bill. With that we will open the hearing.

Testimony in Favor: Greg Gallagher, DPI. Testimony attached.

SENATOR KELSH: Aren't you able as a department to do a lot of those things that you talked about now, the criteria that needs to be met without another million dollars. What we are hearing is a lot of school districts can't afford to upgrade their textbooks they have now. They are using textbooks that are outdated, staff is buying a lot of supplies, up to \$1,000 a year of their own money for supplies, don't you think we need to put some money into education to allow those

things to happen instead of spending it on the top end when it probably can't take place because there isn't enough money to do it.

Greg: The appropriation put forth within SB2429 is not an appropriation that resides in current high level of the department. The money will be spent actually, in reality, with teachers across the state. Because it has to move forward with the development of criteria up to debt that we can afford and since we have never had state appropriations, we are new to this and we are using solely federal funds to do so. But the federal funds have been inadequate and we have had a very slow process of bringing this in simply because of resources. North Dakota is probably about one of 10 states that does not have content criteria in this core area. We have been in English, Language Arts and just about ready to move forward in Math and areas of Science. We are being delayed now because of the resources. But even those federal resources we have spent have gone almost entirely to the teachers of the state who have been the people who have created those criteria. This is some of the most important professional development activity that one can do. It is so fundamental and so basic and in that basic National Center for Education statistic, that only 30 percent feel prepared on this. That is an indication that there is a great need out there for professional development. We are not questioning at all that there are situations in the state where individual teachers are buying the materials themselves to get by. We believe that content criteria will move it forward with true professional development. There is a clear indication that one should not be married to a textbook. But the true teaching is when, you teach through it and use it only as a tool.

SENATOR O'CONNELL : On page one, line 23 and page four, line 16, what is the purpose of the amendment.

Greg: The amendment on page four, the reason for the insertion of the issue, is that there is a verb missing in that sentence. We are recommending the use of the term issue and it is a topical point, it was there originally. It is obvious that it was there because it does allow for that. The use of the terms student performance measures to be included within the appropriation allows for us to use that appropriation not only for the development of the content criteria, but also moving forward in that important area of performance measures. So it is simply clarifying.

SENATOR COOK : When I was in high school we had algebra, advanced algebra, geometry, trigonometry, and every subject had a book and we started at the beginning and we went to the end and took a test. Is that not a criteria for teaching math. What am I missing.

Greg: That is the tool, what is behind that would be the criteria. A criteria is the priority of what is important to learn about a subject. The presumption would be that because it was textbook driven, that that textbook had a clear understanding about what the priorities would be. Content criteria is a statement that is used in the state. There is an understood content, a core, that needs to be addressed within a course and then a person can bring any variety of tools and textbooks to be able to do that. Under that scenario, if it is driven by textbooks it's driven by the authors of textbook series who are writing their product to be primarily sent to states like California, Texas, Florida or New York, where the big markets are. Textbooks are written for market, it's basic capitalism.

SENATOR COOK : Am I to presume then that some of this content area that we are identifying in math is not really related to two plus two equals four, or the typical formulas that we have learned in geometry and trigonometry.

Greg: Every one that I have seen of the standards from any other states clearly deal with issues of computation. That is a clear skill that we would put within any content criteria. Content criteria is basically what you should know, or be able to do. You should be able to add, subtract, multiply and divide, like any other functions that are important. What the criteria also puts forward is that there is a higher level of learning that is required too. And how do you use those computation skills to analyze information and draw from its meaning. That is a higher level that sometimes in some courses is missed. That's where the content criteria is to hit at, making sure that those high level applications are not missed, that they are built strongly on those computational skills. Those computational skills tend to deal with one of the core standards and that is the number sense and computation skills.

SENATOR COOK : Are we trying to bring lessons like the moral in Little Red Hen into reading class.

Greg: Message issue. What is the best way to teach reading. A criteria would not get into that detail. It is important to not only understand sentence structure, or paragraph development but also in terms of the theme that carries through a story and how one applies that theme to other areas of life.

SENATOR WANZEK : If we implement are we going to be implementing the new math.

Greg: Setting forth a statement that when you are teaching math, make sure however you teach it you incorporate the touch point of the following areas. Doesn't talk about the method you use. Content criteria simply deals with whatever method you do that you cover all of these following areas. How you do that will be the preference of the district, that school, and that teacher; the state does not become involved.

SENATOR FLAKOLL : Correct in stating that if you are in 5th grade and you are learning a certain thing and you advance to 6th grade, there is sometimes a problem because of what you didn't learn in 5th has to be taught over.

Greg: We will be assuring there will be no gaps in their learning. Core element of literacy is an important component.

SENATOR KELSH : Haven't we tried this before, block learning.

Greg: That is more of a methods issue per say.

Testimony in Favor: Daphne Ghorbani, teacher of 12th grade English at St. Mary's Central High, Bismarck. Testimony attached.

Neutral Testimony: Ron Torgeson, ND Council of Education Leaders, No written testimony.

SENATOR FREBORG : I may agree that removing accreditation may not be the right answer. Should we keep plodding along without demanding accountability.

Neutral Testimony: Max Laird, President of NDEA No written testimony, graph handout.

Testimony in Opposition: William Schuh. Written Testimony attached.

SENATOR FLAKOLL : Do you think being Number 1 is good enough.

Howard: Nothing is good enough. Always room for improvement.

Testimony: Margaret Sitte, private citizen. Written testimony only, did not speak.

Closed hearing. Opened discussion.

SENATOR O'CONNELL : Move for a DO PASS.

SENATOR REDLIN : 2ND

Vote 6 Yes 1 No

CARRIER; SENATOR O'CONNELL

FISCAL NOTE

(Return original and 14 copies)

Bill/Resolution No.: SB 2429

Amendment to: \_\_\_\_\_

Requested by Legislative Council

Date of Request: 1-27-99

- 1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative: The appropriation in Senate Bill 2429 will facilitate development of content criteria, performance indicators and related assessments in core subject areas as prioritized by the state superintendent.

- 2. State fiscal effect in dollar amounts:

Table with 6 columns: 1997-99 Biennium (General Fund, Special Fund), 1999-2001 Biennium (General Fund, Special Funds), 2001-03 Biennium (General Fund, Special Funds)

Revenues:

Expenditures: 0 \$1,000,000 0

- 3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: \_\_\_\_\_
b. For the 1999-2001 biennium: \_\_\_\_\_
c. For the 2001-03 biennium: \_\_\_\_\_

- 4. County, City, and School District fiscal effect in dollar amounts:

Table with 9 columns: 1997-99 Biennium (Counties, Cities, School Districts), 1999-2001 Biennium (Counties, Cities, School Districts), 2001-03 Biennium (Counties, Cities, School Districts)

If additional space is needed, attach a supplemental sheet.

Signed [Signature]

Typed Name Tom Decker

Department Department of Public Instruction

Phone Number 328-2267

Date Prepared: 1-29-99

Date: 2/8/99  
Roll Call Vote #: \_\_\_\_\_

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2429

Senate EDUCATION Committee

- Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Move for a Do Pass refer to approp.

Motion Made By O'Connell Seconded By Redlin

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	✓				
Senator Cook, Vice Chairman	✓				
Senator Flakoll	✓				
Senator Wanzek		✓			
Senator Kelsh	✓				
Senator O'Connell	✓				
Senator Redlin	✓				

Total (Yes) 6 No 1

Absent \_\_\_\_\_

Floor Assignment O'Connell

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



REPORT OF STANDING COMMITTEE (410)  
February 9, 1999 8:08 a.m.

Module No: SR-26-2258  
Carrier: O'Connell  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2429: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2429 was placed on the Eleventh order on the calendar.

1999 SENATE APPROPRIATIONS

SB 2429

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2429

Senate Appropriations Committee

Conference Committee

Hearing Date 2/10/99

Tape Number	Side A	Side B	Meter #
1	x		155-1680
Committee Clerk Signature <i>Gaudia Anderson</i>			

Minutes:

**SENATOR NETHING:** Opened the hearing on SB 2429 which was re-referred from the education committee, and is; a BILL for an Act to create and enact four new sections to chapter 15-21 of the North Dakota Century Code, or in the alternative to create and enact four new sections to chapter 15.1.06 of the North Dakota Century Code, relating to uniform state content criteria for school districts and uniform state student performance measurements; to provide for a legislative council study; and to provide an appropriation.

**SENATOR GARY NELSON:** District 22, cosponsor of SB 2429, to testify in support of this bill. Senator Freborg worked long and hard with a number of people and organizations in the development of the bill. The main intent of SB 2429 is with \$3.6M being spent per day on education, there should be accountability. The last few days, this bill is being turned into something that the bill really is not. The intent of this bill is to insure that children receive the education they deserve. At this time, we do not have the time nor the willingness to go through this entire fight that is starting in this piece of legislation. If I were going to spend \$1M I think spending it on the accountability for our education system would be a reasonable place to spend it. The chairman of the Education Committee, Senator Freborg, and I ask DO NOT PASS. Section 9 includes language to provide for legislative study, and rather than just take that section out, I think we will develop a separate legislative council study. We can take two years to explain to people the intent and our desire for finding out what our education system is doing. We would appreciate a do not pass on this bill. (tape 370)

**SENATOR NETHING:** Could this become a part of the DPI bill? Could we put that study into that bill?

**SENATOR NELSON:** I'm almost always opposed to having legislative council studies in statutes; however, I think this of an important enough nature that I would not oppose your committee if a majority of your committee felt that was the direction to go.

**SENATOR NETHING:** I think we will at the conclusion of this hearing, refer this to the education subcommittee to determine the best way to handle this. (tape 509)

**GREG GALLAGHER:** Education Improvement Team Leader within the Department of Public Instruction. I would like to offer a comment about Senator Nelson's observations. The Department is very supportive of the whole initiative of content standards and content criteria and also performance measures. We have worked closely with senators and representatives to advance this issue, and we will abide by the wishes of Senators Nelson and Freborg related to moving toward a study resolution. The testimony I'm presenting is the testimony we had prepared in advance showing where given the current appropriations stated in SB 2429 how we would see the money being spent. The whole idea of the content criteria and performance measures is to establish a clear accountability system within the state so that we have a clear understanding of what comparable education means in the state. (testimony attached #1) (tape 509-665)

**MAX LAIRD:** NDEA, President to appear in support of this legislation, but in consideration of the request of Senators Nelson and Freborg. I have presented to you a chart (attachment #2) outlining how the content standards development would take place over the next biennium and into 2002 if SB 2429 is adopted. (tape 680-890)

**SENATOR GRINDBERG:** How does this relate to the classes being presented at the State Universities in education?

**MAX LAIRD:** Instruction in Higher education is moving forward. All have received NCATE certification; most are ahead of other states in instruction in the standards area. (tape 930)

**RON TORGERSON:** ND Council of Education Leaders. We have two resolutions: One is to support accountability including performance standards and the other resolution says we oppose any economic penalties on school districts. The portion of this bill we oppose is the system that says that if a school does not use the standards, they will be deemed to be unaccredited. We would suggest, during your interim study, superintendents shall document that professional development and technical assistance related to the implementation of uniform content standards, performance standards, performance criteria, and performance measurement have been provided during the 12 months prior to making the decision to non-accredit a school. We would like to be sure districts have support in implementing the standards. We support Senator Nelson's motion. (tape (1015-1100)

**WILLIAM SCHUN:** Private citizen to testify (testimony attached #3) in support of Senator Nelson's position. Opposition to this bill has been because of the structure of the bill. This bill represents micro management of schools. (tape 1100-1655)

**SENATOR NETHING:** Referred the bill to the education subcommittee, and closed the hearing on SB 2429 (tape 1680)

1999 TESTIMONY

SB 2429

**TESTIMONY ON SB 2429**  
**SENATE EDUCATION COMMITTEE**  
**February 8, 1999**

**By Greg Gallagher, Education Improvement Team Leader**  
**Department of Public Instruction**  
**328-1838**

Mr. Chairman and Members of the Senate Education Committee:

I am Greg Gallagher, Education Improvement Team Leader within the Department of Public Instruction. I am here to speak in support of SB 2429 regarding uniform state content criteria and student performance measures.

SB 2429 provides for the following:

- (1) Beginning in 2001, every school will use either state- or comparable, locally-developed content criteria in math and English language arts. Schools that fail to do so will be deemed unaccredited.
- (2) Beginning in 2001, the state will develop performance criteria in math and English language arts. Schools may adopt or develop comparable criteria.
- (3) Beginning in 2001, districts will use a state- or a comparable, locally-developed student performance measurement in math and English language arts. The results of this measurement will be published in the district's official newspaper.
- (4) The state superintendent will determine the acceptability of any district's or school's alternate criteria. A process is established to allow any aggrieved district or school to appeal the state superintendent's determination before an appointed three-member panel.
- (5) The legislative council will study a six-year timeline to implement content criteria in all course areas and to assess appropriate responses for less than acceptable levels of student performance.
- (6) One million dollars is appropriated to develop state criteria during the 1999-2001 biennium.

SB 2429 appropriately seeks to hold the state's educational system accountable for providing a comparable content of education and for assuring an acceptable level of

student performance. SB 2429 addresses the central constitutional responsibility of the legislative assembly: to secure a reasonable degree of uniformity in course of study, to assure literacy, and to promote improvements.

*Proposition: Schools exist for the benefit of the student.  
If you wish to assess the quality of a school, then look at the students.*

Whenever a family or business consider moving into a community, it is inevitable that a certain question arises early in the search: “How are the schools here?” And when people talk about what gives them pride about their community, they likely reference their schools. It is not uncommon that people base their decisions on employment and residence on the quality of schools. Schools are *that* important to people.

If we wish to assess the quality of our state’s school system, then we may be well advised to begin by looking at the performance of the students within our care.

North Dakota is often referenced as a top performer in national test results. This distinction of honor is purported when examples from different tests are initially examined:

- (1) The 1990, 1992, and 1996 eighth-grade math scores in the National Assessment of Educational Progress (NAEP) list North Dakota students as number 1 in overall scores when compared with the nation.
- (2) In 1992 and 1996, fourth-grade math scores in the NAEP list North Dakota students as number 5 overall when compared with the nation.
- (3) The 1992 and 1994 fourth-grade reading scores in the NAEP list North Dakota students as number 4 and number 2 respectively in overall scores when compared with the nation.
- (4) The 1996 eighth-grade science scores in NAEP list North Dakota students as number 2 in overall scores when compared with the nation.
- (5) Scores from the Comprehensive Test of Basic Skills (CTBS/5) rank North Dakota students highly. In effect, the average North Dakota student’s scores exceed the scores of 65% of the nation’s students taking the CTBS/5.

When student scores are aggregated and compared to other state or national norms, North Dakota students evidence consistently high performance. At face value, such rankings

bring attention to apparent successful performance and are presented as evidence of a successful educational system.

However, these very same test results reveal yet another, deeper message when they are viewed from the perspective of *expected* grade-level performance:

- (1) The 1990, 1992, and 1996 eighth-grade math scores in the NAEP, which indicate a number 1 ranking for ND students, demonstrate that the percentage of ND students who perform at either the proficient (literate) or the advanced level equals 27%, 29%, and 33% respectively. Thus, despite North Dakota's number 1 ranking, an average of 72% of our students score *below* proficiency, based on NAEP performance standards.
- (2) The 1992 and 1996 fourth-grade math scores in the NAEP, which indicate an overall number 5 ranking for ND students, demonstrate that the percentage of ND students who perform at either the proficient (literate) or the advanced level equals 22% and 24 % respectively. Thus, an average of 77% of our students score *below* proficiency, based on NAEP performance standards.
- (3) The 1992 and 1994 fourth-grade reading scores in the NAEP, which indicate a number 4 and 2 ranking respectively for ND students, demonstrate that the percentage of ND students who perform at either the proficient (literate) or advanced level equals 41% and 46% respectively. Thus, despite North Dakota's fourth and second ranking, an average of 56% of our students score *below* proficiency, based on NAEP performance standards.
- (4) The 1996 eighth-grade science scores in the NAEP, which indicate a number 2 ranking for ND students, demonstrate that 41% of ND students perform at either the proficient (literate) or the advanced level. Thus, despite North Dakota's number 2 ranking, 59% of our students score *below* proficiency, based on NAEP performance standards.
- (5) Scores from the CTBS/5 rank North Dakota students highly in overall scores compared to national norms; however, the CTBS/5 itself is *not designed* to measure comprehensive standards of knowledge and skills. A correlation of CTBS/4 test items indicates that the CTBS measures approximately 55% of North Dakota English Language Arts standards. Therefore, although North Dakota



students are ranked against a national norm, there is no accounting in terms of the comprehensive body of knowledge or skills standards.

These examples illustrate that although North Dakota demonstrates relatively high student performance *when compared to national norms*, these same results indicate that when *evaluated in terms of standards of expected learning*, a *wide majority* of our students perform *below* expected levels of proficiency. We are able to gain these insights into our deficiencies because the NAEP test evaluates student performance in terms of both *ranking* and clearly defined *standards of learning*.

<b>Performance Measure</b>	<b>National Ranking</b>	<b>Proficiency/Advanced Level</b>	<b>Below-Proficiency Level</b>
1990 NAEP Math, 8 <sup>th</sup> Grade	1	27%	73%
1992 NAEP Math, 8 <sup>th</sup> Grade	1	29%	71%
1996 NAEP Math, 8 <sup>th</sup> Grade	1	33%	67%
1992 NAEP Math, 4 <sup>th</sup> Grade	5	22%	78%
1996 NAEP Math, 4 <sup>th</sup> Grade	5	24%	76%
1992 NAEP Reading, 4 <sup>th</sup> Grade	4	41%	59%
1994 NAEP Reading, 4 <sup>th</sup> Grade	2	38%	62%
1996 NAEP Science, 8 <sup>th</sup> Grade	2	41%	59%
CTBS	N/A	N/A	N/A

The significant level of sub-proficient student performance reported above indicates that any claims of high achievement ring relatively hollow. These results evidence the state's need to hold our educational system accountable for (1) providing clear, comparable educational opportunities to all students, (2) clarifying what literacy or proficiency means in our state, (3) providing meaningful ways to measure student performance overall, and (4) reporting these performance results to the parents and taxpayers of our state. It is, after all, our parents and taxpayers who ask the question, "How are the schools here?" And it is our children, the students, who have so much to gain or to lose from our action or inaction.

*Providing clear, comparable educational opportunities to all students.*

The North Dakota Constitution (Article VII, Sections 1-4) and the North Dakota Century Code (including sections: 15-21-04; 15-21-04.1; 15-21-09; 15-45-02; 15-40.1-06; 15-40.1-08; 15-21-04.5; 15-38-07 through 15-38-13; 15-41-01 through 15-41-08; 15-41-24 through 15-41-28; 15-41.1-01; 15-43-01 through 15-43-12; 15-45-02; 15-45-03; 15-47-24; 15-47-37; 15-20.1-11; 15-21-04.4; 15-21-04.5; 12-21-09; 15-21-10) provide that the state shall establish and maintain a statewide educational system, to provide for a reasonable degree of uniformity in course of study, and to provide for statewide assessments. NDCC specifically identifies core instructional subjects to be taught, but leaves to the state superintendent and local school districts the responsibility of defining the content of those subjects. Each of the state's 229 school districts has proceeded to create its own unique curriculum based on this directive. Without some clear criteria about what is important for a student to know or be able to do, individual districts and teachers are left to fend for themselves about how they should prioritize their educational goals. As a result, for some, educational goals are set by their textbooks and publishing companies who are tailoring their products to their largest markets, e.g., California, Texas, Florida, New York.

To assure a reasonable degree of uniformity in course of study, without excessive micromanaging of instructional practice, there is a generally perceived need to establish broad definitions or criteria for curriculum. These are called *content criteria*. Content criteria are broad statements about what a student should know or be able to do.

Without clear content criteria, there exists limited understanding statewide about what is important to teach and learn in North Dakota. *When we know clearly what students need to learn, then we know clearly what we need to teach. When we know clearly what we need to teach, then we know clearly what we need to measure.* If students and parents clearly understand what is to be taught, then their respective roles of learner and supporter are enriched. Research is clear that when teachers and learners and parents are clear about the content of education, overall performance and satisfaction increases. If we are to continue to improve our schools, the most important thing we can do is to improve the curriculum by emphasizing what is important to learn and teaching it with clarity. If every student in North Dakota is to have a comparable education, then

there needs to be some assurance that a general content is available everywhere, to everyone. Supporting content criteria is fundamental to *improving* education in North Dakota by defining what comparable education *means* in North Dakota.

The Department of Public Instruction has committed itself to implement voluntary state content criteria that guide local school districts and assure a *reasonable* degree of uniformity statewide. The Department has established clear protocols for the development of state content criteria in all core subject areas (English Language Arts, mathematics, science, social studies, health, the arts, world languages, and physical education). North Dakota classroom teachers and university staff constitute the writing committees for each content criteria document. The Department uses federal funds, in the absence of state funds, to support the development and implementation of these voluntary content criteria. *A 1998 study conducted by the University of North Dakota reports that teachers and administrators involved in criteria-based activities overwhelmingly approve (average of 90% approval) of the role that content criteria play in the development of better district curricula and in the improved quality of professional development.*

The Department has developed a long-term plan to create criteria and train local district personnel to employ content criteria into their curriculum. Federal funds are insufficient to accomplish this plan. Therefore, the appropriations within SB 2429 are critical to proceed with the implementation of content criteria statewide.

The establishment of content criteria for all districts and schools in the state is an important step in holding schools accountable for offering a basic, comparable, and challenging education for all students statewide.

*Providing performance measures which capture true student achievement.*

NDCC 15-21-09 provides that the state superintendent shall have charge and supervision of the standardization of schools, uniformity of textbooks, examinations for students, and preparation of courses of study for the several classes of public schools. Within this directive, the Department of Public Instruction has administered state assessments for a number of years.

The state currently allocates \$360,000 per biennium for a basic, norm-referenced assessment of students at grades 3, 6, 8, and 10. This amounts to approximately .03% of general operating expenses to evaluate the overall performance of a statewide educational system that demands approximately \$1.2 billion per biennium to operate.

In practical terms, the state has been limited to traditional, norm-referenced testing, with its inherent inadequacies. However, since the Department has committed itself to develop clear content criteria in all core academic areas, we are now positioned to pursue true criteria-reference performance measures. The state is now capable, with sufficient funding, of measuring comprehensive student performance in terms of challenging content criteria, not solely norm-referenced, itemized testing. The Department has secured two separate federal grants totaling \$3,300,000 to develop criteria-referenced performance measures in English language arts and math. These performance measures, developed by teachers from across the state, have catapulted the state's ability to measure student performance equal to or beyond that of the NAEP. These performance measures will inform us of overall student proficiency in terms of challenging criteria. This is the most meaningful measure of student achievement.

SB 2429 builds on the work begun in these assessment projects. SB 2429 calls for districts to use either the state or the district's own comparable performance measures to assess their students' overall performance in terms of challenging math and English language arts criteria. Such a proposal is achievable given the state's current development schedule.

A uniform performance measure allows for the following critical instructional activities:

- Diagnose student strengths and needs in terms of challenging criteria;
- Inform and guide classroom instruction;
- Communicate learning expectations to students and parents;
- Focus student learning on worthwhile content;
- Provide a basis for student evaluation, i.e., grading;
- Obtain data on a school-by-school, statewide basis;
- Gauge program effectiveness.

The ultimate aim of assessments is to improve the quality of teaching and learning, not to sanction parties for identified deficiencies. *Performance measurements should guide instruction, offer insight into the quality of a school, measure comparability statewide, and allow for comparability within regional and national studies.*

The Department will continue its work of developing clear measures of performance, or *performance criteria*. As such, performance criteria, set by North Dakota educators, define what proficiency or literacy means in North Dakota. Once defined, *proficiency* becomes a measuring benchmark used in statewide, local or classroom performance measurements. Performance criteria are essential if the state or local districts are to communicate clearly how our students, in fact, are doing. SB 2429 provides for this important element in determining meaningful student achievement.

The Department of Public Instruction has committed itself to implement state performance criteria that guide local school districts and assure a *reasonable* degree of uniformity statewide. The Department, with the assistance of educators statewide, has established clear protocols for the development of state performance criteria in all core subject areas. The Department has developed a long-term plan to create criteria and train local district personnel to employ performance criteria into their curriculum. Although this work has been supported exclusively with federal funds, these federal funds are insufficient to accomplish this plan. Therefore, the Department recommends amending the appropriations activities within SB 2429 to include performance measures. Attached is a possible amendment to accomplish this aim.

SB 2429 further advances the importance of professional development by allowing voluntary, locally-designed performance measures. Teachers statewide would receive the benefit of professional development regarding the development of local performance measures, at either the district- or classroom-level, which reference the state's or the district's content criteria. Most importantly, this work advances the quality of a district's school improvement efforts by grounding improvement measures on *valid and reliable data*, something currently elusive. Observations from our assessment design teams, consisting of North Dakota educators, indicate that this particular component is much needed and fills a conspicuous instructional void.

*Reporting student performance to the public.*

There is ample evidence that parents and taxpayers are interested in their schools and desire information regarding how well their schools are performing. The recent *Quality Counts Report* from *Education Week* (January 11, 1999, p. 34) provides accounts and surveys evidencing the public's interest in receiving performance measures on their schools and also indicating that such reports are generally not forthcoming.

<b><i>Will widely publicized ratings motivate schools to improve?</i></b>	<b>Yes</b>	<b>No</b>
<b>Educator's Response</b>	63%	37%
<b>Parents' Response</b>	76%	24%
<b>Taxpayer's Response</b>	91%	9%

<b><i>Have you seen a school report card in your community?</i></b>	<b>Yes</b>	<b>No</b>
<b>Educator's Response</b>	51%	49%
<b>Parents' Response</b>	39%	61%
<b>Taxpayer's Response</b>	24%	76%

SB 2429 provides for the publication of student performance measurements in the official newspaper of the district. Although student performance measurements in terms of challenging criteria are not the only indicator of a quality school, they are the truest indicator that actual learning is occurring. Reporting such results is an important step in assuring the continual engagement of the public in education. Reporting is a fundamental, required activity for accountability.

SB 2429 is about improving the quality of teaching and raising the level of learning statewide. As good as North Dakota's educational system is, currently available data indicate that we can and should improve. The Department finds no satisfaction in reviewing data that demonstrate that a wide majority of our students perform at sub-proficient levels, despite our high ranking. Given this data, the state's educational system should be held accountable for teaching to high standards, measuring students' performance in terms of these challenging standards, and reporting these results to the

citizens of the state. The Department supports the educational improvement and accountability measures outlined in SB 2429. The Department recommends a Do Pass on SB 2429.

Mr. Chairman, this completes my testimony. I am pleased to answer any questions from the committee. Thank you.

Prepared by the Department of Public Instruction for the Senate Education Committee  
February 8, 1999

**Proposed Amendments to Senate Bill No. 2429**

Page 1, line 23, after "shall" insert "issue"

Page 4, line 16, after "criteria" insert "and performance measures"

Renumber accordingly

TESTIMONY FOR SENATE BILL 2429  
SENATE EDUCATION COMMITTEE  
FEBRUARY 8, 1999

Senator Freborg, Members of the Senate Education Committee,  
and Guests:

I am Daphne Ghorbani, a teacher of 12th grade English at St. Mary's Central High School in Bismarck, ND. I am here in support of Senate Bill 2429. Over the last three years, I worked on the 12th grade writing test, and my colleagues at my school worked on the 12th grade reading and 8th grade reading and writing tests developed by the Department of Public Instruction under the direction of D. Clarence Bina. The last two years, I have used the 12th grade writing, reading, and speaking tests in my classroom. In the fall of 1998, we administered the 8th grade writing test to our incoming freshman. These assessments are extremely meaningful to my students, the parents of my students, my colleagues in my department, and to me as a teacher. The students welcomed the opportunity to display their skills in a meaningful manner, namely a response of their own construction. Parents also find these kinds of assessments to be much more meaningful. There is an enormous difference between asking students to place commas correctly in passages on norm-referenced tests and asking them to write a letter explaining their desires about an impending piece of legislation. On the whole, parents and students themselves believe the skill to write an effective letter to be more valuable than comma placement in pre-existing passages. As a teacher, I believe that the ability of my students to write clear, effective prose is more accurately assessed by a writing test that requires students to write rather than place commas correctly in someone else's writing. Tests like the writing test developed in the English Language Arts Framework tell me as a teacher what my students can do with the knowledge they have been taught, and not just how much of that knowledge they can remember.

Because these tests are designed to be scored by other teachers, I have for the first time in my teaching career the opportunity to have my peers evaluate my students' papers. This evaluation process not only tells me about the accuracy with which I have been assessing my students' written work, but also the effectiveness of my teaching strategies for imparting to my students the skill of good writing. Furthermore, having these test documents on file at our school in our department makes the development of our own scope and sequence in our English department a meaningful exercise to us as teachers. We as a department of professional educators can assess our strengths and weaknesses and adjust our curriculum and teaching strategies accordingly. I heartily welcome this opportunity.



I urge you to pass this bill for the good of our state's students, parents, teachers, and school systems. I firmly believe that such a measure will make an already good system better and stronger.

Thank you,

*Daphne Ghorbani*

Daphne Ghorbani, Educator

North Dakota Department of Public Instruction

Long Range Plan for State Content Standards Development

*Max Land  
NDEA*

Phase	1996-97	1997-98	1998-99	1999-2000	2000-01	2001-02
I Development	Math	Science Health Social Studies The Arts	Physical Education	World Language		English Language Arts
II Awareness	English Language Arts	Math	Science Health Social Studies The Arts	Physical Education	World Languages	
III Dissemination		English Language Arts	Math	Science Health Social Studies The Arts	Physical Education	World Languages
IV Implementation			English Language Arts	Math	Science Health Social Studies The Arts	Physical Education
V Implementation				English Language Arts	Math	Science Health Social Studies The Arts
VI Evaluation					English Language Arts	Math

# Written Testimony Presented to the Senate Education Committee

(of the 56th Legislative Assembly / on February 8, 1999)

## Concerning Senate Bill 2429

by

William M. Schuh

Private Citizen

Chairman Freborg and honorable members of the Senate Education Committee. I ask you to vote **do not pass on Senate Bill 2429**. SB 2429 enacts a large transfer of power from local school districts to the Superintendent of Public Instruction (SPI). This bill mandates that the Superintendent of Public Instruction micromanage school districts to the very classroom level, and to the level of the individual student. SB 2429 is heavy handed in its mandate of deaccreditation, it is expensive with a million dollar per biennium price tag, and it is unnecessary and fills no compelling need.

1. Sections 1 and 5 of SB 2429 mandate that the SPI set uniform content standards for all Math and English courses to be implemented by the 2001-2002 school year. What problem is this micro management mandate designed to answer?

(A) North Dakota's Schools are among the most successful on a national and international scale. A brief report card for North Dakota schools is summarized on an appended sheet. Do we really believe that micro management by the SPI will improve this? In recent years the DPI has introduced measures to promote every sort of educational fadism imaginable, including a recent bill, SB 2175 to encourage non standardization and massive experimentation on a whole-district basis. Now the SPI will standardize all course content right down to the level of the classroom and student in all grades in all schools? In this fadish education climate we need to be concerned about what is being standardized.

(B) Do we honestly believe that there have historically been no fundamental course criteria, and that our successful schools have been operating in a vacuum of standards? Look at the table of contents of any 7th grade math book, or high school algebra or geometry book. Its all there, and it hasn't needed to change for years, because the fundamental fields of study don't change on a high school level.

(C) Where will these course contents come from? Are we going to develop them anew? Odds are the SPI will simply adopt the National Goals and Standards, but there are several problems with this. The national English Standards have been highly criticized not as an improvement of education in English, but as its destruction. Education critic John Leo has described these standards as nothing less than "the meltdown of traditional education." The article is appended. The problem is that in an age when too many young people are already media trained and don't read, these standards do not demand or increase reading and literacy. These standards have also been criticized for an inadequate sense of the quality of literature, and inadequate stress on the great books. It is thus a poorly prioritized set of standards. Are we going to force this on our schools?

2. SB 2429 is heavy handed, not only allowing, but mandating the removal of accreditation from all schools not towing the mark in short order. Not since HB1388 in 1993 wherein the DPI requested the mandate to set student performance standards and take over all districts that didn't meet them, have I seen a bill with such a club, and such a demand to use it. HB 1388 was soundly rebuffed on this basis. Yet, the same power grant lies in this bill. Moreover, if the national Goals and Standards from the Goals 2000 Educate America Act are adopted by the SPI, what happens to state laws allowing individual school districts refuse participation Goals 2000 if they wish. If we deny them accreditation based on Goals 2000 standards, are we not forcing them into the Goals 2000? Just because they are not taking any money

does not mean that participation is voluntary, if the standards of Goals 2000 are being stuffed down their throats.

3. SB 2429 sets an extremely difficult, if not impossible time schedule on all school districts, mandating that they all be fully in line by 2001-2002 - just two years from now. This doesn't even allow time to think, much less protest. What if a district has a decent curriculum and textbooks, but doesn't meet the new requirements. Must it buy all new textbooks and materials within the next two years? Who will pay for them? What effect will this bill have on small districts? What effect will this bill have on the autonomy of districts? Is it possible that districts having difficulty meeting standards and time schedules will become excessively dependent on DPI tolerance, and perhaps have to give up even more of their autonomy in some cases than explicitly appears in this bill to keep accreditation? Are you sure the law won't be used this way?

4. What is going to be gained by additional testing? All students are given the CTBS tests in grades 3, 6, and 9, and many are given partial test batteries in math and English areas every year of grade school. These standardized tests are very detailed, and are broken down into components of basic skills, like math theory, geometric concepts, computation, etc. They also have suggestions of areas where individual students need further work listed. CTBS standards have also been strongly researched and have solid statistical norms established through years of use. What are we going to gain by adding new tests in grades 4, 8, and 12? Are we only going to be teaching for tests in the future. SB 2429 mandates valid tests. What is meant by a valid test? It takes a great deal of work to validate a test. CTBS has been validated. What tests will be used? What is the criterion of validity used?

Where are these new tests going to come from? They obviously won't be developed in the next two years. They must already be in place. What are they. There is a set of performance tests that the DPI has been working on under a 1.6 million dollar USED grant (Tribune, November 30, 1995). It just so happens that they are to be applied to kids in grades 4, 8, and 12. Some who have viewed the English tests have noted that the essay questions require students to give detailed descriptions of their personal emotions and lives. They have been told by DPI officials that they are graded on how many details they give in the essays. If this is so, and the Senators can view them themselves, then the tests should not be used in North Dakota schools.

5. The movement of the DPI into regulating individual student performances, represents a micro management of the classroom and is deeply concerning. Teachers and students do not need state regulation on that level. It is not necessary to insure a good education.

6. SB 2429 directs the Legislative Council to plan for similar state micro management of schools in all content areas. It doesn't stop here. The time schedule is also aggressive. Only six years.

7. The taxpayers are to pay a million dollars for this in this biennium alone. This is ill spent money that will do more damage than good to North Dakota Schools and North Dakota's students, through refocusing school resources on state and administrative requirements rather than the job of teaching.

SB 2429 gives excessive power to the SPI, to exert unnecessary and potentially damaging state controls over local schools, at the the level of the individual classroom, and the individual student. It is heavy handed, permitting and mandating deaccreditation as a penalty. SB 2429 mandates an overly stringent compliance schedule, one that could cause severe hardship and expense for some schools. It mandates a new test that will serve no truly needed purpose, and which may, depending on the test, cause problems. It mandates all of this and spends a million dollars doing it. **Please Vote Do Not Pass on SB 2429.**

## THE NORTH DAKOTA EDUCATION CRISIS: WHAT IS THE BASIS FOR EDUCATIONAL REFORM?

In recent years, there have been those who claim that primary and secondary education in North Dakota is in a crisis, and that large-scale changes must be made in the way we educate our children. There is considerable evidence that this claim is false, and that the education of our children is in far more danger from the extreme changes proposed in some of the reform measures. The purpose of this brief paper is to examine the proposition that North Dakota's schools are failing to educate our children.

### Analysis of the Adequacy of Primary and Secondary Education in North Dakota

North Dakota's citizens have always valued education highly. They have always been proud and supportive of their public schools. The result has been a public education system in which they have every right to be proud, and which has provided educational opportunities for our children that are competitive with any in the world.

- **While national goals set for the Goals 2000 program have set an objective of 90% graduation from high school by the year 2000, 96% of North Dakota's young people graduated in 1990** (Backes and Bina, 1993); far in excess of percentages even dreamed of in other states. Overall literacy of North Dakotans is very high. According to the U.S. Department of Education (May 1993, Education of the States and Nations) 89% of all adult North Dakotans between ages of 25 and 65 have attained a high school diploma, and **40% of all North Dakotans of the same age have attained degrees in higher education, either university or technical school.** Thus, national graduation goals have been attained not only for current students, but for all of the state's citizens.

Not only degree of graduation attainment, but the level of achievement is exceptional.

- According to the Executive Summary of the National Center for Education Statistics in its Mathematics Report Card for the Nation and States, 1992, **North Dakota's fourth graders were within the top five in overall average mathematics proficiency, and North Dakota's eighth graders were number two in the nation, rating only behind Iowa. National Assessment of Educational Progress (NAEP) standard tests assessment of North Dakota students in reading and writing has rated them among the top states in the nation. Moreover,** comparison with similar international age groups has rated North Dakota's eighth grade math students as one of the highest groups in the world, exceeded in proficiency only by Taiwan and Iowa. (U.S. Department of Education, Education in States and Nations Indicators Comparing U.S. States with the OECD Countries in 1988).

Beyond graduation percentages and evident excellence in education, North Dakota's schools are also among the safest and most orderly in the nation.

- According to a profile of the teaching profession published by the U.S. Department of Education (May 1993) **North Dakota teachers reported in the lowest category of concern in the nation (less than 4.4%) over student verbal abuse or teachers** (from 1987 to 1988). North Dakota was also in the **lowest category of concern for student tardiness and absenteeism.**

Moreover, despite a wide variety in structure of school districts, varying from one-room country schools to relatively large urban schools, there is a remarkable uniformity of educational quality in North Dakota.

- In a recent study of the distribution of honors graduates from North Dakota's colleges and universities (Hove, 1993), it was shown that **more than 81 percent of all the variability in numbers of college honors graduates from each county could be accounted for by county population alone. This means that regardless of which county in the state one is educated in, an education sufficient to assure the opportunity to enter and excel in post high-school training is assured.** A later follow-up study (Hove, 1996) **found that overall college entry and graduation were even more evenly distributed**, with about 93% of the variability being accounted for by population alone in a county by county comparison.

#### Conclusion

Clearly education in North Dakota is not in a state of crisis. While there are certainly practical problems in providing optimal education opportunities at some locations, and while there is always room for careful and well-reasoned improvement, North Dakotans certainly have no reason to risk destroying their accomplishments in providing quality education through jumping rashly into ill considered "innovation" or "reform" programs, many of which were designed to solve educational and social problems in social and cultural environments bearing no resemblance to North Dakota; many of which are no more than educational fads that may harm rather than enhance education; and many of which may actually damage the structure of family life in North Dakota through building a school-based social system that essentially replaces the guiding role of the parents and the family.

Clearly among the best of education systems in the nation and in the world, North Dakotans have every right and obligation to proceed slowly in approving massive changes in the way they educate their young.

#### Citations

Backes, John S., and Clarence Bina. 1993. When the best must become better: educational reform in North Dakota. International journal of educational reform. 2:273-278.

Hove, Michael. 1995. Exploring the geographic distribution of North Dakota's Honors Graduates. Report submitted to the 1995 legislature.

Hove, Michael. 1996. Exploring the geographic distribution of North Dakota's Post-Secondary Enrollments and College Graduates. Report submitted to the 1997 Legislature.

U.S. Department of Education. 1993. Education in the States and Nations. Indicators Comparing U.S. States with OECD Countries in 1988. OERI.

U.S. Department of education. 1993. America's Teachers: Profiles of a Profession. OERI.

# Shakespeare vs. Spiderman

I visited the Barclay School in Baltimore the same day that the new national "Standards for the English Language Arts" arrived on my desk in New York. This produced what the authors of the new standards might call "dissonant cognitive process diversity," or what an English-speaking person would call a jumbled mind.

Barclay is a rigorous, back-to-basics public school that combines confidence building with high expectations. It gets results that elite private schools would be proud of, and it gets them from inner-city students, 85 percent of them black, 60 to 65 percent from single-parent homes.

While Barclay insists on plain English, the new standards are written in mind-bending jargon. They talk about "word identification strategies" (reading) and the use of "different writing process elements" (writing), but nothing directs teachers to teach rules of phonics, spelling, grammar and punctuation (though the text says students "may wish" to explore ways of using punctuation more effectively).

At Barclay, these things are pushed hard and early. All consonant sounds are mastered before first grade. In the kindergarten I visited, a girl was sounding out words from a written list. In the first grade, I flipped through the assignment booklets hanging on the wall. All had well-written, grammatical one-page essays in clear, attractive handwriting.

Even in a special-education class of older children, the written work was of good quality. I wouldn't have guessed the writers had to be in a separate class.

The standards, on the other hand, feature a picture of a third grader's rather crude one-paragraph essay. It has 20 mistakes of grammar, spelling and punctuation. In current educational theory, these aren't errors, just alternate expressions and personal spellings. But Barclay aims at perfection, so they are errors. Any found in homework are corrected immediately the next day.

**What they learn.** The standards are dismissive of "prescribed sequences," but Barclay is built around them: Parents are told exactly what their children will learn each week and how they must help their children progress. At the end of the school year, parents and children visit the next grade, where they learn what will happen next term.

Barclay's approach is a rebuke to the reigning theories at our education schools. Barclay ignores whole-language theory. It believes in "direct instruction" (a dismissive educational term for actual teaching). It doesn't build self-esteem by excusing or praising failure. It ignores "learning strategies" and multicultural claptrap. All it does is churn out bright, achieving kids.

Unlike the notorious national history standards, which were overly long and grandly contemptuous of the West, the English standards are short (one page with 69 pages of tortured explanation) and have been attacked on all sides as unreadable, even by the *New York Times*. They are the dubious work of the International Reading Association and the National Council of Teachers of English. These people are teaching our children how to write English?

It's a sign of the times at the NCTE that every key word in its title except "Council" is under attack from its membership: National (too nationalistic), "Teachers" (should be facilitators or guides) and "English" (noninclusive of other languages). After reading the report, I'd take the word "English" out, too, as deceptive advertising.

But the problem goes well beyond prose style. As is so often the case, bad prose hides bad thinking. Buried in all the gobbledygook is a theory of education, derived from literary theory and the deconstruction movement on college campuses. It goes like this: Schools treat literature and history as texts, but every form of expression is an equally important text worthy of study—CDs, TV shows, movies, comic books, ad slogans, graffiti, conversation. Children must explore all these texts in personal searches for meaning. This meaning is not inherent in any text—it is personally created in the mind of each child.

So books have no inherent meaning, and nobody can say that Shakespeare is more worthy of study than a baseball card or a cola jingle. There are no hierarchies of value and nobody is right or wrong about anything. In this meltdown of traditional learning, the teacher of course can't teach. He or she acts as a marginal, but friendly, guide to "critical thinking," which turns out to mean not the development of sharp and logical critical skills but the easy accumulation of "divergent" views on all matters. In effect, learning becomes just another matter of "choice," a marketplace view of thought without thinkers.

With our SAT scores so low and our public schools in deep trouble, this is not a very good time to convince students that reading comic books is just as good as traditional schoolwork. The good news is that the publication of the English standards is exposing this awful stuff to a broad public for the first time. It has hummed along in the background without much opposition, mostly because few of us noticed it and fewer still were inclined to demand an English-language version. Now it's out in the open, and we all can throw mudpies. ■



	GE	NCE	SS	DIFF	AANP	NP	RANGE	NATIONAL PERCENTILE														
								1	2	5	10	20	30	40	50	60	70	80	90	95	98	99
READ VOCABULARY	12.+	99	857		96	99	97-99															
READ COMPREHENSION	12.+	95	825		97	98	94-99															
● TOTAL READING	12.+	99	841		98	99	98-99															
LANGUAGE MECHANICS	12.+	99	882	ABOVE	95	99	98-99															
LANGUAGE EXPRESSION	12.+	99	850		97	99	98-99															
● TOTAL LANGUAGE	12.+	99	866		97	99	99-99															
MATH COMPUTATION	12.+	99	940	ABOVE	94	*	97-99															
MATH CONCEPTS & APPL	12.+	84	824		97	95	90-97															
● TOTAL MATHEMATICS	12.+	99	882		97	99	96-99															
● TOTAL BATTERY	12.+	99	863		98	99	99-99															
SPELLING	12.+	94	859		91	98	94-99															
STUDY SKILLS	12.+	84	828		97	95	88-98															
SCIENCE	12.+	88	832		96	96	92-98															
SOCIAL STUDIES	12.+	80	810		96	92	85-96															
TCS	CSI: 141	RANGE: 130-141	LEVEL: 4					1	2	3	4	5	6	7	8	9						

GE: GRADE EQUIVALENT  
 NCE: NORMAL CURVE EQUIVALENT  
 SS: SCALE SCORE  
 DIFF: SIGNIF. ABOVE/BELOW ANTICIPATED  
 AANP: ANTICIPATED NATL. PERCENTILE  
 NP: NATIONAL PERCENTILE  
 CSI: COGNITIVE SKILLS INDEX

THINKING SKILLS:  
 70 CORRECT OF 75 POSSIBLE: HIGH

	Objective Performance Index	OBJECTIVES PERFORMANCE SCORES											Objective Performance Index	Not Mastered	Partially Mastered	Mastered								
		0	10	20	30	40	50	60	70	75	80	90					100							
READ VOCABULARY																								
18 WORD MEANING	99																							
19 MULTIMEANING WORDS	97																							
22 WORDS IN CONTEXT	96																							
READ COMPREHENSION																								
25 STATED INFORMATION	99																							
27 PASSAGE ANALYSIS	99																							
28 CENTRAL THOUGHT	94																							
29 WRITTEN FORMS, TECHNIQUE	94																							
30 CRITICAL ASSESSMENT	96																							
LANGUAGE MECHANICS																								
34 SENTENCE, PHRASE, CLAUSE	96																							
35 QUOTATIONS, DIALOGUE	99																							
36 WRITING CONVENTIONS	95																							
37 EDITING SKILLS	99																							
LANGUAGE EXPRESSION																								
38 NOUNS, PRONOUNS	75																							
39 VERBS	99																							
40 ADJECTIVES, ADVERBS	99																							
41 SENTENCE FORMATION	75																							
42 SENTENCE COMBINING	99																							
43 PARAGRAPH STRUCTURE	99																							
44 PARAGRAPH COHERENCE	99																							
MATH COMPUTATION																								
49 DECIMALS	99																							
50 FRACTIONS	99																							
51 INTEGERS	99																							
52 PERCENTS	98																							
53 ORDER OF OPERATIONS	99																							
MATH CONCEPTS & APPL																								
55 NUMERATION	97																							
56 NUMBER THEORY	79																							
57 DATA INTERPRETATION	91																							
58 PRE-ALGEBRA	89																							
59 MEASUREMENT	91																							
60 GEOMETRY	85																							
SPELLING																								
31 VOWELS	93																							
32 CONSONANTS	98																							
33 STRUCTURAL UNITS	92																							
STUDY SKILLS																								
63 REFERENCE SOURCES	90																							
64 INTERPRETING GRAPHICS	94																							
65 ORGANIZING INFORMATION	94																							
66 ANALYZING INFORMATION	92																							
SCIENCE																								
67 PLANT BIOLOGY	89																							
68 ANIMAL BIOLOGY	95																							
69 ECOLOGY	86																							
70 MATTER AND ENERGY	89																							
71 EARTH AND SPACE	90																							
72 PROCESS SKILLS	95																							
SOCIAL STUDIES																								
73 GEOGRAPHY	89																							
74 ECONOMICS	87																							
75 HISTORY	57																							
76 POLITICAL SCIENCE	92																							
77 SOCIOLOGY, ANTHROPOLOGY	92																							
78 INTERRELATED DISCIPLINES	84																							
79 APPLIED SOCIAL STUDIES	92																							

FORM-LEVEL: A-17/18  
 NORMS FROM: 1988  
 TEST DATE: 4/1/97  
 SCORING: PATTERN (IRT)  
 QUARTER MONTH: 28  
 CITY: MANDAN  
 STATE: ND  
 CLASS: PETERS T  
 SCHOOL: MANDAN JHS  
 DISTRICT: MANDAN  
 STATE: NORTH DAKOTA ST

\*: MAXIMUM OR MINIMUM SCORE

CTBID: 97122M253760001-04-01423-00648



## Testimony on SB 2429

From Margaret Sitte, private citizen  
February 8, 1999

The North Dakota Department of Public Instruction received a \$1.6 million research grant from the U. S. Department of Education to develop and evaluate tests that will measure student progress in core subjects. The four-year grant was announced in the *Bismarck Tribune*, November 30, 1995. (newspaper article attached.)

When I went to see the tests, Clarence Bina of the Department of Public Instruction told me the tests are secure, but not secret. Any citizen may purchase a copy from the DPI, but they must sign a nondisclosure agreement that they will not copy it or let it leave their personal control. I have abided by the agreement, and only copy portions for you here to make my point. I urge you to obtain all versions of all of the proposed tests before you vote on this bill.

The tests have been in revision two or three times already, so if you pass this bill, you do not really know what questions will be asked. Let me assure you, however, that these are no ordinary tests.

*The North Dakota Reading Test Grade 4, Version 2, 1996/97* begins its "Direction to the student" by saying, "The purpose of this test is to see how well you read." In reality, however, the test contains only 21 questions, 12 multiple choice, and 9 highly subjective essay questions. For instance:

"Question 3: Ann's **feelings** [their emphasis] about where she lived changed from the beginning to the end of the story. Write how and why her feelings changed."

"Question 12: In this story Ann writes about being lonely. Write about a time in which you had the feeling of being lonely or being alone."

DPI would not release a copy of the scoring rubric used to grade the essays, but, Bina said, the more a child revealed about his lonely experience using concrete details, the higher the grade. In other words, the children who don't have lonely experiences to relate in detail, or those who don't want to reveal a lonely experience for some personal reason would receive lower grades on their **reading** test.

*The North Dakota Reading Test Grade 8, Version 2, 1996/97* contains only 22 questions, 12 multiple choice and 10 essay questions.

"Question 8: These excerpts from London's novel [*Call of the Wild*] include passages describing Buck's adaptation to survive an unfriendly environment and to become a member of the wolf pack. **Describe a specific situation** in which **you** had to adapt or change in order to survive or to fit into a group." [their emphasis]

An entire blank piece of paper is provided with this question, so the student has plenty of space to share his inner self. This is a **reading** test? Why subject our children to such private exposure?

*The North Dakota Reading Test Grade 12, Version 2, 1996/97* contains only 13 questions, 4 multiple choice and 9 essay questions.

"Question 3: Using information from both the essay, 'Education,' and the poem, 'Indian Board School: The Runaways,' write a paragraph explaining why the boarding school is not '**home**' for the runaways."

Remember the scoring rubric once again. The more a child explains what **home** is in concrete, specific details, the higher the score he receives—the fewer the details, the lower the grade. What reveals more about an 18-year-old than asking him/her to explain/define "home"?

Hundreds of North Dakota children have already taken these tests. (List attached.) Because of the test's highly controversial nature, because it is a virtual blank check to pry into children's lives, and because it doesn't measure reading as well as other tests on the market, I urge you to vote no on 2429.

## Federal grant aids education

WASHINGTON (AP) — The federal Education Department has announced a \$1.6 million research grant to North Dakota.

The grant is among nearly \$12

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### DAKOTA

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million awarded to eight states over four years. U.S. Education Secretary Richard Riley said in a statement that the money will be used to help cover the costs of developing and evaluating tests that will measure student progress in core subjects.

The states are expected to develop testing programs to check the progress of all students, including those with disabilities and those whose first language is not English.

The education department said recipients of the four-year grants were chosen from among 27 applicants.

**NORTH DAKOTA ENGLISH LANGUAGE ARTS PROJECT  
SECOND GRADE READING TEST**

eaders chi

<b>SCHOOL ADDRESS</b>	<b>PRINCIPAL/ TEACHER</b>	<b>SCHOOL PHONE</b>	<b>GRADE LEVEL</b>	<b>NUMBER OF TESTS</b>
Valley Elementary School Box 129 Crystal, ND 58222-0129	Gary Jackson	657-2163	4	22
Longfellow Elementary School 20 29th Avenue NE Fargo, ND 58102-1799	Kathryn Stigman	241-4848	4	76
Lincoln Elementary School 2120 9th Street S Fargo, ND 58103-5399	Nancy Burkland	241-4765	4	118
Jeannette Myhre Elementary School 919 South 12th Street Bismarck, ND 58504-5977	Bill Demaree	221-3430	4	60
Thompson Elementary School Box 269 Thompson, ND 58278-0269	Claudia Johannesson	599-2765	4	50
New Rockford Elementary School 430 1st Avenue N New Rockford, ND 58562-0050	David Libis	947-5036	4	32
Valley Elementary School Box 129 Crystal, ND 58222-0129	Gary Jackson	657-2163	8	22
New Rockford Elementary School 430 1st Avenue N New Rockford, ND 58562-0050	David Libis	947-5036	8	36
Thompson Public School Box 269 Thompson, ND 58278-0269	Claudia Johannesson	599-2765	8	50

SCHOOL ADDRESS	PRINCIPAL/TEACHER	SCHOOL PHONE	GRADE LEVEL	NUMBER TESTS
Rhame Public School Box 250 Rhame, ND 58651-0250	Pamela Nagel	279-5753	8	12
Central Middle School 325 7th Street Devils Lake, ND 58301-2454	Robert Gibson cc: Teresa Tande-LaFrance	662-7664	8	95
New Salem High School Box 378 New Salem, ND 58563-0378	John Lynch cc: Joanne Beckman	843-7610	8	40
Surrey Public School Box 40 Surrey, ND 58785-0040	Charles Kranz cc: Marj Bubach	838-3282	8	40
St. Marys Central High School 1025 N 2nd Street Bismarck, ND 58501-3537	Cheryl Kalberer cc: Daphne Ghorbani	223-4113	12	110
Red River High School 2211 17th Avenue S Grand Forks, ND 58201-5299	Daryl Bragg cc: Kerry Jaeger	746-2407	12	115
Central High School 115 N 4th Street Grand Forks, ND 58203-3709	Gordon Opstad cc: Paula Berger	746-2375	12	25
Thompson High School Box 269 Thompson, ND 58278-0269	Claudia Johannesson	599-2765	12	45
New Rockford High School 430 1st Avenue N New Rockford, ND 58562-0050	David Libis	947-5036	12	20
Dickinson High School Box 1057 Dickinson, ND 58602-1057	Eugene Boyle cc: Cindy Koppinger	225-6736	12	60

**TESTIMONY ON SB 2429**  
**SENATE APPROPRIATIONS COMMITTEE**  
**February 10, 1999**  
**By Greg Gallagher, Education Improvement Team Leader**  
**Department of Public Instruction**  
**328-1838**

Mr. Chairman and Members of the Senate Education Committee:

I am Greg Gallagher, Education Improvement Team Leader within the Department of Public Instruction. I am here to speak in support of the appropriations level recommended for SB 2429. SB 2429 concerns the use of uniform state content criteria and student performance measures.

SB 2429 provides for the following:

- (1) Beginning in 2001, every school will use either state- or comparable, locally-developed content criteria in math and English language arts.
- (2) Beginning in 2001, the state will develop performance criteria in math and English language arts. Schools may adopt or develop comparable criteria.
- (3) Beginning in 2001, districts will use a state- or a comparable, locally-developed student performance measurement in math and English language arts. The results of this measurement will be published in the district's official newspaper.
- (4) The state superintendent will determine the acceptability of any district's or school's alternate criteria. A process is established to allow any aggrieved district or school to appeal the state superintendent's determination before an appointed three-member panel.
- (5) The legislative council will study a six-year timeline to implement content criteria in all course areas and to assess appropriate responses for less than acceptable levels of student performance.
- (6) One million dollars is appropriated to develop state criteria during the 1999-2001 biennium.

SB 2429 seeks to hold the state's educational system accountable for providing a comparable content of education and for assuring an acceptable level of student

performance. SB 2429 addresses the central constitutional responsibility of the legislative assembly: to secure a reasonable degree of uniformity in course of study, to assure literacy, and to promote improvements.

*Proposition: Schools exist for the benefit of the student.  
If you wish to assess the quality of a school, then look at the students.*

Whenever a family or business consider moving into a community, it is inevitable that a certain question arises early in the search: “How are the schools here?” And when people talk about what gives them pride about their community, they likely reference their schools. It is not uncommon that people base their decisions on employment and residence on the quality of schools. Schools are *that* important to people.

If we wish to assess the quality of our state’s school system, then we may be well advised to begin by looking at the performance of the students within our care.

Available data evidence that although North Dakota demonstrates relatively high student performance *when compared to national norms*, these same results indicate that when *evaluated in terms of standards of expected learning*, a *wide majority* of our students perform *below* expected levels of proficiency. We are able to gain these insights into our deficiencies because the certain performance measurements evaluate student performance in terms of both *ranking* and clearly defined *standards of learning*.

<b>Performance Measure</b>	<b>National Ranking</b>	<b>Proficiency/Advanced Level</b>	<b>Below-Proficiency Level</b>
1990 NAEP Math, 8 <sup>th</sup> Grade	1	27%	73%
1992 NAEP Math, 8 <sup>th</sup> Grade	1	29%	71%
1996 NAEP Math, 8 <sup>th</sup> Grade	1	33%	67%
1992 NAEP Math, 4 <sup>th</sup> Grade	5	22%	78%
1996 NAEP Math, 4 <sup>th</sup> Grade	5	24%	76%
1992 NAEP Reading, 4 <sup>th</sup> Grade	4	41%	59%
1994 NAEP Reading, 4 <sup>th</sup> Grade	2	38%	62%
1996 NAEP Science, 8 <sup>th</sup> Grade	2	41%	59%
CTBS	N/A	N/A	N/A

The significant level of sub-proficient student performance reported above indicates that any claims of high achievement ring relatively hollow. These results evidence the state's need to hold our educational system accountable for (1) providing clear, comparable educational opportunities to all students, (2) clarifying what literacy or proficiency means in our state, (3) providing meaningful ways to measure student performance overall, and (4) reporting these performance results to the parents and taxpayers of our state. It is, after all, our parents and taxpayers who ask the question, "How are the schools here?" And it is our children, the students, who have so much to gain or to lose from our action or inaction.

*Providing clear, comparable educational opportunities to all students.*

The North Dakota Constitution (Article VII, Sections 1-4) and the North Dakota Century Code (including sections: 15-21-04; 15-21-04.1; 15-21-09; 15-45-02; 15-40.1-06; 15-40.1-08; 15-21-04.5; 15-38-07 through 15-38-13; 15-41-01 through 15-41-08; 15-41-24 through 15-41-28; 15-41.1-01; 15-43-01 through 15-43-12; 15-45-02; 15-45-03; 15-47-24; 15-47-37; 15-20.1-11; 15-21-04.4; 15-21-04.5; 12-21-09; 15-21-10) provide that the state shall establish and maintain a statewide educational system, to provide for a reasonable degree of uniformity in course of study, and to provide for statewide assessments. NDCC specifically identifies core instructional subjects to be taught, but leaves to the state superintendent and local school districts the responsibility of defining the content of those subjects. Each of the state's 229 school districts has proceeded to create its own unique curriculum based on this directive. Without some clear criteria about what is important for a student to know or be able to do, individual districts and teachers are left to fend for themselves about how they should prioritize their educational goals. As a result, for some, educational goals are set by their textbooks and publishing companies who are tailoring their products to their largest markets, e.g., California, Texas, Florida, New York.

To assure a reasonable degree of uniformity in course of study, without excessive micromanaging of instructional practice, there is a generally perceived need to establish broad definitions or criteria for curriculum. These are called *content criteria*. Content criteria are broad statements about what a student should know or be able to do.

Without clear content criteria, there exists limited understanding statewide about what is important to teach and learn in North Dakota. *When we know clearly what students need to learn, then we know clearly what we need to teach. When we know clearly what we need to teach, then we know clearly what we need to measure.* If students and parents clearly understand what is to be taught, then their respective roles of learner and supporter are enriched. Research is clear that when teachers and learners and parents are clear about the content of education, overall performance and satisfaction increases. If we are to continue to improve our schools, the most important thing we can do is to improve the curriculum by emphasizing what is important to learn and teaching it with clarity. If every student in North Dakota is to have a comparable education, then there needs to be some assurance that a general content is available everywhere, to everyone. Supporting content criteria is fundamental to *improving* education in North Dakota by defining what comparable education *means* in North Dakota.

The Department of Public Instruction has committed itself to implement voluntary state content criteria that guide local school districts and assure a *reasonable* degree of uniformity statewide. The Department has established clear protocols for the development of state content criteria in all core subject areas (English Language Arts, mathematics, science, social studies, health, the arts, world languages, and physical education). North Dakota classroom teachers and university staff constitute the writing committees for each content criteria document. The Department uses federal funds, in the absence of state funds, to support the development and implementation of these voluntary content criteria. *A 1998 study conducted by the University of North Dakota reports that teachers and administrators involved in criteria-based activities overwhelmingly approve (average of 90% approval) of the role that content criteria play in the development of better district curricula and in the improved quality of professional development.*

The Department has developed a long-term plan to create criteria and train local district personnel to employ content criteria into their curriculum. Federal funds are insufficient to accomplish this plan. Therefore, the appropriations within SB 2429 are critical to proceed with the implementation of content criteria statewide.



The establishment of content criteria for all districts and schools in the state is an important step in holding schools accountable for offering a basic, comparable, and challenging education for all students statewide.

Appendix A presents an overview of the state’s content criteria development plan. Listed below is a budget breakdown by development phase. This budget anticipates combining available federal and appropriated state funds to complete each respective phase. Available resources will fund dedicated state-level (including regional) activities and local-level activities. A definition of each phase is provided in Appendix A.

Development Phase	Anticipated Phase Cost	Federal Funded State-Level Activity	State Funded State-Level Activity	State Funded Local-Level Activity
Phase 1: Drafting	\$ 35,000	\$ 35,000	\$ 0	\$ 0
Phase 2: Awareness	50,000	25,000	25,000	0
Phase 3: Dissemination	250,000	0	100,000	150,000
Phase 4: Implementation	400,000	0	50,000	350,000
Phase 5: Professional Development	295,000	0	0	295,000
Phase 6: Startup	60,000	30,000	30,000	0
<b>Total Content Standards Development</b>	<b>\$ 1,090,000</b>	<b>\$ 90,000</b>	<b>\$ 205,000</b>	<b>\$ 795,000</b>

SB 2429 is about improving the quality of teaching and raising the level of learning statewide. As good as North Dakota’s educational system is, currently available data indicate that we can and should improve. The Department finds no satisfaction in reviewing data that demonstrate that a wide majority of our students perform at sub-proficient levels, despite our high ranking. Given this data, the state’s educational system should be held accountable for teaching to high standards, measuring students’ performance in terms of these challenging standards, and reporting these results to the citizens of the state. The Department supports the educational improvement and

accountability measures outlined in SB 2429. The Department recommends approving the full appropriations for SB 2429.

Mr. Chairman, this completes my testimony. I am pleased to answer any questions from the committee. Thank you.

**Appendix A**  
**Content Criteria Development Cycle**

Phase	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02
<b>I. Drafting.</b> The project is proposed; the project director is appointed; teams are selected; the initial draft of the product is written; the first draft is evaluated by an external team of reviewers; the first draft is revised to reflect input from the reviewers. The second draft is completed.	<b>Math</b>	<b>Science</b>  <b>Health</b>  <b>Social Studies</b>  <b>The Arts</b>	<b>Physical Education</b>	<b>World Languages</b>		
<b>II. Awareness.</b> The second draft is distributed widely to various stakeholder groups for review and comment, including all schools, districts, teachers in the selected area, libraries, universities, national experts and other appropriate outlets; outside reactions and recommendations for revision are collected; a final draft is prepared.	<b>English Language Arts (ELA)</b>	<b>Math</b>	<b>Science</b>  <b>Health</b>  <b>Social Studies</b>  <b>The Arts</b>	<b>Physical Education</b>	<b>World Languages</b>	
<b>III. Dissemination.</b> The final draft is reviewed and recommended for approval by the SALT Team; the EOMC will review the recommendation and the State Superintendent will approve final product. When approved, the criteria document will constitute the official criteria for the state in the respective subject area. The state criteria document will be widely disseminated to all school districts, schools, libraries, universities, and appropriate organizations across the state and nation.		<b>ELA</b>	<b>Math</b>	<b>Science</b>  <b>Health</b>  <b>Social Studies</b>  <b>The Arts</b>	<b>Physical Education</b>	<b>World Languages</b>

Appendix A  
**Content Criteria Development Cycle**

Phase	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02
<b>IV. Implementation.</b> School districts build curriculum guidelines based on state criteria document. Districts receive technical assistance on the mechanics of building a criteria-based curriculum.			<b>ELA</b>	<b>Math</b>	<b>Science</b> <b>Health</b> <b>Social Studies</b> <b>The Arts</b>	<b>Physical Education</b>
<b>V. Professional Development.</b> Teachers and administrators receive extensive training on the incorporation of criteria-based curriculum into the classroom.				<b>ELA</b>	<b>Math</b>	<b>Science</b> <b>Health</b> <b>Social Studies</b> <b>The Arts</b>
<b>VI. Startup.</b> Continued professional development. SALT Team initiates collection of information from across the state regarding the implementation of the current state criteria document. Year of study and preparation for the next cycle of development is conducted in preparation. Begin new development cycle.					<b>ELA</b>	<b>Math</b>