

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

1489

2005 HOUSE EDUCATION

HB 1489

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1489**

House Education Committee

Conference Committee

Hearing Date **1 February 05**

Tape Number	Side A	Side B	Meter #
1		x	2250 - end
2	x		0 - 1369
3	x		150 - 769
Committee Clerk Signature <i>Jan Prindle</i>			

Minutes:

Vice Chairman Johnson opened the hearing on HB 1489.

Chairman Kelsch, District 34, introduced the bill. Sometimes in education we focus too much on what something is going to cost and lose focus of what education is all about. HB 1489 is truly what education is about. We've been sitting here during the last couple of sessions and talking about NCLB, we've been talking accountability but one of the elements that is missing is the parents in the whole system. What this bill would do is make the superintendent of Public Instruction send out a report card of how each student is doing. It's very simple, you send it out so the parent knows exactly what their student is doing in relation to the student's progress and achievement to that of others in their classroom, at the same grade level in the student's school and school district, at the same grade level in contiguous school districts, and at the same grade level in noncontiguous school districts of similar size. What does it will tell you whether or not your student is progressing and if they are at the actual level they should be at

for their grade. We talk about accountability in this session. We have talked about additional assessments. We have talked about all kinds of things, but here is where we are actually reporting the student's progress and actually getting it into the parents hands where it belongs so that parents can be making the decisions that they need to making regarding their student's progress. I think this bill is about the kids. This bill is about education. I was saddened to see the fiscal note that was attached. I believe it was probably attached to defeat the bill. We need to be more open minded about this and say it is something that is truly important for education. It's truly important for our children's achievement in the state. Perhaps the fiscal note is somewhat inflated and the cost for sending out these reports would not be as expensive as what's relayed in the fiscal note. With that, Mr. Chairman, I would urge favorable passage of HB 1489.

Rep. Horter: Do you better figures in mind?

Chairman Kelsch: No I don't. Maybe projections are high because they may not know exactly what it will cost. It seems extremely high because the data is already there.

Rep. Meier: Would you opposed to have parents know how their students are doing on a national level.

Chairman Kelsch: I wouldn't. What we were looking at when preparing the bill is to see where they ranked across the state of ND. We have disparities among school districts as to what students are actually achieving. That's why in last session we put in the minimum number of courses that needed to be offered in each school trying to get to that school adequacy. I would not be opposed if the committee would feel that having a student compared on the national level should be included in here.

Rep. Herbel: In line 15 it says school districts of similar sizes. Does this exclude comparing them with St. Thomas and Grand Forks.

Chairman Kelsch: What we were looking at was if you were comparing students to districts of a relatively same size that chances are the course offerings were probably the same. We thought it was better to look at those parallels.

Rep. Herbel: I would want my kid in St. Thomas to be able compete with kids that graduate from Grand Forks. If I found a disparity this might give me an opportunity to open enroll or up the curriculum.

Chairman Kelsch: That was a consideration that came up after the bill was drafted and could potentially be an amendment.

Rep. Hanson: How often would you do this? Once a year?

Chairman Kelsch: It would be done as the assessments were done. If they were done in the fall, the report would go out in the fall. If the assessments are done in the spring, it would be done in the spring.

Rep. Hunskor: Would this information be mailed. Would it be of such a nature that all parents would understand it and know what it is about. I am concerned that some parents wouldn't understand. Perhaps it would require some training sessions.

Chairman Kelsch: That is my hope. The way we do it now, I'm not sure that's the right way to tell a parent where there student is at. Perhaps the way it could be laid out is the way Rep. Sitte talked about--you are at a grade 3 and reading at a level 4. I want it to be something simple and easy for parents to understand. Perhaps it could be relayed at parent and teacher conferences.

Greg Gallagher, director of Standards and Achievement, DPI, spoke in opposition to the bill.

(Testimony attached.)

Rep. Norland: Grade Level Equivalency has been hanging around for quite awhile and we send those test scores to parents. It states that GLE is shown. It causes a real problem. A number of teachers don't know what that means. It's very difficult and they probably don't understand it.

Gallagher: There is a credibility issue. There's a reconciliation of the many ranges. Our reports right now report against what we EXPECT a student to do at a grade level and we show if they have reached proficiency or not.

Rep. Norland: If on line 9 if were to remove "and a grade level equivalent" then does the rest of the bill become possible with our current testing system?

Gallagher: I think we would move closer to the intent. It would be nice to revisit the code where we have the listing of reports we do now. It should have sufficient assurances that those responsible for the dissemination of the report are actually disseminating the report. That would be big step forward.

Rep. Sitte: When we were growing and we received the results of our Iowa Test of Basic Skills. It was quite simple. We want to know how our students fit into the national picture. We hear everything in relationship to ND standards. Are the ND standards sufficient for our students to excel anywhere in this country or are our ND standards so very different from what colleges expect. There is indeed a real gap that we need to be working on. That's all we're really after is finding out at what level our students are achieving on something other than the state standards that have been codified by DPI

Gallagher: DPI did not codify state standards, those were done by the state Legislature. The standards were set by teachers of this state. We served as stewards to that activity, but the actual deliberation and conduct comes from the teachers themselves. We're on our fourth reiteration of the assessment. We are still much in our infancy on how best to articulate that. Not all people wrap themselves around a specific standardization testing, but that is what is required of us under the law.

Rep. Sitte: Is it not norm referenced to any other state? Is any other state able to obtain the results in a norm referenced way.

Gallagher: Yes, the configuration of the state assessment is in such a fashion that for it to be put into the national norm and derive meaningful information on it, we could not do that. The nature of our assessments is centered around ND standards. It's technically an augmented assessment. That is why the NAEP assessment that the US congress put so much effort and moneys into will serve as a grand calibrator. There is no other plausible way to do it.

Chairman Kelsch: It disappoints me when the legislature has accountability to their constituents, especially in education, and when we come forward with a bill like this. Dr. Sanstead was elected by a majority of the people and I believe they entrusted in him that he was going to disseminate certain information regarding education to the people of ND. After all, it is a huge investment on our part in the future of ND. I think it is incumbent upon the Department to share this information with parents and our constituents. I know it's not something that you are in favor of sending out of your department, but it looks to me that you probably have a lot of this information gathered already and it could very easily be put into a report to be sent out to parents.

The reason I say that is Rep. Hawken was asking me about when we get the ND State

assessment. She said it was done in parent teacher conferences. In our school district it's not. It's sent home with the student, and if you're lucky, you get it. Too much stuff is sent home with the kids. When that letter comes in the mail showing the kids' report card or semester grade, who's the first one to run to get it and "can I open it first Mom before I show it to you?" But it's there and we receive it. That's what's missing now. Parents are not receiving information and we're the ones making the decisions. This is information I would like to have. I wish you would have come in and said, "maybe with a couple of minor changes the bill is workable and let's move forward with it because we have NCLB, the state is paying a lot of money for education, we need to insure that every parent knows what level their child is at and let's make it work and let's move forward." Maybe you gave suggestions, but it seemed to me it was pretty much "no, it doesn't need to be done." That's a little disheartening for me.

Gallagher: Your observation has a lot a validity. The concern is to get the information to the parents. In looking at HB 1489, the heart beats at the same beat of what we currently have in state code. The problematic element of it is, how best to disseminate that data. How do we get this to the parents hands. We have some basic choices here: (1) make it a simple requirement that the state superintendent send it out or (2) do as it is currently done under current law and that is to send the results directly to the school and have them disseminate it in the manner that will work best for the school. For some they want it in the parent teacher conference, for some it will be direct mail and not wait for the next conference, that's permissible. Where do we want to draw the line of what is the better method of that. What we have been doing now is letting the school district to make that decision.

Chairman Kelsch: I think that's where I have the problem because this is a state assessment. It is not a school district assessment and that's why I believe that DPI is accountable and the information should come from DPI.

Vice Chairman Johnson closed the hearing on HB 1489.

Chairman Kelsch opened discussion of HB 1489 later in the day. (Tape 3) She passed out an amendment to address some of the concerns of the morning discussion.

Rep. Meier: I move to Amend 1489 as per the attached.

Rep. Johnson: I Second.

Rep. Hawken: I have a real concern with that last line that's being added, "at the same grade level in nationwide school districts." As we were told this morning these are our state assessments and there is no comparison and the comparison comes on NAEP test. If we were going to do that we would have to add that language.

Rep. Sitte: I do believe we could add a few questions to make them similar. It's really quite close. Other states are providing reference data.

Rep. Haas: There is another concern here. When you start making those nationwide comparisons, if you don't desegregate the data, you don't have a valid comparison.

Chairman Kelsch: What I did was try to listen to some of the concerns and put them into an amendment. If there are parts of the amendment that are good and other parts that aren't good, let's go ahead and make changes to the amendment and go from there.

Rep. Haas: If you want to do it to expedite things, I can accept it this way. We can change it later.

Chairman Kelsch: There's a fiscal note attached and we need to send it out. I would prefer to send it out in as good a shape as possible.

Rep. Haas: I think we need to ask Greg Gallagher that question as to if you can desegregate the data and make a valid comparison nationwide or not. One of the main criticisms of our old method of testing where we used a norm referenced test and the data was never desegregated, was we were always comparing ourselves to a sub standard standard. On the national level you had all sorts of minorities and different ethnic groups and people that don't do well on tests in that national norming. So we compare ourselves to that standard and we looked at it and said we're doing really well. I still maintain that was always a sub standard standard and then we had a tendency to salve our consciences and say we are doing great when we compare ourselves to the rest of the nation. But we really weren't doing quite so great and the evidence of that showed up when we saw the remedial data at post secondary 2-year and 4-year institutions. I think we need to make this as best as we can in order to make accurate comparisons.

Rep. Sitte: I do agree with you that was a sub standard standard. If we don't have any national standards to go by we wind up with the ACT in 11th and 12th grade and we realize that we are not as on top as we thought we were. If we wait until students are seniors, that's waiting too long.

Rep. Haas: I don't disagree. If we are going to make national comparisons, they have to be done in such a way that has some validity.

Rep. Sitte: I'm afraid if you delete the words "grade level equivalent" what is the use of report card? The whole point was to tell the scores and then compare to those in the same grade level

in neighboring schools. That's what this is all about. I think it is possible for Mr. Gallagher to obtain that data.

Chairman Kelsch: What we will do is put the bill away for the moment and Rep. Haas can ask Greg Gallagher some questions.

Rep. Haas: I will have a brief conversation with him and report back to you.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1489**

House Education Committee

Conference Committee

Hearing Date **2 February 2005**

Tape Number	Side A	Side B	Meter #
2	X		980- 2810

Committee Clerk Signature *Jant Prindle*

Minutes:

Chairman Kelsch opened discussion of HB 1489. She distributed an amendment to the bill.

Rep. Haas: The question on the last page where had said "at the same grade in nationwide school districts." That is a virtual impossibility unless you are using the same norm referenced test. If you are using a standard based test and the standards aren't aligned, you can't make a valid comparison. It would lead to nothing but confusion and be a total waste of money. What we are proposing instead, following my conversation with Greg Gallagher, is that the most valid thing would be for us to compare our standards based test with the NAEP (National Assessment of Educational Progress). Our standards are aligned with NAEP and then we have a valid comparison. They don't test at every grade with the NAEP, but I think it's the only way and the best way to do it in those areas where we could make comparisons.

Rep. Sitte: Do you know what percentage of our students take the NAEP.

Gallagher: I don't have any data on that but the percentage goes up each year.

Rep. Haas: We're not talking about students of ours that take the NAEP, with the national students that take the NAEP. We're comparing our state tests with the national NAEP test where there is some alignment of standards so it becomes a valid comparison. On the NAEP you can desegregate the data and that makes it an even more valid comparison when you look at subgroups.

Rep. Sitte: I was thinking that I heard 2% or 5%, a very small number take the NAEP. That's why I'm asking for some rough ball park numbers so we know how relevant it would be.

Chairman Kelsch: But we're comparing our state assessment, which would be 100% of our students taking that assessment.

Rep. Sitte: I mean in ND not nationwide.

Rep. Haas: It's immaterial. The point of the item on the bill was to make some national comparison with the test that we give with some other national standard and the only national standard we can compare to is the NAEP because there is an alignment of test standards.

Chairman Kelsch: So it would be ND students taking the ND state assessment test and we would take those test results and compare them to the NAEP test at the national level in order to draw a comparison. There's enough similarity between the two that you could get a pretty good assessment?

Rep. Haas: Yes, it would be valid data.

Rep. Hawken: Is it data that we need?

Chairman Kelsch: It would be good for people to know if we're at the bottom of the heap or the top of the heap.

Rep. Haas: I agree with you. Prior to our getting our standards based assessment of our own, we were using a nationally norm referenced test and always making comparisons to ND to the nation, etc. We always knew where we stood. It was really never very valid because we could not desegregate the data and we were comparing ourselves to a substandard, standard. It led us to believe we were doing better than we really were.

Rep. Meier: As a parent, I think it is a very good idea to see how your child is doing in comparison to the national level.

Rep. Hawken: I move **Do Pass on the amendment**

Rep. Horter: I second.

A voice vote was taken.

Yes: 13 No: 1 Absent: 0 The motioned passed.

Chairman Kelsch: Mr. Gallagher, does this change the fiscal note?

Gallagher: If the grade level equivalent has been removed, if we have reporting at the same level as for the grade levels of the NAEP, if we compare across the state, I think it would be far less than the current fiscal note is. I can get that this afternoon.

Chairman Kelsch: We will need that before it goes to the Appropriations Committee:

Rep. Meier: I move a **Do Pass as Amended and rerefer to Appropriations.**

Rep Johnson: I second.

Rep. Norland: What's going to happen with this bill now that we've amended it? What do we expect of DPI? When the test results are final will the DPI mail this to parents or will we rely on the school districts to deliver test results to the parents.

Chairman Kelsch: What this bill does is compares fourth graders to fourth graders to see what level they are at. The costs were going to kill this bill if we going to compare 2nd graders, to 3rd or 4th graders. I think this is too important to let die by fiscal note. If this data is something that parents find valuable, fine. If we need to expand it we can do it next legislative session. Each school shall issue a report to parents. The DPI will format the report.

Rep. Norland: I'm happy the school are disseminating the information.

Rep. Mueller: One of the things we are doing is comparing fourth graders to other members of his same fourth grade class. I would expect that would not involve names.

Gallagher: You cannot include names. You can lay these reports out any way you wish. If you go contiguous, you put together an aggregate of the neighborhood and compare that. If you go school by school, it becomes problematic as you could be dealing with tossing out different types of grades. The most straight forward is to do an aggregate of all the contiguous schools and not a school by school comparison.

Rep. Haas: But this says at the same grade level in the student's school and school district.

Gallagher: That would be easy to do.

Rep. Haas: In what format would that report be?

Gallagher: It would be probably somewhat akin to what we heard in testimony yesterday. We have a comparison of what the school proficiency rating is in the four core categories and then right next to it, what are they in the district, what would they be in the contiguous district, what would the be in the state. My recommendation is to make it simple and still give a comparison so you can show your school/state/contiguous districts.

Rep. Haas: But when it gets down to the teacher sitting across from the student's parent, you need to be able to say to that parent, "here's where your student fits." It has to be child specific when we get down to point of sitting down with the parent.

Gallagher: The basic presentation and the report must be first be focused on the skill level of the student and show great detail on the skills. The moment you then move to where they are in the classroom or within the school, then it's no longer of the student. You can surely do that.

Rep. Hunskor Continuing on Rep. Haas' line of thinking, this report comes out and it's simple and easy to understand. My concern is that in the busyness of the day and the numerous activities teachers are involved with, reports like this on the kids, they are gone through too quickly and parents don't understand it. I've seen that and that's my concern. My question is, what can be done at the state level, if anything, other than just trusting the schools to do the job? What could you folks do to help the process and help personnel to see that it is presented to parents in a manner in which they can handle and understand? If we don't get that at the end of it, what good does all this do?

Gallagher: Currently we put out an interpretive guide to help a teacher/administrator understand how the reports are put together. On the back of the actual reports is a "what does this mean to you as a student?" We are now introducing a second sheet to report, a third page, to this report. It opens up a discussion of how to interpret these. We use committees of teachers in the field and we try to put together the best possible layout we can. You are always under the constraint of space. With a new page it opens up the possibility of going into greater detail and how to actually interpret it.

Rep. Wall: In your experience what works best? Is it a counselor taking 20 persons into a room or is it each teacher does it? What seems to do the best job and if you know, could that recommendation be made to the schools to encourage them to go that way.

Gallagher: Generally speaking it's the parent/teacher conference. In the high schools that changes. It's going to take a little more time to explain with this new report. We will have to work with the field to determine the best way to explain it.

The question was called:

A roll call vote was taken.

Yes: 14 No: 0 Absent: 0 The motion passed and HB 1489 as amended will be referred to Appropriations.

Rep. Haas will carry the bill.

FISCAL NOTE
Requested by Legislative Council
02/07/2005

Amendment to: HB 1489

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$130,000	\$0	\$64,000	\$0
Appropriations	\$0	\$0	\$130,000	\$0	\$64,000	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

HB 1489 requires schools, upon the release of state assessment results by the State Superintendent, to report the achievement of each student's individual test scores in terms of state standards. Additionally, the report must allow for the comparison of a student's progress to that of other students in the student's classroom, at the same grade level in the student's school and school district, at the same grade level in contiguous school districts, at the state level, and at the same grade level of the most current national assessment of education progress.

In the preparation of this fiscal note, the Department of Public Instruction consulted with the project staff at CTB/McGraw-Hill, the state's current assessment contractor. This fiscal note presents cost estimates based on anticipated project activities that involve elements of technology and quality control.

CTB/McGraw-Hill cost estimates include \$130,000 for year one (conducted during 2006-07) design and data management costs; costs for subsequent years will approximate \$32,000 annually (\$64,000 for the 2007-09 biennium).

These expenditures support the following activities: the coding of system software to allow for the additional reports and the design, testing, production, and validation of new assessment reports.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

HB 1489 requires the projected expenditure of \$130,000 during the 2005-07 biennium and \$64,000 during the 2007-09 biennium.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on*

the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

HB 1489 requires a projected state appropriation of \$130,000 during the 2005-07 biennium and \$64,000 during the 2007-09 biennium.

The Department is available to answer any questions regarding this fiscal note.

Name:	Greg Gallagher	Agency:	Public Instruction
Phone Number:	328-1838	Date Prepared:	02/09/2005

FISCAL NOTE
Requested by Legislative Council
01/18/2005

Bill/Resolution No.: HB 1489

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$259,000	\$0	\$148,000	\$0
Appropriations	\$0	\$0	\$259,000	\$0	\$148,000	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

HB 1489 requires the State Superintendent, upon the release of state assessment results, to report the achievement of each student's individual test scores in terms of grade-level equivalency based on the state standards. Additionally, the report must allow for the comparison of a student's progress to that of other students in the student's classroom, at the same grade level in the student's school and school district, at the same grade level in contiguous school districts, and at the same grade level in noncontiguous school districts of similar size.

In the preparation of this fiscal note, the Department of Public Instruction consulted with the project staff at CTB/McGraw-Hill, the state's current assessment contractor. This fiscal note presents cost estimates based on anticipated project activities that involve elements of research, technology, development, distribution, and quality control.

CTB/McGraw-Hill cost estimates include \$155,000 for year one scaling and reporting activities; scaling and reporting costs for subsequent years will approximate \$54,000 annually. The Department anticipates an additional \$30,000 for year one field validation, training, and technical advisory support during the first year; review costs for subsequent years will approximate \$20,000 annually.

These expenditures support the following activities: the establishment of a contiguous vertical scale scoring system for grades 3-8 inclusive (any grade 11 reporting, because it is non-contiguous, is not included); the coding of system software to allow for the additional reports; the design, testing, production, and validation of new assessment reports; the printing and distribution of an additional page to the final parent/student report to allow for the inclusion of the new report items; the conduct of an independent quality assurance check by an outside evaluation firm to confirm all elements of the reporting system; and the contracting with psychometric specialists to ensure the proper method for determining a vertical scale. In addition, the Department will require a separate field-based review of the assessment reports to ensure the proper placement and presentation of report items and the preparation of sufficient instructional aids to support the interpretation of the reports.

It must be noted that this fiscal note assumes only the reporting of grade-level equivalence in terms of the state standards for contiguous grades, i.e., grades 3-8. This fiscal note does not include the extrapolation of this vertical scale for non-contiguous grades tested, i.e., grade 11. CTB/McGraw-Hill has reported to the Department that current

test design methods recommend that vertical scaling be conducted only on contiguous grading. To establish a vertical scale for grade 11 would require a probable one-time administration of the state assessment at grades 9 and 10 in order to ensure a valid and reliable determination. To administer the state assessment at grades 9 and 10 would minimally increase the fiscal impact of HB 1489 by an additional \$1.2 million dollars. This would result in an amended fiscal note exceeding \$1.45 million for the 2005-07 biennium. Project costs for subsequent years would reflect the current fiscal note.

Because of the expansive impact of requiring a baseline administration of the state assessment for grades 9 and 10, the Department of Public Instruction has not incorporated this cost into this fiscal note. This results in grade-level equivalency for only grades 3-8. Grade 11 equivalency is not provided for in this fiscal note. If it is the expectation of the legislative assembly to do so, then an amended fiscal note will be required.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

HB 1489 requires the projected expenditure of \$259,000 during the 2005-07 biennium and \$148,000 during the 2007-09 biennium.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

HB 1489 requires a projected state appropriation of \$259,000 during the 2005-07 biennium and \$148,000 during the 2007-09 biennium.

The Department is available to answer any questions regarding this fiscal note.

Name:	Greg Gallagher	Agency:	Public Instruction
Phone Number:	328-1838	Date Prepared:	01/31/2005

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1489

Page 1, line ~~19~~⁹, remove "and a grade-level equivalent"

Page 1, line 15, remove "of similar size." and insert ";and" immediately thereafter

Page 1, after line 15, insert "5. At the same grade level in nationwide school districts."

Renumber accordingly.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1489

Page 1, line 9, remove "and a grade-level equivalent"

Page 1, line 15, replace "noncontiguous school districts of similar size" with "the state" and insert ";and" immediately thereafter

Page 1, after line 15, insert "5. At the same grade level of the most current national assessment of educational progress."

Renumber accordingly

House Amendments to HB 1489 - Education Committee 02/04/2005

Page 1, line 9, remove "and a grade-level equivalent"

Page 1, line 14, remove "and"

Page 1, line 15, replace "noncontiguous school districts of similar size" with "the state; and

5. At the same grade level of the most current national assessment of education progress"

Renumber accordingly

Date: 2 Feb
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1489

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend as attached

Motion Made By Hawken Seconded By Horter

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep. Hanson	✓	
Vice Chairman Johnson	✓		Rep. Hunsakor	✓	
Rep. Haas	✓		Rep. Mueller	✓	
Rep. Hawken	✓		Rep. Solberg	✓	
Rep. Herbel	✓				
Rep. Horter	✓				
Rep. Meier	✓				
Rep. Norland	✓				
Rep. Sitte		✓			
Rep. Wall	✓				

Total (Yes) 13 No 1

Absent 0

Floor Assignment _____

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

Date: 2 Feb
Roll Call Vote #: 2

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1489

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Pass as amended, + refer to Approp

Motion Made By Meier Seconded By Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep. Hanson	✓	
Vice Chairman Johnson	✓		Rep. Hunsakor	✓	
Rep. Haas	✓		Rep. Mueller	✓	
Rep. Hawken	✓		Rep. Solberg	✓	
Rep. Herbel	✓				
Rep. Horter	✓				
Rep. Meier	✓				
Rep. Norland	✓				
Rep. Sitte	✓				
Rep. Wall	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Haas

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

REPORT OF STANDING COMMITTEE

HB 1489: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1489 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "and a grade-level equivalent"

Page 1, line 14, remove "and"

Page 1, line 15, replace "noncontiguous school districts of similar size" with "the state; and

5. At the same grade level of the most current national assessment of education progress"

Renumber accordingly

2005 HOUSE APPROPRIATIONS

HB 1489

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1489

House Appropriations Committee
Education and Environment Division

Check here for Conference Committee

Hearing Date February 10, 2005

Tape Number	Side A	Side B	Meter #
1	X		22.8-26.0
Committee Clerk Signature <i>Robin Purvley</i>			

Minutes: Chairman Martinson opened hearing on HB1489. Did you add any additional money to the Governor's budget?

Rep. Kelsch Yes, about \$130,000, that's our projection. We already have the data, it just putting it in a format easy for parents to understand.

Vice Chairman Brusegaard It appears what you are doing is telling the department to do that when they get these standards compiled to put it in a format used to compare with other schools.

Rep. Kelsch That's correct. Although we want to make sure that it is actually something that gets to the parents. Our concern is that some of these test results are not getting to the parents.

Vice Chairman Brusegaard The requirement that this gets to the parents, that can be done in what format? Are we putting a bad mandate on our public schools?

Rep. Kelsch No, it should be a one page document. Something the school district could view over parent teacher conferences or something that could be sent out.

Rep. Aarsvold Each student's parents will receive these scores and will compare it to the classroom and grade level in district and state?

Rep. Kelsch That's correct. And the national level.

Chairman Martinson closed hearing on HB1489.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1489

House Appropriations Committee
Education and Environment Division

Check here for Conference Committee

Hearing Date February 14, 2005

Tape Number	Side A	Side B	Meter #
1	X		2.1-6.5
Committee Clerk Signature			

Minutes: Chairman Martinson opened discussion on HB1489. Relating to school reporting of student progress and achievement. We haven't made any changes in that.

Vice Chairman Brusegaard This seems to be the right thing to do. It makes sense to put data in a standard form where parents can compare the districts progress with others in the state. The thing that gets me is the fiscal note. It should not cost \$130,000 to put data in one spreadsheet and keep the form the same. My thinking on the bill, if we pass HB1489, there is no appropriation attached to it. So that money, be it \$130,000, would have to come out of DPI's money some place. I usually don't like to assign things to departments and not pay for it but maybe my incredibility at the fiscal note tempers that in this case. I move a Do Pass on HB1489. If it so happens that they can't do this, maybe they can convince the Senate they can't.

Rep. Rennerfeldt Second.

Chairman Martinson Does someone remember the purpose of the report? What are they going to do with it?

Vice Chairman Brusegaard The purpose of the report is to report individualized test scores in the same format and have each school distribute that to the parents of each student. Will be easy to compare your achievement with students in the same grade level, within your school, district to district and across the state. Also, at the same grade level, across the nation using assessment progress standards.

Chairman Martinson We are making the assumption that parents will care?

Rep. Aarsvold What would be the follow up to the reporting? I presume there would be an action that would follow the report. Can you conject what that would be?

Vice Chairman Brusegaard Follow up would be in the parents' hand. If they see if there school is under performing or they don't think their school is doing enough for their kids perhaps they would look at open enrollment.

Rep. Rennerfeldt This is for a Do Pass? I thought it was a Do Not Pass. I would like to withdraw my second.

Chairman Martinson Motion dies for lack of a second.

Rep. Aarsvold There is adequate reporting going on right now. There are parent-teacher conferences that go on. Often times, standardized scores are a subject dealt with in those conferences. I'm not sure there is a need at the moment for this kind of a report. I think the \$130,000 is better spent somewhere else. I move a Do Not Pass.

Rep. Gulleson Second.

Page 3
Education and Environment Division
Bill/Resolution Number HB1489
Hearing Date February 14, 2005

VOTE: 5 YES and 0 NO with 1 absent. DO NOT PASS. Rep. Aarsvold will carry to the full committee.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1489
School Reporting of Student Progress

House Appropriations Full Committee

Conference Committee

Hearing Date February 15, 2005

Tape Number	Side A	Side B	Meter #
1		X	#35.0 - #44.0
Committee Clerk Signature <i>Chris Alexander</i>			

Minutes:

Rep. Ken Svedjan, Chairman opened the discussion on HB1489.

Rep. Ole Aarsvold explained that this bill requires a report to all parents regarding their children's individual scores using the state standards test. This data is currently available but not as readily. There is no appropriation in this bill but the fiscal note has \$130,000 to set the program up with a reporting system from McGraw-Hill and an ongoing appropriation of \$64,000 to carry the program out into the future. The subcommittee gave it a Do Not Pass recommendation because the fiscal note was not appropriate at this time.

Rep. Ole Aarsvold moved a Do Not Pass motion on HB1489.

Rep. Keith Kempenich seconded.

Rep. Ken Svedjan, Chairman called for a roll call vote on the Do Not Pass motion on HB1489. Motion carried with a vote of 21 yeas, 0 neas, and 0 absences. Rep Aarsvold will carry the bill to the house floor.

Rep. Ken Svedjan, Chairman closed the discussion on HB1489.

Date: February 15, 2005
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1489

House Appropriations - Full Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Rep Aarsvold Seconded By Rep Kempenich

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan, Chairman	X		Rep. Bob Skarphol	X	
Rep. Mike Timm, Vice Chairman	X		Rep. David Monson	X	
Rep. Bob Martinson	X		Rep. Eliot Glassheim	AB	
Rep. Tom Brusegaard	X		Rep. Jeff Delzer	X	
Rep. Earl Rennerfeldt	X		Rep. Chet Pollert	X	
Rep. Francis J. Wald	X		Rep. Larry Bellew	X	
Rep. Ole Aarsvold	X		Rep. Alon C. Wieland	X	
Rep. Pam Gulleason	X		Rep. James Kerzman	X	
Rep. Ron Carlisle	X		Rep. Ralph Metcalf	X	
Rep. Keith Kempenich	X				
Rep. Blair Thoreson	X				
Rep. Joe Kroeber	X				
Rep. Clark Williams	X				
Rep. Al Carlson	AB				

Total Yes 21 No 0

Absent 2

Floor Assignment Rep Aarsvold

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

REPORT OF STANDING COMMITTEE (410)
February 15, 2005 2:17 p.m.

Module No: HR-30-3000
Carrier: Aarsvold
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1489, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)
recommends **DO NOT PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
Engrossed HB 1489 was placed on the Eleventh order on the calendar.

2005 SENATE EDUCATION

HB 1489

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1489

Senate Education Committee

Conference Committee

Hearing Date 03/09/05

Tape Number	Side A	Side B	Meter #
2	x		1375-end
2		x	0-120
3		x	0-369
Committee Clerk Signature <i>Patty Wilkins</i>			

Minutes : Relating to school reporting of student progress and achievement.

Senator Freborg : Call the meeting to order on **HB 1489**

Representative Kelsch : Introduced the bill, from District 34, this is intended to be a true education bill. All too often during the session we get caught up in the funding issues of education, it seems to be what the majority of our focus is on. This bill is truly about the kids, we keep hearing over the yrs. that parents aren't knowing exactly what is happening with their kids. They get their report cards but is that truly what is happening with their kids, and certainly parents should have the opportunity to understand more and to know how their child is comparing over the years that they are going to school. What HB1489 does is that it says that the Superintendent of Public Instruction shall issue a report to the parent of each student in that school district. The bill as it was originally written needed a little bit of work. We possibly may need to look at a couple of other amendments. The information that we were asking for was in line 12 we want the comparison to be made, we wanted the assessments between the students to

be valid in the class room so you would send out the report that would say how those kids compare in the classroom. There was a concern, b/c it was brought up in the 11 th hour when the bill was already on the floor about whether or not, if you had a classroom with only 6 or 8 students, the confidentiality aspect. The standard of the DPI is that they do not use comparison of 10 or below. That is consistent with what we do with NCLB as well, #2 would be at the same grade level in the students school and school district. So if there was a larger school district that had maybe two class rooms with 4th graders that assessment would be made to that. At the same grade level in contiguous school districts, and at the same grade level in the state. Also at the same grade level of the most current national assessment of education progress, in other words the NAEP test. The reason we use the NAEP test is b/c we felt that that was the most consistent test that is used and this would be able to give us national data. That is the reason this bill is in front of you, there have been some concerns of confidentiality those might be some things that this committee can address. This is an important issue, for our students in the state of ND as well as for our parents. I am going to give you a really good example, and we are not sure if this will help this situation or not, I have been working with a divorced couple, and one of the things that happens the way school districts typically set it up they will send out the original transcripts of the original report to only one parent, that needs to be declared within the school district. The second parent or say for example if the student is involved in social services or a social service program and would be in custody of social services the original would go to that child of that social services office, and then the other parents have the right to go to the school district and ask to have those reports sent to them as well. We had a case where there was a student who did not fall through the cracks however was being reported to the one parent but the other parent had

never requested to have the information sent to them. If both parents would have been receiving the information, the problems that the child was having in school would have been able to be corrected, in the daughters freshman in high school rather than a senior when she found out she didn't have enough credits to graduate. That is a one case scenario, there are many times when the parents are wondering how their students are doing in comparison to the school district and whether their district is performing as well as they would like it to be. I think this is a good answer to that.

Senator Seymour : When you look at the cost of this, the fiscal note is pretty high on this, and on your opening statement, we usually worry about cost and things like this. So what is your feeling on the cost do you have an idea what this is going to cost the teacher and the principle? Do you know what it is going to take to move this thing?

Rep. Kelsch : I believe that the information can come out from the department and they are going to say that they can, they do have the data right now, so it is getting the data and putting it into this form. I envision a school district and you can handle this many different ways, much like you do the teachers conferences, where this report could be gone over with a parent, as the student comes in with the parent, like parent teacher conference can be mailed into the local school district. I am a mother of a Sophomore high school student, we receive a mailing from the school district, I think there are plenty of opportunities for those mailings to come out, but it wouldn't cost additional dollars, I think the school districts are already doing it. The cost with this or to the department will be incurring rather than what the local districts will incur.

Senator Flakoll : Following up with a question with the fiscal note. It looks like it has been cut in half compared to what it first was. Were there changes made that precipitate this?

Rep. Kelsch : Greg Gallager will be answering those questions, he will explain the fiscal more thoroughly. We felt we could get by less than what we first thought.

Senator Flakoll : Is the legislative intent with respect to contiguous school districts that legislative intent within the state of ND so that as an example Fargo has looked at Moorhead data?

Rep. Kelsch : That is correct.

Senator Taylor : For comparison purposes currently we are doing some of these assessments already, parents can request those on an individual basis, but it won't have these comparative levels that you dictate in the bill here?

Rep. Kelsch : Currently, I'll receive when my student is taking any of the state wide assessments that are required by law, I do receive that information. I can sit down and look at it and typically what it is doing is that it tells me how my child is comparing to the national level. What this does it breaks it down into how are we comparing within the state, so that each school district can assess this and each parent can assess how their child is doing within their own school district within the contiguous school district, breaking it down so it is easier for a parent to understand. It isn't the easiest document to sit down and read, so I think our goal would be to break it down into data that would be much easier for a parent to read.

Senator Taylor : Unrelated question as you talked about divorced parents and such, since this says parents plural, does that mean it is the responsibility of the school district to get the address of the non custodial parent that or who's records probably aren't on file.

Rep. Kelsch : I guess the way, that I only know that Mandan school districts policy is, the reason is b/c I called in to check on it. I am assuming that most school districts probably have something

similar to that. The school district is only responsible for getting it into a parent or guardian, into their hands, our school board policy is that if the parents are divorce that you get it into whoever has custody whether it be the guardian or the parent and then the other parent has the right to request that information and the school board will send it to them. This is a time consuming effort however, they are more than happy to do it b/c if a parent really wants that information they want them to get it b/c that is hand written this would be done manually, b/c you have all the other addresses in the computer and it prints out the little label, so that would have to be done manually, but school districts are more than happy to do that to ensure that both parents get the information.

Greg Gallager : Director of Standards and Achievements Center within the DPI.

See attached : written testimony

Senator Seymour : Have you thought through what say a fourth grade teacher is going to have to do with this, in other words they get the test scores Johnny is short, you gotta go to different areas to bring him up to speed, we have divorced parents each of them are there, wanting this person to being brought up to speed, they have the principle there. I realize this is all accountability but have you ever seen this work in ND?

Greg Gallager : The issue at hand is how to improve, ND has historically administered an assessment program, it has for yrs. and for many yrs we used it on a particular normal assessment now it is on a standard reference assessment. Very comparable in terms of the type of questions that are asked of them. For yrs. ND schools have built there improvement strategy. What happens in the schools on how to make improvements on the assessments various ones that are brought in. Not just this assessment but a variety of other assessments as well. This is a very important

assessment b/c it is a variety of other assessments as well, this is a very important assessment b/c it is commonly applied across the state assessment so that you can be able to see how we are doing over all. It happens all the time that schools and teachers in fact take a look at it. Nothing should have changed with a fourth graders teachers strategy in how they communicate with parents and how to move for improving the particular child. What changes in 1489 engrossed is that we now have additional information so that the parents can understand how a student is doing in a much broader picture of not just themselves but in relationship to the schools to the district and for the state at large. This is for very important reasons, is that this would be the vehicle of choice for parents to understand how school X is doing compared to the state as a whole. Are they entrapped, receding advance in terms of how overall reporting is. This is an important element, it should not be the definitive element, but it is an important element in terms of accountability. It can be done, it has happened historically and I have full confidence it will in the future.

Senator Taylor : Just trying to understand what this report would look like as it is envisioned in the bill, are we going to be something similar to your page nine of your testimony here. B/C they have state average, district average, school, but then rather than have all those students there it would just be the one student that is your son or daughter, is that close to say?

Greg Gallager : It could be very much along that line, depending on how they do it. Some would say that such comparisons could be harsh b/c it doesn't have a company graph to go with the chart, for individual schools are visually driven in how they understand information. We think there probably would be a series of drafts to support the charts so they can make sense of it. We would do so if we have in the past working with advisory committees which in large part are

teachers and administrators, so we put together the best layout possible. The department is not putting forth any proposal right now with how it looks like, and on a personal stance of what the would be based on past hearings that would be generated by the teachers and administrators. In concert with the department.

Senator Taylor : On the confidentiality part there is the # 10 right now, in a school where I had 19 in my class, a lot of school with 12 and 13, that those parents aren't going to be able to take those reports and find out who was the one or two or three novices, that made their school not meet adequate yearly progress and talk about that at the coffee shop.

Greg Gallager : The issue of adequately yearly progress is an entirely different matter, this would be dealing simply with the reports that we have on overall achievement with the student. However I think it goes right to the heart on any kind of reporting that we have. At some point you need to make a determination, where can you draw a line that reporting occurs and yet students are protected. We have some states that go as low as 5, now I could build a case that you could do 5 times, but as soon as you start introducing subgroup issues like economic disadvantage, and other sub groups, some of that reporting gets funky. That's why by setting it at which is fairly normative across the country, you are in good standing and it held up well in federal review in terms of research base as well. So 10 seems to be appropriate, but could a person do it? There could be unique instances where people could say, based on what I am seeing here, I would project that Joey's the guy. That will probably always be the case but at some point a report has to occur, 10 seems to be a reliable number.

Senator Flakoll : I didn't go to nearly as large a school as Senator Taylor here. We had 34 kids in high school. I'd like to focus on the confidentiality, would the two places where they wouldn't

always provide the information be in the students school that they are attending, and the other option would be the school bordering or schools would those be the only areas where there may be some data that does not provide?

Greg Gallager : In cases of low and value, classroom clearly, school perhaps and I know we have several schools right now, about 30 of them, perennially would be difficult to report out on a regular basis, you'd have to roll up several years. We could do roll up information in that particular phase, but we do that under AYP there is no requirement and I don't perceive that to be the intent here. You may have some impact on your team with a contiguous districts say more out of the West where you might be dealing with lower population from school to school, that goes to the definition of the law, the bill then would be silent and we would have to find the best vehicle, whether you do it on contiguous counties or do it regionally lets say by breaking them into the regions of the state. How do we define that, We would need to find the best vehicle in a fashion that would get to the heart of the intention of 1489.

Senator Flakoll : I know on the DPI web site there are some interesting and good pieces of data about the performance of schools. With the exceptions that it doesn't have individuals in there of course, how is that data different from what we are going to be providing here.

Greg Gallager : There are three general types of reports, the first report that we are talking about here is the things that go to the direct consumer and the school, the second is what is called the school profile or sometimes called the report card. That lays out at least two contiguous years of information on a whole rate, and many of these reports can run into 50 plus pages for our school districts, and then the third one is for adequate yearly progress which is a entirely different animal. That is when you put forth the overall performance and then you lay on it, whether it is

called the accountability rules of how we know with liability if a school has or has not met AYP, those would remain untouched by this particular initiative in 1489, we are not satisfied currently with our report cards that are online, they are far too table driven. We have put them forth b/c we have been on a tight time frame of putting them in according to state law and federal law, and it costs more money to bring in the presentation chart so people can grasp it. A parent or legislator could immediately grasp what the data are saying.

Senator Flakoll : Senator Erbele told me this a couple of weeks ago, could you refresh for me what grade levels are tested here. 4,8, 11? what grades are we looking at?

Greg Gallagher : This yr. we transition, for the last several years we have been testing 4-8-11 this yr. it is into grades 3-4-5-6-7-8-11, when we do AYP this yr. it will only be grades 4-8-11. Next yr. 05-06 we will for the first time on AYP based on 3-8 and 11 defined within the school itself.

Senator Flakoll : Looking over the data from McGra Hill, one of the things that strikes me is a little not necessary is the list of % of students in a category but it also list the full # of students in the category, is there anyway if you wanted to request to have some data just pull it out that seems sometimes redundant? Or maybe in some cases confusing, or for people who don't like reading charts and graphs, that kind of thing?

Greg Gallagher : That is a perennial issue about what information should be included into the chart. We put both the in value and then the % side by side b/c some people are drawn to that particular chart. If I don't do that in the end to see the relative impact with what does this % mean, based on relative size of the schools. We do allow and the state has funded what we call our data warehouse. Which allows schools to present information any way they choose, this is

available to the school districts right now. How would I take this massive data and present it to the school boards, our committee comes back with 1 key thing, in value or %.

Testimony in opposition of bill :

Mary Montee Blumhagen : School Counselor and Test Coordinator, is in opposition of the bill.

See attached : written testimony

Senator Taylor : As a parent and counselor, if we are going to spend this money how many parents are actually going to intimately use this information better than information they are already getting?

Mary Montee Blumhagen : This may be speculation on my part, this bill was developed with a need for scores to be reported, and they are already being reported to parents. I don't see how a greater deal of more complicated information would offer them a better picture of that students ability to graduate from high schools, and these scores are not used to graduate a student. The example that Rep. Kelsch gave about the student not graduating, the reason that they were at risk for graduating would not been b/c of standardized test scores. These test scores are not used to cause a student to not graduate.

Senator Taylor : To follow up, a lot of issues with parenting, and you are concerned about your children and are concerned about their well being and you want them to improve, do you think you have enough resources already, your own intimate knowledge of your children, the report cards and parent teacher conference, to help one child to improve or another?

Mary Montee Blumhagen : All school districts have the opportunity to have access to the school at any time, teachers don't mind if parents call them, they have two days set aside during

the yr. and they have parent teacher conferences to supply the information to the parents. I am concerned about the small number and what it would do to the self-esteem of children.

Senator Erbele : I have four children and went to a lot of parent teacher conferences and the only info I didn't have was how I compared to contiguous districts but with you as a parent and an attestor, have you ever have any parent directly react to the results of the persona of my kid is only 90 % of the standardize math test. Do the parents ever trigger to do something different?

Mary Montee Blumhagen : I would say that what is generally ideal is that I see the reaction of students to standardized test scores ACT, PSAT, SAT's they have a file and I use those scores to ask them, what does this say about you. That test is usually one or 5 days in the life of that child, keeping confidentiality in mind. In the last 4 yrs. I have been supervised in working with a variety of school districts from Minot to Fargo. Numbers in the life of adolescent and we are going all the way down when we say 3rd graders we are looking at 7,8,9 yr, old children, these test scores have an impact on their emotional development. I would like for parents to say to me, how is my child doing from last yr. I lost the printout. Here is how your child is progressing or here is why we have a concern. Here is what is going on with your child.

Senator Freborg closed the hearing on **HB 1489**

Senator Freborg opened the meeting back up

Senator Flakoll : indicated that Senator Warner had dropped off some amendments for the bill, there were essentially the only substance of changes are on pg. 1 line 10 to make parent plural so they are parents. Also after line 17 if the parents have joint custody of the student the school then

report to each of the students parents. It does seem like this is covered already other ways but, I will move the amendments of .0202.

Senator G. Lee second this motion

Discussion :

Senator Taylor : They are probably all right amendments but I think on line 8 of the bill, when it says to report to the parents plural, it could be read that they are already suppose to send a report to both parents, if that isn't the case my other concern would be that we would end up attaching amendments and I am not sure how the rest of the committee feels, but I wouldn't be inclined to support the bill in any form and this would have to go to the sixth order before and possibly defeating the bill.

Senator Flakoll : The other thing that I think would be more substantive would be after line 17 there are scenarios where in joint custody could be issued of a child, where their parents aren't living in the same place. May not be family situation where they are sharing the information between the two parents, and I think that this is what this would appear to do in remote circumstances.

Senator Taylor : We really should support the amendments, it doesn't matter what happens to the bill, we should make it better, I think this would make it better.

Other Discussion?

Hearing none, the clerk took the roll : vote 6 yea, 0 nay, 0 absent

Senator Freborg closed the meeting.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1489

Senate Education Committee

Conference Committee

Hearing Date 03/14/05

Tape Number	Side A	Side B	Meter #
1	x		850-1536
Committee Clerk Signature <i>Patty Wilkins</i>			

Minutes : Relating to school reporting of student progress and achievement.

Senator Freborg opened the meeting on **HB 1489**

Senator Seymour : I know we have discussed the bill but I think it is a very costly proposition, it's going to cost some money and I think that 90 % of it is being done already. The things are coordinated when you look at what teachers are doing in the schools, yes there are some things that are not being done. I think for the cost, I don't know if this is the time and place for this at this time.

Senator Taylor : Ms Blumhagen summed this up pretty well, in terms of will this bill really accomplish what it sets out to do, is it going to do a little bit of harm as well as cost, a fair a bit of money as Senator Seymour has said. I am willing to make a motion.

Senator Taylor made a motion for a **Do Not Pass** on engrossed **HB 1489**

Senator Seymour second the motion.

Discussion :

Senator Flakoll : I am not fully convinced that all the schools are providing adequate information that shows them where, not only where the individual student is at but maybe where the school is at. I remember a couple of years ago the intern committee it was either a superintendent or principle came up before our committee talking about how great their school was and what a great job they were at educating, then I looked up the data from their school and they were in the 6 th percentile in the nation wide basis. So I am not always sure that parents are aware of what exactly their school is doing, or in some cases their students are doing.

Senator G. Lee : If parents aren't living in the same school district where the student is, they may or may not know how their student is doing either, so this bill is attempting to address some of that issue as well.

Senator Flakoll : I think it is about 50 cents per student per yr. the cost. Could that be better spent somewhere else? Possibly, could be JPA or something along those lines, I just wish I had a better feel for the current status of providing data. Some schools do it, I am not sure to what extent that is done state wide.

Senator Taylor : Parents have had a lot of traditional information that they can make as much or as little use of as they wish with the standard report cards. We starting these state assessments and we have seen some examples of reports that do go to the schools right now which can be shared with the parents, with a couple of teachers conferences every yr. Parents who may be not living in the vicinity of their son or daughter can certainly be as involved as they care to be. Unfortunately in some cases they don't care to be as involved in their child's education, but I don't think we can legislate that with this bill.

Page 3

Senate Education Committee

Bill/Resolution Number HB 1489

Hearing Date 03/14/05

Senator Erbele : In the testing procedures it is much more important that we compare the child to himself rather than comparing him to someone else in another state in another place and another school district. You collect a lot of data but what do you do with it. I think very little of it is used or useful.

Senator Seymour : The students will be tested, nothing is slipping through there.

Senator Flakoll : The parents can still request this type of data I believe right?

Senator Freborg : Yes they may.

No other discussion :

Senator Freborg : Asked the clerk to take the roll for a **Do Not Pass HB 1489**

Hearing None, the clerk took the roll: vote 4 yea, 2 nay, 0 absent

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1489

Senate Education Committee

Conference Committee

Hearing Date 03/14/05

Tape Number	Side A	Side B	Meter #
2	x		1680-1860
Committee Clerk Signature <i>Patty Wilkens</i>			

Minutes : Relating to school reporting of student progress and achievement.

Senator Freborg : Call the meeting to order on **HB 1489**

Senator Freborg indicated that we moved this out with an amendment attached.

Senator Taylor moved to reconsider our actions.

Hearing no other discussion roll call was taken : 4-2-0

Senator Freborg : indicated we have the bill in our possession.

No response, **Senator Freborg** moved onto other business.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1489

Senate Education Committee

Conference Committee

Hearing Date 03/15/05

Tape Number	Side A	Side B	Meter #
1		x	465-770 taped failed
Committee Clerk Signature <i>Patty Wilkins</i>			

Minutes: Relating to school reporting of student progress and achievement.

Senator Freborg : called the meeting to order on **HB 1489**

Senator Erbele made a motion for a **Do Not Pass** as amended on **HB 1489**

Senator Taylor second the motion.

No other discussion.

Hearing none, clerk took roll, Vote: 4 yea, 2 nay, 0 absent.

Senator Taylor will carry this bill.

Senator Freborg went onto other business

March 8, 2005

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1489

Page 1, line 6, after the boldfaced period insert "1."

Page 1, line 10, replace "parent" with "parents"

Page 1, line 12, replace "1." with "a."

Page 1, line 13, replace "2." with "b."

Page 1, line 14, replace "3." with "c."

Page 1, line 15, replace "4." with "d."

Page 1, line 16, replace "5." with "e."

Page 1, after line 17, insert:

- "2. If a student's parents maintain joint custody of the student, the school may send a report to each of the student's parents."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1489, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1489 was placed on the Sixth order on the calendar.

Page 1, line 6, after the boldfaced period insert "1."

Page 1, line 10, replace "parent" with "parents"

Page 1, line 12, replace "1." with "a."

Page 1, line 13, replace "2." with "b."

Page 1, line 14, replace "3." with "c."

Page 1, line 15, replace "4." with "d."

Page 1, line 16, replace "5." with "e."

Page 1, after line 17, insert:

"2. If a student's parents maintain joint custody of the student, the school may send a report to each of the student's parents."

Renumber accordingly

2005 TESTIMONY

HB 1489

TESTIMONY on HB 1489
By Greg Gallagher
Department of Public Instruction
February 1, 2005

Madam Chair 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 on behalf of the Department to provide background information regarding HB 1489.

HB 1489 requires the State Superintendent, upon the release of state assessment results, to report the achievement of each student's individual test scores in terms of grade-level equivalency based on the state standards. Additionally, the report must allow for the comparison of a student's progress to that of other students in the student's classroom, at the same grade level in the student's school and school district, at the same grade level in contiguous school districts, and at the same grade level in noncontiguous school districts of similar size.

Current law and practice allow for comparisons to state standards

NDCC 15.1-21-09 currently requires the State Superintendent to compile test scores in a manner that indicates achievement in terms of the state's content and achievement standards and allows a comparison of individual students, classrooms within a given school and school district, schools within the state, and school districts within the state. The test scores must also allow for comparisons based on students' gender, ethnicity, economic status, service status, and assessment status, unless doing so enables the identification of any student.

The Department of Public Instruction, with the assistance of teacher representation, has worked closely with CTB/McGraw-Hill, the state's current assessment vendor, to develop reports that allow for the comparisons required under current state law. These comparisons are presented on reports that go to classrooms, schools, and districts. Additionally, these comparisons are presented on the report cards, available on the DPI website (<http://www.dpi.state.nd.us/dpi/reports/Profile/index.shtm>), that are issued for every school, district, and the state. Attached are examples of some reports that show achievement comparisons for students, classrooms, schools, districts, and the state.

It is the current practice for schools to distribute paper parent reports that present a student's achievement in terms of the state's standards. It is also current practice for the state's assessment contractor to issue reports to schools that list the achievement results for each student within their class; other school reports also compare each school's composite results to their district and to the state.

Each online school report card compares its students' overall achievement against the composite achievement results of the district and the state. Each online district report compares its students' overall achievement against that of the results of the state. Any individual can now compare any school and/or district against another school and/or district, contiguous or otherwise. These comparisons are quite extensive.

Additionally, school and district personnel have at their ready reference the full capacity of the state's data warehouse to conduct comparison studies against a host of data elements, including non-contiguous schools/districts of comparable size.

Thus, through a combination of paper reports, online reporting and data warehouse capabilities, an individual can access any form of reporting that is referenced to state standards. Parents receive standards-referenced results for their child. Parents and all interested individuals can receive standards-referenced comparisons for their school, district, and state. School personnel can access standards-referenced comparisons on specific characteristics through the use of the state's data warehouse.

Defining and reporting "grade-level equivalency" reports.

HB 1489 expands on the intent of current state law by requiring that any comparisons be presented as a "grade-level equivalent based on the state standards." These comparisons are then to be listed on the reports that parents receive. The Department supports any effort to improve the quality of parent reports; nevertheless, the requirements of HB 1489 to establish grade-level equivalency for specific categories introduces a series of questions concerning definition, appropriate reporting categories, and cost.

The term "grade-level equivalency" is a commonly misapplied or misunderstood term. Its origin is rooted in norm-referenced reporting, where a student's results are compared within a norm distribution of other students in other grades. Equivalency reporting referenced to a norm distribution is a relatively common and achievable goal. Equivalency reporting to state standards implies an entirely different endeavor, wrought with technical complexity. The reference of current state and federal law is clearly

aligned to reporting in terms of state standards, not in terms of norm distributions. The use of "grade-level equivalency" has an unnatural fit in its application within HB 1489.

HB 1489 requires grade-level equivalency reports in terms of the state standards. By definition, any current standards-referenced student achievement report is grade-level specific. Each student receives an achievement rating based on that specific grade's expectations. Each student is referenced to that grade's standards. When an eighth grade student is reported as proficient, that student is proficient on eighth grade standards. Such reporting, in effect, is grade-level specific.

HB 1489 appears to move in a different direction and requires that the state develop a vertical scale scoring system that equates a specific scale score to an adjacent grade's standards. How, for instance, is a sixth grade student's performance to be understood in terms of the fifth or seventh grade? This reporting provision raises a series of complex, technical research issues. The resolution of these research issues will require an extensive use of the state's committee of assessment technical advisors, the design and piloting of a vertical scale score model that will reflect the state's achievement standards, the full use of our assessment contractor's research and technology units, the investment of precious funds, and a couple years of accumulated achievement data before it were to become operational. The final resolution of any trans-grade reporting in terms of the state standards is dependent on the outcome of this research and, as such, it cannot be assured to the satisfaction of the directives within HB 1489.

Any grade-level equivalency, under current industry research standards, is limited to contiguous grades, for instance, grades 3-8 under the state's current assessment design. If a vertical scale scoring system were to be devised, it might be possible to reference a fourth grade student to third and fifth grade levels. Or a seventh grade student may be referenced to sixth or eighth grade levels. However an eighth grade student might only be referenced to a seventh grade level. There exists no higher level for an eighth grade student to be referenced because the next level assessed, grade eleven, is too far removed to make any adequate reference. Eleventh grade students would be entirely excluded from referencing due to the absence of contiguous grades for comparison. Grade-level equivalency, in its theoretical design, has its clear limitations and would clearly encounter these limitations within the current state assessment design.

Grade-level equivalency redirects our attention away from investing in the improvement of our state assessments' overall quality and test item selection. Those state resources dedicated to the enhancement of our assessments' design are precious and few. We can little afford to divert these funds into reporting categories that will offer limited value.

The original design and content of the various achievement reports was developed through a cooperative effort among representative educators in the field, CTB/McGraw-Hill, and the Department of Public Instruction. A determination was made to differentiate reports in order to reveal specific, meaningful information within an appropriate context. Not all reports are appropriate for parents to see; for example, comparing achievement levels of students within a class sometimes can lead to the identification of other students. This is important information for a classroom teacher to know, but not necessarily for a parent. Reports that attempt to compare students will inevitably emphasize any comparison over the reporting a student's relative proficiency.

The current reporting system does allow for parents and interested individuals to compare schools, districts, and the state. This is an acceptable practice to help inform individuals on the relative vitality of our educational system. This strikes to the heart of the state's accountability system. Higher level reporting is important for accountability. Individual student comparisons should be carefully considered and, perhaps, abandoned. The Department is committed to improving the readability and friendliness of these reports so that parents and educators can gain greater insight into the progress our students are making, both individually and collectively.

The Department does not share the enthusiasm for a comparison of individual students in the reporting of student achievement. Emphasis for the past several years has been placed correctly on reporting student achievement in terms of the state standards. Students strive for the attainment of standards of excellence. Current research is not well established to ground the legitimacy of trans-grade comparisons within our state assessments.

Fiscal Note Concerns

The fiscal note for HB 1489 presents background information related to the work required to accomplish any grade-level equivalent reporting. This fiscal note specifically states that the full directive within HB 1489 cannot be achieved within the stated allocation and expenditure. Grade-eleven activity would need a separate infusion of

approximately \$1.2 to achieve any result. Similarly, grade eight would be limited in its result given its non-contiguous relationship with grade eleven. In the estimation of the Department, the fiscal note for HB 1489 is conservative and would require an outright additional amendment to achieve a satisfactory grade eleven result. The Department states its concern that the full directive of HB 1489, as currently drafted, cannot be accomplished satisfactorily with the current fiscal note. The Department cannot submit any sufficient fiscal note without additional, extensive consultation with its committee of assessment technical advisors and CTB/McGraw-Hill.

Additionally, the Governor's Executive Recommendation does not sufficiently fund the state assessment program as requested by the Department. This limitation will adversely affect the state's ability to advance needed enhancements to the design of its overall assessment program. The placement of this reporting requirement on top of the Executive Recommendation simply compounds these fiscal limitations.

The Department respectfully submits that it may be premature and inappropriate for the state to establish a legal requirement to establish a grade-level equivalency reporting requirement within the backdrop of the state's current development plans, the inherent deficiencies within grade-level equivalency, and current funding levels. The Department respectfully recommends that the state proceed with its work to enhance its assessment program. This will result in a balanced, valid and reliable system. Work will continue, through these development activities, to improve the alignment of our tests to our state standards and to simplify and enhance the readability of our assessment reports.

Madam Chair and Members of the House Education Committee, the Department asks that HB 1489 be given a Do Not Pass recommendation. This completes my testimony. I am available for any questions from the Committee. Thank you.

15.1-21-08. Reading, mathematics, and science - Administration of test.

1. The superintendent of public instruction shall administer to public school students a test that is aligned to the state content and achievement standards in reading and mathematics. This test must be administered to all public school students in at least one grade level selected within each of the following grade spans: grades three through five; grades six through nine; and grades ten through twelve. Beginning no later than the 2005-06 school year and annually thereafter, the superintendent of public instruction shall administer the reading and mathematics test to all public school students in grades three, four, five, six, seven, eight, and eleven.

2. Beginning no later than the 2007-08 school year and annually thereafter, the superintendent of public instruction shall administer a test that is aligned to the state content and achievement standards in science. This test must be administered to all public school students in at least one grade level selected from three through five; in at least one grade level selected from six through nine; and in grade eleven. The superintendent of public instruction may not administer the grade eleven test after December first of each school year.

15.1-21-09. Test scores - Compilation. The superintendent of public instruction shall arrange for the compilation of test scores in a manner that indicates achievement and allows a comparison of individual students, classrooms within a given school and school district, schools within the state, and school districts within the state. The test scores must also allow for comparisons based on students' gender, ethnicity, economic status, service status, and assessment status, unless doing so enables the identification of any student.

15.1-21-10. Test scores - Publication. Upon receiving notice that the compilation of test scores has been completed, the superintendent of public instruction shall inform the legislative council. The superintendent shall present the test scores publicly for the first time at a meeting of a legislative committee designated by the legislative council. At the meeting, the superintendent and representatives of the testing service that created the tests shall provide detailed testimony regarding the testing instrument, the methodology used to test and assess the students, the established cut scores, the methodology used to determine the cut scores, the validation of all test products, and the significance of the test scores.

North Dakota State Assessment

Student Report

Angelita

Grade: 4

Purpose
This report provides the results of your student's performance on the North Dakota Mathematics Assessment. It presents your student's overall performance in terms of what is expected of a proficient student at that grade level. The report also describes your student's achievement within each content standard and within the benchmarks that make up the content standard. It presents overall performance and individual standards results according to four levels of performance: advanced, proficient, partially proficient, and novice. These levels are defined within the descriptions. Individual benchmarks are reported according to the percentage of items earned.

Birthdate: 05/08/02
Student ID: _____

Test Date: 03/04/02

Sch ID: _____
School: _____
District: ABCU
City/Town: ND



Mathematics

Performance Levels	Descriptions	Content Standards Benchmarks	# of pts. possible	% of pts. earned	Performance Level
Advanced	Students identify number sentence; subtract dollars, cents; use estimation; divide whole numbers; use computation, place value, properties of odd, even numbers; compare strategies; explain and order fractions; explain number meaning; relate multiplication and division; use a grid; manipulate variables; interpret data and draw conclusions; find probability; use conversions; use grid with distance, time; find perimeter; use money; measure; compare lengths; solve for unknown variables; extend complex patterns; identify pattern rule.	Standard 1: Number and operation 1. Construct, interpret number meanings 2. Understand properties of numeration 3. Understand how operations are related 4. Rename, order, compare numbers 5. Know, use basic facts for real numbers 6. Use estimation strategies 7. Communicate strategies to solve problems	6 6 6 4 5 5 7	67 100 100 100 80 100 71	Advanced
Proficient	North Dakota Advanced Score Range 665 - 770. Students name place values; use fractions; identify number sentence, operation; locate whole numbers, decimals on number line; add, multiply whole numbers, fractions; identify fractional part; estimate weight; combine two- and three-dimensional shapes; identify parallel lines, lines of symmetry; organize, display, interpret data; draw conclusions; predict, explain outcomes; find length, width with ruler; add, multiply money; determine elapsed time; use map scale; find area of irregular shapes; identify, use rules; extend patterns.	Standard 2: Geometry and spatial sense 1. Characteristics of 2, 3-dimensional models 2. Shapes changed by combining, dividing 3. Geometry found inside/outside math	4 6 4	75 83 100	Advanced
Partially Proficient	North Dakota Proficient Score Range 635 - 664. Students add money; identify operations; use strategy; estimate length; name place values; represent simple fractions; identify relevant information; identify, compare two- and three-dimensional shapes; solve for unknown variables.	Standard 3: Data analysis, statistics, probability 1. Collect, organize, display data 2. Formulate, solve problems that involve data 3. Draw conclusions based on probability	3 4 4	83 100 75	Advanced
Novice	North Dakota Partially Proficient Score Range 605 - 634. Students compare numbers on a graph; identify geometric shapes; interpret, display data from a bar graph; identify appropriate measurement tools. North Dakota Novice Score Range 403 - 605.	Standard 4: Measurement 1. Use appropriate tools 2. Apply formulas 3. Use units of time, money, temperature	7 4 5	57 75 100	Advanced
		Standard 5: Algebra, functions, and patterns 1. Identify rule that generates a pattern 2. Describe relationships using symbols 3. Solve problems with unknown variables	6 4 6	83 75 100	Advanced

The North Dakota Mathematics Assessment tests critical, selected standards and benchmarks from the North Dakota Mathematics content standards. The benchmark number indicates those benchmarks actually assessed within the respective standard.

North Dakota State Assessment

Student Report

Angelita

Grade: 4

Purpose

This report provides the results of your student's performance on the North Dakota Reading Assessment. It presents your student's overall performance in terms of what is expected of a proficient student at that grade level. This report also describes your student's achievement within each content standard and within the benchmarks that make up the content standard. It presents overall performance and individual standards results according to four levels of performance: advanced, proficient, partially proficient, and novice. These levels are defined within the descriptions. Individual benchmarks are reported according to the percentage of points earned.

Birthdate: 05/06/92

Student ID#

Test Date: 02/04/02

Sch. ID:
School: Learning Unlimited
District: ABCU
Anytown: ND

Reading

Performance Levels	Descriptions	Reading Content Standards Benchmarks	# of pts. possible	% of pts. earned	Performance Level
Advanced	Students interpret the main idea, identify the narrator, analyze events, and sequence sentences in complex texts; determine and interpret the meaning of complex texts; evaluate a variety of clues and analyze figurative language; use specific details to make inferences and prior knowledge to make connections and to explain story content; use deductive reasoning and context clue analysis to draw accurate conclusions from complex details; use context clues to determine the meaning of unknown words. North Dakota Advanced Score Range 678 - 780.	Standard 1: Gather and organize information 1. Understand main idea and supporting details	12	92	Proficient
		2. Use simple organizational strategies	11	82n	
Proficient 674	Students identify specific details and determine the main idea in complex texts; sequence events of simple texts and make predictions; recall story sequence with details and demonstrate knowledge of cause and effect; interpret characters' emotions and identify the purpose of a simple story; interpret the language of poetry and identify two or more details in a poem; examine a variety of clues to clarify understanding; use context clues to determine the meaning of words. North Dakota Proficient Score Range 534 - 677.	Standard 2: Engage in the reading process 2. Make/confirm predictions to understand text	7	66	Advanced
		5. Use clues to determine the meaning of words	11	100	
		Standard 3: Comprehend literature 2. Understand the story elements	32	91	Proficient
Partially Proficient	Students make an inference from a simple text; recall simple story sequence; draw conclusions about characters. North Dakota Partially Proficient Score Range 608 - 633.	Standard 7: Understand/use principles 4. Understand simple figurative language	8	63	Proficient
		Language Arts			
Novice	Students determine the main idea of a simple text; identify specific characters and their traits and a detail in a poem; connect personal experience to a simple text; use supporting details to connect a simple text and pictures. North Dakota Novice Score Range 433 - 605.	Language Content Standards Benchmarks Standard 4: Engage in the writing process 2. Use editing to improve reader comprehension	32	91	
		Standard 5: Write for a variety of purposes 2. Different purposes require different forms	12	33n	
		Standard 7: Understand/use principles 2. Use language for a variety of purposes	11	100	

The performance level indicates your child can perform the majority of what is described for that level and even more of what is described for the levels below. Your child may also be capable of performing some of the competencies described in the next higher level, but not enough to have reached that level of performance.

The North Dakota Reading Assessment tests critical, selected standards and benchmarks from the North Dakota English Language Arts content standards. The benchmark number indicates those benchmarks actually assessed within the respective standard. Performance levels are not reported for Language Arts content standards.
n: Not all items attempted.

North Dakota State Assessment

Summary Report

School: Learning Unlimited

Grade: 4

Purpose

This report presents the number and percentage of students by group in each of the four performance levels on the North Dakota Mathematics Assessment. This report compares overall aggregated performance results at the State, the district, and the school levels. A description of the four performance levels is presented. Assessment statistics are provided regarding the number of students tested, the number of students whose test was invalidated, the number of students making no valid attempt, and the number of students eligible for the North Dakota Alternate Assessment. Assessment statistics are used to determine the assessment participation rates within a school.

Test Date: 03/04/02

Mathematics

Performance Levels	State Data Percent in Each Category	District Data Percent in Each Category	School Data Percent in Each Category	Descriptions
4 Advanced	19% 1534 Students	19% 134 Students	16% 7 Students	Students identify number sentence; subtract dollars, cents; use estimation; divide whole numbers; use computation, place value, properties of odd, even numbers; compare strategies; explain and order fractions; explain number meaning; relate multiplication and division; use a grid; manipulate variables; interpret data and draw conclusions; find probability; use conversions; use grid with distance, time; find perimeter; use money; measure; compare lengths; solve for unknown variables; extend complex patterns; identify pattern rule. North Dakota Advanced Score Range 655 - 770.
3 Proficient	36% 3113 Students	36% 277 Students	16% 7 Students	Students name place values; use fractions; identify number sentence, operation; locate whole numbers, decimals on number line; add, multiply whole numbers, fractions; identify fractional part; estimate weight; combine two- and three-dimensional shapes; identify parallel lines, lines of symmetry; organize, display, interpret data; draw conclusions; predict, explain outcomes; find length, width with ruler; add, multiply money; determine elapsed time; use map scale; find area of irregular shapes; identify, use rules; extend patterns. North Dakota Proficient Score Range 635 - 664.
2 Partially Proficient	29% 2436 Students	30% 218 Students	6% 29 Students	Students add money; identify operations; use strategy; estimate length; name place values; represent simple fractions; identify relevant information; identify, compare two- and three-dimensional shapes; solve for unknown variables. North Dakota Partially Proficient Score Range 606 - 634.
1 Novice	14% 1168 Students	12% 87 Students	4% 2 Students	Students compare numbers on a graph; identify geometric shapes; interpret, display data from a bar graph; identify appropriate measurement tools. North Dakota Novice Score Range 400 - 605.
	8251	716	45	Students reported*
	27	4	0	Students with no valid attempt*
	40	9	3	Students invalidated**
	31	3	0	Students eligible for North Dakota Alternate Assessment**
	8355	732	48	Total students

* The calculation for percent of students includes students who made no valid attempt and therefore may not add up to 100% for any group.
** Students not included in percent calculations.

North Dakota State Assessment

Content Standard Summary Report

School: Learning Unlimited

Grade: 4

Purpose

This report presents the number and percentage of students by standard in each of the four performance levels on the North Dakota Mathematics Assessment. This report compares overall aggregated performance results among the state, the district, and the school. The Content Standard Summary Report should be used with the Content Standard Performance Report to combine content standards and benchmark performance.

Test Date: 03/04/02

Mathematics

Content Standard	Performance Level	4 Advanced		3 Proficient		2 Partially Proficient		1 Novice	
		No. of Students	% of Students*	No. of Students	% of Students*	No. of Students	% of Students*	No. of Students	% of Students*
		Content Standard 1	State	1766	21	3074	37	2217	27
Number and Operation	District	153	21	274	38	202	28	87	12
	School	7	16	10	22	26	58	2	4
	Content Standard 2	State	1711	21	2961	36	2302	28	1277
Geometry and Spatial Sense	District	144	20	267	37	215	30	90	13
	School	8	18	8	18	27	60	2	4
	Content Standard 3	State	1644	20	3086	37	2260	27	1261
Data Analysis, Statistics Probability	District	144	20	272	38	208	29	92	13
	School	8	18	6	13	27	60	4	9
	Content Standard 4	State	1661	20	3042	37	2313	28	1235
Measurement	District	147	20	269	37	206	29	94	13
	School	7	16	9	20	27	60	2	4
	Content Standard 5	State	1668	20	3099	37	2271	27	1213
Algebra, Functions, and Patterns	District	151	21	272	38	205	28	88	12
	School	6	13	9	20	28	62	2	4

* The calculation for percent of students includes students who made no valid attempt and therefore may not add up to 100% for any group.

North Dakota State Assessment Content Standard Performance Report

Class: Elmors

Grade: 4

Purpose

This report lists all students alphabetically with their performance results for the *North Dakota Mathematics Assessment*. The report presents a composite score for the assessment as a whole in addition to performance results for each content standard and benchmark, respectively. The report provides the percent correct for each benchmark within a content standard. A benchmark measures specific information within a content standard. This report also compares the aggregated results for each benchmark at the level of the school, the district, and the State. All proficiency levels are defined by the State's achievement standards. The *Content Standard Performance Report* should be used with the *Content Standard Summary Report* to combine content standards and benchmark performance.

Test Date: 03/04/02

Sch ID: _____
School: Learning Unlimited
District: ABCU
Anytown, ND

Mathematics

A: Advanced
P: Proficient
PP: Partially Proficient
N: Novice
Number Indicates % correct for the Benchmark

Content Standards Benchmarks

	State Average % Correct	District Average % Correct	School Average % Correct	Class Average % Correct	Jenny	Cody	James	Tony	Christy	Heather	Aaron	Leigh	Lisa	John
Standard 1: Number and operation														
1. Construct, interpret number meanings	58	59	53	56	A	P	P	PP	PP	PP	P	*	PP	PP
2. Understand properties of numeration	65	63	62	71	100	50	83	83	33	39	50	83	33	67
3. Understand how operations are related	63	65	60	63	83	100	33n	50	50	33n	83		50	83
4. Rename, order, compare numbers	78	77	80	86	100	75	75	75	100	100	100		75	100
5. Know, use basic facts for real numbers	78	77	74	88	100	80	100	100	80	80	100		80	60
6. Use estimation strategies	70	72	72	73	100	60	50n	40	80n	60	60		80n	40
7. Communicate strategies to solve problems	59	62	55	57	100	57	88	29n	43n	71	57		57n	57
Standard 2: Geometry and spatial sense														
1. Characteristics of 2, 3-dimensional models	72	75	82	88	A	P	P	A	PP	PP	P		PP	PP
2. Shapes changed by combining, dividing	75	76	78	83	100	83	100	100	83	50	100		83	100
3. Geometry found inside/outside math	82	83	88	89	100	100	75	100	100	100	75		75	75
Standard 3: Data analysis, statistics, probability														
1. Collect, organize, display data	78	80	80	75	67	67	17n	33n	67	67	83		83	50n
2. Formulate, solve problems that involve data	65	66	63	62	100	75	50	50	75n	75	75		25	50
3. Draw conclusions based on probability	71	72	69	61	75	75	25n	25n	50	75	75		50	50n
Standard 4: Measurement														
1. Use appropriate tools	64	65	54	55	71	43	29n	43n	29	43	29		29n	29n
3. Apply formulas	69	69	78	80	100	100	50	100	50	100	100		75	100
4. Use units of time, money, temperature	68	68	66	75	100	80	100	80	100	40	100		100	80
Standard 5: Algebra, functions, and patterns														
1. Identify rule that generates a pattern	67	69	66	67	100	50	83	50	67	67	67		67	83
2. Describe relationships using symbols	68	73	67	69	100	75	50	75	75	50	75		50	75
3. Solve problems with unknown variables	61	61	52	56	67	50	50	33	33n	50	83		67	33n
North Dakota Scale Score														
					682	638	630	623	625	630	653	*	626	631
North Dakota Performance Level:														
					A	P	PP	PP	PP	PP	P		PP	PP

* Student's last was invalidated.
** Student made no valid attempt

*** Student was eligible for the North Dakota Alternate Assessment
n: Not all items attempted

11

Mary Montee Blumhagen

Professional School Counselor

Test Coordinator for

Anamoose School District

Drake School District

Goodrich School District

Mother of Two,

Both children are students who participated in
the State

Standardized tests.

HB 1489

Hearing March 9, 2005

10:15

Missouri River Room

Addressing

Chairman Freborg and members of the Senate Education Committee

I am opposed to HB1489. **First** and most importantly, **I oppose this bill because it is unethical.** Breaching confidentiality of individual students will be the result of reporting scores as proposed in this bill. Some classrooms I work in have one or two students per grade. Any parent would be able to identify the name of the other student. This would be possible in classrooms with up to a dozen students or more. Reporting scores in a way that would make the student identifiable is unethical.

Secondly, I believe that State law should not mandate test reports "that allows the student's parent to easily compare the student's (test scores)... to that of the others.(HB 1489) Pitting one child against another develops a negative working environment for students and teachers. It will diminish the self esteem of some students and turn others into one dimensional learners who think they are superior. They will have learned to take tests but will be missing critical social skills of empathy and cooperation.

My **third** point is: student "progress and achievement" (HB1489) can not be fully reflected by one set of test scores. Children are more complex than that. A single test score will not tell you if this child uses English as a second language. It will not tell you that the child was half asleep for the days of testing because their parents are going through a divorce. It will not tell you that due to a traumatic birth, oxygen deprivation to the brain has left this child with a learning disability.

Finally, Student's test scores **are** sent to parents. Student's scores **are** compared to national

norms and the State cut scores. Why do we need to spend \$130,000 dollars the first biennium and \$64,000 the second biennium to post information that breaches student confidentiality, pit students against one another in a hostile learning environment, reflects only one dimension of learning and wastes precious funds that could be used for education. This is why, as a counselor, test coordinator and parent; I can not support HB1489.

The following research information is for your informational reading. The first section is from the **American Educational Research Association, American Psychological Association, and National Council on Measurement in Education (1999). *Standards for Educational and Psychological Testing*. Washington, DC: American Educational Research Association.**

The second portion of an article is from The National Council of Teachers of Mathematics.

Research Information

More Research Is Needed on the Impact of Large-Scale Testing

Because the stakes are so high for so many students, additional research should begin immediately to learn more about the intended and unintended consequences of testing in educational decision making. If tests are going to be used to determine which students will advance and what subjects schools will teach, it is imperative that we understand how best to measure student learning and how the use of high-stakes testing will affect student drop-out rates, graduation rates, course content, levels of student anxiety, and teaching practices. The bottom-line question, as yet unanswered, is: What will be the long-term effect of high-stakes testing on student achievement? Will it enhance or diminish broad-based learning? **Footnote:**

American Educational Research Association, American Psychological Association, and National Council on Measurement in Education (1999). *Standards for Educational and Psychological Testing*. Washington, DC: American Educational Research Association. www.apa.org/pubinfo/testing.html - 18k - Mar 6, 2005

High-Stakes Testing

Position The National Council of Teachers of Mathematics believes that far-reaching and critical educational decisions should be made only on the basis of multiple measures. A well-

conceived system of assessment and accountability must consist of a number of assessment components at various levels.

Rationale High-stakes tests are tests that are used to make significant educational decisions about children, teachers, schools, or school districts. **To use a single objective test in the determination of such things as graduation, course credit, grade placement, promotion to the next grade, or placement in special groups is a serious misuse of such tests.** This misuse of tests is unacceptable. The movement toward high-stakes testing marks a major retreat from fairness, accuracy, and educational equity. When test use is inappropriate, especially in making high-stakes decisions about a child's future, it undermines the quality of education and equality of opportunity.

Just as disturbing as the serious misuse of these tests is the manner in which the content and format of these high-stakes tests **tends to narrow the curriculum and limit instructional approaches.** Test results may also be **invalidated by teaching so narrowly to the objectives of a particular test that scores are raised without actually improving the broader, often more important, set of academic skills that the test is intended to measure.**

Assessment should be a means of fostering growth toward high expectations and should support high levels of student learning. When assessments are used in thoughtful and meaningful ways, **students' scores provide important information that, when combined with information from other sources, can lead to decisions that promote student learning and equality of opportunity.** **The misuse of tests for high-stakes purposes has subverted the benefits these tests can bring if they are used appropriately.**

Recommendations Multiple sources of assessment information should be used when making high-stakes decisions. **No single high-stakes test should be used for making decisions about the tracking, promotion, or graduation of individual children.**

http://www.nctm.org/about/position_statements/highstakes.htm

TESTIMONY on ENGROSSED HB 1489
By Greg Gallagher
Department of Public Instruction
March 9, 2005

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 on behalf of the Department to provide background information regarding Engrossed HB 1489.

Engrossed HB 1489 requires that upon the release of state assessment results schools shall issue a report to parents regarding the achievement of each student's individual test scores based on the state standards. Additionally, the report must allow for the comparison of a student's progress to that of other students in the student's classroom, at the same grade level in the student's school and school district, at the same grade level in contiguous school districts, and at the same grade level in the state. The report would also identify the state's grade-level achievement in terms of the current National Assessment of Education Progress (NAEP).

Current law and practice allow for comparisons to state standards

NDCC 15.1-21-09 currently requires the State Superintendent to compile test scores in a manner that indicates achievement in terms of the state's content and achievement standards and allows a comparison of individual students, classrooms within a given school and school district, schools within the state, and school districts within the state. The test scores must also allow for comparisons based on students' gender, ethnicity, economic status, service status, and assessment status, unless doing so enables the identification of any student.

The Department of Public Instruction, with the assistance of teacher representation, has worked closely with CTB/McGraw-Hill, the state's current assessment vendor, to develop reports that allow for the comparisons required under current state law. These comparisons are presented on reports that go to classrooms, schools, and districts. Additionally, these comparisons are presented on the report cards, available on the DPI website

(<http://www.dpi.state.nd.us/dpi/reports/Profile/index.shtm>), that are issued for every

school, district, and the state. Attached are examples of some reports that show achievement comparisons for students, classrooms, schools, districts, and the state.

It is the current practice for schools to distribute paper parent reports that present a student's achievement in terms of the state's standards. It is also current practice for the state's assessment contractor to issue reports to schools that list the achievement results for each student within their class; other school reports also compare each school's composite results to their district and to the state.

Each online school report card compares its students' overall achievement against the composite achievement results of the district and the state. Each online district report compares its students' overall achievement against that of the results of the state. Any individual can now compare any school and/or district against another school and/or district, contiguous or otherwise. These comparisons are quite extensive.

Additionally, school and district personnel have at their ready reference the full capacity of the state's data warehouse to conduct comparison studies against a host of data elements, including non-contiguous schools/districts of comparable size.

Thus, through a combination of paper reports, online reporting and data warehouse capabilities, an individual can access any form of reporting that is referenced to state standards. Parents receive standards-referenced results for their child. Parents and all interested individuals can receive standards-referenced comparisons for their school, district, and state. School personnel can access standards-referenced comparisons on specific characteristics through the use of the state's data warehouse.

The Department Supports Improved Parent Reporting

Although parents can currently access extensive information regarding the achievement of students within their respective schools' and districts' online school profiles, parents must have access to the internet and possess some level of sophistication in deciphering the depth of information provided. This may not be appropriate for all parents, nor is the information readily available in a printed format.

Engrossed HB 1489 provides additional information to parents that can be included on the student achievement reports, as currently issued for the state assessment. The Department supports any efforts that will improve parent access to important information regarding the performance of their schools and districts. Assuming the enactment of this bill, the Department will work with the state's assessment contractor to design straight-forward, easily understood reports that compare overall

achievement at the classroom, school, district, regional, and state level. This information will assist parents in understanding the overall standing of their schools and districts.

Clarity on the Fiscal Note and an Appropriations Amendment

The fiscal note for Engrossed HB 1489 presents background information regarding the development and issuance of any reports required within the bill. The fiscal note specifically identifies any appropriation or expenditures to be supported by the general fund, not other funds.

Additionally, the Governor's Executive Recommendation does not sufficiently fund the state assessment program at the level requested by the Department. This limitation will adversely affect the state's ability to advance needed enhancements to the design of its overall assessment program. Any unfunded placement of this reporting requirement on top of the Executive Recommendation simply compounds these fiscal limitations.

The Department seeks to clarify that Engrossed HB 1489 must be funded through general state appropriations. The Department has provided an amendment that attaches an appropriations note onto the bill. This amendment is listed at the end of this testimony.

The state carries a legal requirement to provide for a valid and reliable assessment system. At the heart of any good assessment system lie reports that are meaningful and accessible to all. We must continue to improve the alignment of our tests to our state standards and to simplify and enhance the readability of our assessment reports. Engrossed HB 1489 provides an important step in this direction. The Department supports this initiative.

Mr. Chairman and Members of the Senate Education Committee, the Department asks that Engrossed HB 1489 be amended to include an appropriations note and that the bill be given a do pass recommendation. This completes my testimony. I am available for any questions from the Committee. Thank you.

Proposed Amendment

Line 18: Insert, "**SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$130,000, to the superintendent of public instruction for the biennium beginning July 1, 2005, and ending June 30, 2007."