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New Policies Released on Several Key Provisions in the *No Child Left Behind Act*

In an effort to help states implement the *No Child Left Behind Act*, the U.S. Secretary of Education's office has, within the last several months, announced several new policies on key provisions in the law. You can access the key policy letters that outline these new provisions by logging on to www.ed.gov/policy/gen/guid/secletter/index.html.

Listed below is a summary of the recent policy released in four key areas.

1) Assessment of IEP Students

Since the enactment of the *No Child Left Behind Act* on January 8, 2002, implementation of the assessment of special education students and their status as a separate subgroup for Adequate Yearly Progress (AYP) identification has been a significant issue. Because of the implementation concerns, the U.S. Department of Education agreed to revisit the policy.

In December 2003, the U.S. Department of Education released final regulations on alternate achievement standards and alternate assessments for students with significant cognitive disabilities. The final regulations provided clarification on two significant issues pertaining to the use of alternate achievement standards and alternate assessments.

- First, the final regulations added new language giving an opportunity for states to adopt out-of-level testing as an "alternate assessment" for students with significant cognitive disabilities. Because of this new allowance, all states will need to revisit their alternate assessment policies and consider revising their state plan for meeting NCLB regulations. The Department of Public Instruction has established a team of educators from across the state to review these final regulations and to make recommendations to the State Superintendent on revisions to our state's plan. For example, after reviewing the situation, the team will recommend to the State Superintendent whether North Dakota should adopt out-of-level testing as an alternate assessment for students with significant cognitive disabilities.

On February 5, 2004, educators from the state's Standards, Assessments, Learning & Teaching (SALT) Team and the state's newly formed Committee on Out-of-Level and Alternate Assessments gathered at the Capitol in Bismarck to begin discussions on what these new regulations will mean for North Dakota students and schools. Much of the day was spent understanding the significance of the new federal regulations regarding alternate achievement standards and the significance of the 1.0 percent cap. There was also much discussion on the use of out-of-level testing as a means of measuring students against alternate achievement standards.



New Policies Released on Several Key Provisions in the *No Child Left Behind Act* - continued

The issue is an extremely complicated one, and everyone agreed that, before any decisions are made, more study of the impact data and the technical requirements for alternate achievement standards is needed to determine the best approach for students with significant cognitive disabilities. The committee will be reviewing the impact data from the 2003-2004 state assessments before drafting final recommendations.

- Second, the final regulations confirm that a 1.0 percent cap will remain for the number of proficient and advanced scores from students taking an alternate assessment that can be counted toward AYP. The *No Child Left Behind* law has never capped the number of students who can take an alternate assessment, as that decision is made by an IEP team. Rather, the law indicates that the alternate assessment is intended for a relatively small population of students. After re-examining the situation, the federal regulations issued from the U.S. Department of Education decided that the 1.0 percent cap, for the purposes of determining Adequate Yearly Progress, will remain.

States may ask the U.S. Department of Education for a waiver to exceed the 1.0 percent cap of proficient scores that may count toward Adequate Yearly Progress for students with the most significant cognitive disabilities who take alternate assessments based on alternate achievement standards. The U.S.

Department of Education said waivers will be given on a case-by-case basis. It expects those waivers to be only for a small increment above the cap and valid only for a specific period of time. There is a formal process that states must follow if they choose to request a waiver.

2) Inclusion of LEP Students in AYP

Two new policies were released in February 2004 that will help states and local school districts meet the requirements of the NCLB Act for Limited English Proficient (LEP) students who are new to this country.

- The new policy will allow LEP students, during their first year of enrollment in U.S. schools, to have the option of taking the reading/language arts component of the state assessment. These students would still be required to take the English language proficiency assessment. They would take the mathematics assessment, with accommodations, as appropriate.

States are not required to include the academic achievement results from the mathematics or, if given, the reading/language arts content assessments in AYP calculations.

This effectively includes the new LEP student within the state's accountability system by counting them in the participation rate without holding the school or district responsible for the student's performance during that first year since entry into the country. In subsequent years, the student will participate fully in the assessment and accountability system.

- Since all LEP students exit the LEP subgroup once they attain English language proficiency, states may have difficulty demonstrating improvements on state assessments for these students. Accordingly, the other new policy would, for AYP calculations, allow states up to two years to include the LEP subgroup students who have attained English proficiency. This option would allow schools and local education agencies (LEAs) to get credit for improving English language proficiency from year to year.

3) New Policies on the Highly Qualified Staff Provision

On Monday, March 15, 2004, the U.S. Department of Education added three new policies that will help states meet the highly qualified teacher provisions in the *No Child Left Behind Act*.

The U.S. Department of Education said the highly qualified policy changes came about from interviews with educators conducted by its 45-member Teacher Assistance Corps. A four-person Teacher Assistance Corp team came to North Dakota in February 2004 and visited with the Education Standards and Practices Board and the Department of Public Instruction regarding concerns over the teacher quality provision in our state.

Basically, three new policies were established. These policies are outlined on the following page.

New Policies Released on Several Key Provisions in the *No Child Left Behind Act* - continued

- Under the first policy, existing teachers in eligible, rural districts who are highly qualified in at least one subject will have three years (until June 2007) to become highly qualified in the additional subjects they teach. New teachers will have three years from the date they are hired to become highly qualified in all subject areas they teach.

The Department of Public Instruction has asked the U.S. Department of Education for permission to use an alternative definition of “small, rural” other than the definition they outlined in their plan. We propose to adopt the definition used in determining Title I allocations to districts. Under this definition, all but the five largest districts would be considered rural.

- Under the second policy, states may determine, based on their current licensing requirements, to allow science teachers to demonstrate that they are highly qualified either in “broad field” science or individual fields of science (such as physics, biology or chemistry). This new policy will have minimal impact in North Dakota, as our state definition of “highly qualified” in North Dakota already includes composite degrees for science and social studies.
- Under the third policy, states may develop a method for current, multi-subject teachers to demonstrate through one process that they are highly qualified in each of their subjects and maintain the same high standards in subject matter mastery. This policy already existed in the law, except the new policy allows states to streamline this evaluation process. North Dakota has developed an alternative method for teachers not new to the field to demonstrate they know the subject they teach through the “HOUSSE” method (High, Objective, Uniform State Standard of Evaluation).

4) New Policy on Participation Rates

On Monday, March 29, 2004 Secretary Paige issued a new policy for calculating participation rates under the *No Child Left Behind Act*.

- In order to make Adequate Yearly Progress (AYP), schools must demonstrate that at least 95 percent of all students participated in the assessment. This requirement must be met for all students in a school and in the four subgroups.

Under the new policy, a state may use data from the previous one or two years to average the participation rate data for a school and/or subgroup as needed. If this two- or three-year average meets or exceeds 95 percent, the school will meet the AYP requirement. Schools that are performing well in this category may not be unduly identified as “in need of improvement” because of a one- or two-year reduction in their participation rates.

- There are rare circumstances when a student cannot take the assessment during the entire testing window, including make-up dates, due to a significant medical emergency.

The new policy allows schools to omit such students when calculating their participation rates. This will ensure that schools whose averages might be affected by such situations will not be unduly identified for program improvement.

The Department of Public Instruction submitted written correspondence to the U.S. Department of Education on March 31, 2004 to make amendments to the North Dakota Consolidated State Application Accountability Workbook, dated June 8, 2003. Amendments requested would allow North Dakota to utilize the recent policy decisions provided by the U.S. Department of Education that have been addressed in this article. We will provide additional information once we receive a written response from the U.S. Department of Education.



Summary of the *No Child Left Behind* Legislative Hearing

The *No Child Left Behind* Legislative Committee recently held hearings to obtain updated information on the progress made in implementing the *No Child Left Behind* Act as well as to gather information on the impact of the *No Child Left Behind* Act on school districts in the state.

The following summarizes some of the key presentations heard by the committee on Monday and Tuesday, March 22-23, 2004.

Ms. Wendy L. Evans, Deputy Secretary's Regional Representative, United States Department of Education – Region VIII, gave a presentation regarding the history and future of the *No Child Left Behind* Act.

Mr. Greg Gallagher, with the North Dakota Department of Public Instruction, gave an in depth presentation summarizing key state efforts relating to the implementation of the NCLB Act that have transpired. Updates were provided on the following topics:

1. The development of challenging content and achievement standards.
2. The adoption of standards-aligned state assessments.
3. The reporting of student achievement results.
4. Update on recently released federal regulations and guidance.
5. The study and amendment of the state's accountability system.
6. The commencement of negotiations with the Bureau of Indian Affairs and the state's tribal leadership to merge accountability systems.
7. The development of a statewide data analysis system.
8. The study of the Act's impact on the state by the General Accounting Office.

The Department invited the participation of outside contractors, as is required by state law, to provide an update and analysis of the integrity of the state's assessment system. Dr. Mark Heidorn, Director of Program Operations, Northern Region, CTB/McGraw-Hill; Dr. James Comerford, Central District Manager, CTB/McGraw-Hill; and Dr. Thomas Fisher, State Assessment Technical Advisor, Fisher Education Consulting, all provided supporting testimony regarding our state assessment system.

Ms. Janet Welk, Executive Director of the Education Standards and Practices Board, updated legislators on the "highly qualified" provision. Issues discussed included the teacher quality toolkit that has been developed and is available on their website, the free transcript review day that was provided by the universities within the state, as well as future initiatives being addressed, such as the standard setting process for determining the cut scores for the Praxis II tests for North Dakota teachers.

A few area school administrators and staff from some of the state organizations such as NDEA, NDCEL, and NDSBA also provided comments to the legislative committee.

On Tuesday, March 23, shortly before noon, the committee wrapped up by reviewing and summarizing the testimony that they had heard. The committee agreed to meet again within the next two months to make specific recommendations as to changes that the committee would like to see addressed in the NCLB Act.

You can access a copy of the Legislative Council's minutes on their website by logging on to www.state.nd.us/lr/assembly/58-203/interim-info/minutes/index.html.

Title I Spring Meetings

The state Title I office is hosting spring Title I meetings in Fargo, North Dakota on May 3, 2004 and in Mandan, North Dakota on May 6, 2004. All Title I personnel, principals, and superintendents are invited to attend one of the two meetings.

Registration information is posted online and has been mailed to all Title I personnel and Title I authorized representatives. Hope to see you there!

Even Start and 21st Century Reorganization

The Department of Public Instruction Management Council recently made the decision to reorganize the structure of several federal programs. Two programs, previously housed within Title I, are affected by this reorganization. These programs include the Even Start Family Literacy Program and the 21st Century Learning Communities Program.

As of April 1, 2004, the management of both of these programs, as well as the Adult Education Program, was moved under the direct supervision of Dale Patrick, Program Administrator for Adult Education and Literacy. If you would like to contact Dale, you can reach him directly by e-mail at dpatrick@state.nd.us or by telephone through Jolli Marcellais at (701) 328-2393.

Consolidated Application Process for 2004-2005

The Consolidated Application, directions for completing the Consolidated Application, and guidance have all been significantly updated and revised and are now available on the Department's website. The guidance can be accessed by logging on to www.dpi.state.nd.us/grants/NCLB.shtm. The application and directions can also be accessed by logging on to www.dpi.state.nd.us/forms and typing in "SFN 50847."

The tentative due date for the Consolidated Application is May 28, 2004.

An IVN meeting has been scheduled for April 15, 2004 to provide a demonstration for those districts interested in submitting the application electronically. The demonstration will run from 9:00a.m.-11:50 a.m.

The IVN sites that will be offering this session are: Bismarck- BSC Room 228, Devils Lake- LRSC Admin 34, Dickinson- DSU Klinefelter 324, Fargo- NDSU EML 171, Grand Forks- UND Abbott 119, Jamestown- State Hospital Room 320, Minot- MiSU Admin Room 158, Valley City- VCSU Rhoades 107, Wahpeton- NDSCS Allied Health, and Williston- Ernie French Center Library (Williston REC).

It is expected that the Consolidated Application for Federal Title Programs will be available electronically through the ORS system by mid to late April.

If you have any questions, please contact Sacha Spinks at (701) 328-3265 or Beverly Fischer at (701) 328-1028.

Summer Reading Courses Offered

The two courses listed below will be offered during the summer of 2004 in Langdon, North Dakota. Both courses meet the requirements for Title I teachers who will need the coursework *Reading in the Content Area* for obtaining a reading credential. It is also one of the four courses needed to obtain a middle school endorsement for those Title I teachers who plan to teach Title I past the sixth grade after July 1, 2006.

The two courses listed below may also be use for renewal of your reading credential.

<u>Course Title</u>	<u>Prerequisite</u>	<u>Course Dates</u>	<u>Course Times</u>
<i>Content Area Reading for the Middle School Classroom</i>	Prior teaching experience in the middle school	June 30 - July 1, 2004	8:00 a.m.-3:30 p.m.
<i>Guided Reading in the Primary Classroom</i>	Prior teaching experience in the primary classroom	June 28 - June 29, 2004	8:00 a.m.-3:30 p.m.

Both courses will be held in Langdon, North Dakota. One graduate semester credit will be offered for each course.

Julie Ray Johnson will be the instructor for both of these courses. If you would like more information, please feel free to contact Julie by e-mail at jjohnson29@gw.hamline.edu. She can also be contacted by telephone at (651) 523-2763 or (612) 386-1095.

Title I Funding for 2004-2005

In January 2004, Congress passed the appropriations for the 2004-2005 school year in PL 108-199. Nationally, Title I received a modest increase; however, North Dakota is one of eleven states that saw a decrease in their state Title I funding.

Beverly Fischer, Grants Manager, has calculated preliminary allocations for all of the federal Title programs for the 2004-2005 school year. The allocations are posted on the Department's website and can be accessed by logging on to www.dpi.state.nd.us/grants/NCLB.shtm. Also included on this chart is the new indirect cost rate for each school district for the 2004-2005 school year.

The *No Child Left Behind* (NCLB) Act authorizes Title I funds to LEAs that meet the requirements for four separate funding formulas, which include:

- Basic Grants
- Concentration Grants
- Targeted Grants
- Education Finance Incentive Grants

On the allocations chart, only the total Title I allocation is listed. You can call or e-mail the state Title I office if you would like a breakdown of the figures.

The "hold harmless" provision in effect this year is based on your Title I allocation amount. The "hold harmless" provision guarantees that an eligible school district receives, at a minimum, a certain percentage of last year's Title I allocation.

95% Hold Harmless – LEAs with 30% and higher poverty

90% Hold Harmless – LEAs with 15% to 30% poverty

85% Hold Harmless – LEAs with 0% to 15% poverty

The "hold harmless" provision saved many schools from having a significant drop in their Title I funding.

Please keep in mind that the figures listed are only preliminary. We will calculate final allocations when we receive our final state amounts from the U.S. Department of Education. However, you can use these preliminary figures to complete your consolidated application and then make adjustments at a later date.

Director's Report

Staff in the state Title I office are working diligently to prepare for two big spring in-services held annually. We realize that there is a need for additional technical assistance and more resources and ideas to meet the lofty goals in the NCLB Act. We are working hard to make sure that these Title I-sponsored events provide school personnel with the latest information surrounding the NCLB Act, as well as giving personnel new and needed resources and sample documents to comply with the federal regulations.

The state Title I office is required to annually sponsor a workshop for all schools identified for program improvement. The date for this year's Program Improvement Workshop is Monday, April 19, 2004. The meeting will be held at the Doublewood Inn in Bismarck. This workshop is open to any individual who has an interest in program improvement requirements or process. However, due to the many requirements mandated in the NCLB Act, schools currently in program improvement and schools who did not make AYP on the 2003 AYP report are **required to attend** the workshop.

One of the new resources that we are working on creating is a parent notification toolkit. This toolkit will contain sample letters and forms for providing parents with required information on AYP, school choice, supplemental services, etc. The toolkit will be reviewed and distributed at the workshop. There is a significant amount of Title I funds available for schools in program improvement. At the workshop, we will also review the process for applying for these additional funds.

All Title I authorized representatives and staff in schools identified for program improvement were recently mailed registration information. The registration form is also available on the Title I website under "upcoming events".

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Director's Report - continued

The second key in-service that we are busily preparing for is our Title I Spring Workshop. This year, we will sponsor the workshop in Fargo on May 3 and in Mandan on May 6, 2004. This workshop is open to any interested individuals. We highly recommend that Title I teachers, Title I authorized representatives, and principals in Title I schoolwide programs attend this workshop. The following bullets outline some of the information that will be shared at this workshop:

- The workshop will begin with a PowerPoint presentation providing an update on the implementation of the NCLB Act. We will also address the new policies that have been released by the U.S. Department of Education in the past several months.
- Teachers will be provided with a sampling of the new and latest resources for helping students achieve.
- Administrators will be provided with new resources to help them meet the requirements in the NCLB Act.

Some of the resources include:

- ✓ New guidance on establishing a Title I preschool program.
- ✓ New guidance on serving ELL students in a Title I program.
- ✓ New guidance on operating a Title I summer school program.
- ✓ Sample letters and forms to inform parents of the "Parents Right to Know" clause and the requirement to notify them if a teacher who is not highly qualified is teaching for more than four consecutive weeks.
- ✓ A sample letter for contacting home school parents and offering participation in the federal Title programs.
- ✓ A sample letter for informing parents of the district and school report cards as required in the NCLB Act.
- Participants will break out by targeted assistance and schoolwide staff for a recap of the key regulations governing each model.
- Participants will be given an update on the revised Title I monitoring process for the 2004-2005 school year. A self-monitoring guide has been created and will help the Department focus in on which schools need additional technical assistance.
- The workshop will conclude with a motivational presentation from Dr. Terry Fleck regarding change, reflecting on the NCLB Act.

Registration information for this workshop has been sent to all Title I personnel and is posted online.

Parent Involvement Websites

- **A Checklist for Effective Parent-School Partnership** www.projectappleseed.org/chklst.html
- **Parent Involvement At The Middle School Level** www.middleweb.com/ParntInvl.html
- **National Coalition For Parent Involvement in Education** www.pta.org/index.asp
- **National PTA** www.pta.org/index.asp
- **Successful Strategies For Parent Involvement** www.coralconnect.org/pdf/1208.pdf
- **10 Things Any School Can Do To Build Parent Involvement** www.par-inst.com/educator/resources/10things/10things.php
- **Parent And Community Involvement Strategies That Work** www.education-world.com/a_admin/admin192.shtml
- **How To Increase Parent Involvement In Schools - List Of Ideas** www.pbrookes.com/email/archive/july01/July01ED4.htm

Plans continue to create a Statewide Accountability Committee

As indicated in previous correspondence, the Department of Public Instruction is in the process of creating a statewide accountability committee. This committee will advise the State Superintendent on the development and review of all state NCLB accountability policies and submit recommendations to the State Superintendent on North Dakota's implementation of NCLB.

For a number of years, the Department has used three key standing advisory committees to advance study in various policy areas. The Title I Practitioners Committee, required by the Act, advises the Department on program and policy matters related to ESEA Title I. The IDEA Advisory Committee, required by the Individuals with Disabilities Education Act, advises the Department on Special Education programs and policy matters. The Standards, Assessment, Learning and Teaching (SALT) Team, a Department sponsored committee, advises the Department on the development and implementation of a standards-based assessment and accountability system.

Therefore, it was decided that the department would build off these three existing committees. In addition, members from the various state organizations would have representation. The committee will consist of the following membership:

- five members from the Title I Practitioners Committee,
- five members from the IDEA Advisory Committee,
- five members from the SALT Team,
- a representative from the North Dakota Education Association,
- a representative from the North Dakota School Boards Association,
- a representative from the North Dakota Council of Education Leaders,
- a representative from the Indian Affairs Commission,
- a representative from the Legislative Council,
- a representative from the Governor's Office, and
- three members from the Department of Public Instruction.

Plans are currently underway to begin the process of selecting those who will provide representation on the committee. The Department has been preparing background information and policy considerations for the committee and anticipates a May date for the first formal meeting of the entire committee.

Title I and Special Education Collaborative Summer Institutes

The state Title I and state Special Education offices have been working collaboratively to prepare for this year's math and reading summer institutes. The institutes will be opened to Title I teachers, Special Education teachers, as well as other teaching entities within the school system; however, priority will be given to Title I and Special Education teachers.

The math summer institute is entitled *Family Math*. It will be held at the Best Western Seven Seas in Mandan, North Dakota on June 28-29, 2004. The reading summer institute is entitled *Literacy through Reading and Writing*. This institute will be held at the Best Western Ramkota Hotel in Bismarck, North Dakota. The reading summer institute will be held on July 14-15, 2004.

More information on these institutes will be distributed at the Title I spring workshops. Information will also be posted online in May at www.dpi.state.nd.us/title1/events.shtm.

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Upcoming Events

DPI Consolidated Application IVN Session

- April 15, 2004 Ten IVN Sites Across ND.
For more information, please contact Sacha Spinks at (701) 328-3265 or Beverly Fischer at (701) 328-1028.

NDRA – Spring Conference

- April 15-17, 2004 Minot, ND
For more information, please visit <http://ndreadon.utma.com/intro.htm>.

Relationships, Responsibilities, and Reciprocity – Building Educational Partnerships Through Teamwork

- April 16-17, 2004 Minot, ND
For more information, please call 1-800-245-5840 or visit www.pathfinder.minot.com/index2.html.

Title I Program Improvement Workshop

- April 19, 2004 Bismarck, ND
Information will be available at www.dpi.state.nd.us/title1/events.shtm.

Title I Spring Meetings

- May 3, 2004 Fargo, ND
- May 6, 2004 Mandan, ND
Information will be available at www.dpi.state.nd.us/title1/events.shtm.

49th Annual International Reading Association (IRA) Convention

- May 2-6, 2004 Reno, NV
For more information, please visit www.reading.org/2004.

Developing Mathematical Ideas (DMI) Leadership Institute

- June 13-18, 2004 Bismarck, ND
Information is available at www.dpi.state.nd.us/title1/events.shtm.

Title I and Special Education Collaborative Math Summer Institute

- June 28-29, 2004 Mandan, ND
Information will be available at www.dpi.state.nd.us/title1/events.shtm.

Title I and Special Education Collaborative Reading Summer Institute

- July 14-15, 2004 Bismarck, ND
Information will be available at www.dpi.state.nd.us/title1/events.shtm.