

January 31, 2007

Ms. Catherine Freeman, Deputy Assistant Secretary
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-6400

Dear Ms. Freeman:

Pursuant to existing guidance from the U.S. Department of Education regarding the amendment of state accountability plans, the North Dakota Department of Public Instruction submits for consideration and approval amendments to the North Dakota Consolidated State Application Accountability Workbook.

In an effort to comply with all provisions of the *Elementary and Secondary Education Act of 1965* and to provide for a uniform state accountability system, the Department of Public Instruction seeks amendments to the North Dakota state accountability plan related to the following issues:

1. Amend Section 2.2 (page 26, paragraph 3) to clarify and ensure that a student who has not been enrolled in a school for the entire year but has been enrolled in the district for the entire year will be included into adequate yearly progress consideration for both the school in which the assessment is administered and the district. This constitutes a housekeeping provision that ensures the uniform inclusion of all students within their schools, grades 3-8 and 11, for the purposes of determining adequate yearly progress. As the state includes three full years of student achievement data for all grades (3-8 and 11), the state needs to update the wording of its full academic year rule. This proposed language will ensure that any student who receives instruction within the same district but moves to another school within the district will be included fully into the determination of adequate yearly progress for the school, the district, and the state.
2. Amend Section 4.1 (page 39, paragraph 2) to delete the transitional provisions allowed only for the 2005-06 administration of adequate yearly progress, which allowed the State to use uniform three-year averaging for only the grade span assessments (grades 4, 8, and 11) during 2005-06, pursuant to the Wellstone Amendment. Effective with the 2006-07 administration of adequate yearly progress, the State will base determinations for every public school and district upon the rules that existed prior to the 2005-06 transitional provision. Effective with the 2006-07 administration of adequate yearly progress, the State will conduct adequate yearly progress determinations based on student achievement data for grades 3-8, and 11.

3. Renew Section 5.3 (page 45, paragraphs 5-6) to allow the State again to use an alternate assessment for students with persistent disabilities for the purposes of determining adequate yearly progress and restricting any such determinations of proficient and advanced scores to not greater than 2 percent of students assessed on the North Dakota State Assessment. This language has been incorporated in our state's Accountability Workbook in the past. The state again seeks an annual renewal of this provision for the 2006-07 administration of adequate yearly progress.

The North Dakota Department of Public Instruction affixes to this letter, a draft of the State Accountability Workbook that presents the provisions proposed within this request, including strikethroughs for language deletions and underlining for language additions. The North Dakota Department of Public Instruction agrees to submit to the U.S. Department of Education, following the review and negotiated revision of the elements provided herein, a final electronic Workbook with all amended annotations identified and edit codes removed. The Department of Public Instruction stipulates to the administration of the state accountability system in accordance with the amendments provided within the Accountability Workbook.

The Department of Public Instruction respectfully requests that the U.S. Department of Education approve these amendments to the State Accountability Workbook.

I submit these amendments to the North Dakota Accountability Workbook for your considered review and final approval. The Department makes its staff available to address any questions you might have regarding its provisions. I commend the U.S. Department of Education staff for its dedication and diligence in advancing the administration of the Act and making efforts to provide appropriate expression to its many challenging elements nationwide. I wish you well and look forward to receiving your approval to these requests in the near future.

Sincerely,



Dr. Wayne G. Sanstead
State Superintendent

Attachment: State Accountability Workbook, dated January 31, 2007