

ND Department of Public Instruction  
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## ND State Title I Office

# Frequently Asked Questions and Answers about "No Child Left Behind"

### TOPICS:

- TESTING
- ADEQUATE YEARLY PROGRESS
- REPORTING TO PARENTS
- DOING WHAT WORKS
- HIGH QUALITY TEACHERS
- AIDES/PARAPROFESSIONALS
- SCHOOL CHOICE
- SUPPLEMENTAL SERVICES

The *Frequently Asked Questions and Answers about "No Child Left Behind"* document was written to provide guidance to North Dakota educators on the implementation of the *No Child Left Behind Act* as it pertains to North Dakota. For information related to the national implementation of the *No Child Left Behind Act*, refer to the *Frequently Asked Questions* produced by the Republican staff on the Education and Workforce Committee in the U.S. House of Representatives. It is available at the Committee's website online at the following website:

<http://edworkforce.house.gov/issues/108th/education/nclb/nclbfaq.pdf>.

## TESTING

### **Q. Which students will be tested? In what subject areas?**

A. *No Child Left Behind* requires that states measure student achievement toward state academic standards in reading and math. Beginning in the year 2005-2006, the law requires that states measure all students in grades 3-8 and in at least one of grades 10-12 in reading and math. Beginning in 2004-2005, North Dakota will begin administering assessments to all students in grades 3-8 and in grade 11 in the fall. However, the Adequate Yearly Progress report (see this section of the Q & A booklet) will only reflect the assessment results of students in grades 4, 8, and 11 until the 2005-2006 school year. In addition, by 2007-2008, states are required to measure students' achievement in science in at least one of grades 3-5, one of grades 6-9, and one of grades 10-12.

### **Q. North Dakota recently changed its State test from the CTB/Terra Nova to the CAT test. Why?**

A. Beginning in 2001-2002, students in North Dakota were required to take the CAT test in reading and mathematics in grades 4, 8, and 12. The CAT test included a State supplement. The results of the test are reported in terms of proficiency toward our state standards.

North Dakota changed to the CAT test in order to receive student information on achievement toward state standards. Adequate Yearly Progress will no longer be measured solely by achievement on a norm-referenced test where student achievement is measured based on the scores of other students. Instead, student achievement will also be determined by "proficiency," meaning that results of the test will show what students, individually and by grade, do and do not know and how that compares with what the state standards say they should know. The CAT test, using selected and constructed response test items, will measure student progress in terms of standards, as well as by comparing students with one another.

### **Q. May school districts test other grades or subjects and substitute those results for those required by the state?**

A. North Dakota requires that all students in grades 3-8 and 11 be tested in reading/language arts and mathematics using the CAT/Terra Nova, second edition, and the State Supplement. No other tests may be used to meet this requirement.

If a school district elects to test additional grades and subjects as part of the school district's assessment program, this may be done. However, all costs associated with materials, administration, and scoring for the additional grades and subjects must be paid by the school district.

## ADEQUATE YEARLY PROGRESS

**Q. What does the phrase “Adequate Yearly Progress” mean?**

A. Adequate Yearly Progress is the State’s measure of yearly progress toward state academic content standards. It sets the minimum level of improvement that states, school districts, and schools must attain each year. In addition, *No Child Left Behind* requires that states and schools not only measure overall student improvement toward state academic standards, but also that particular subgroups of students, who are traditionally at high risk of being left behind, be reported separately to ensure those students are not left behind. Achieving Adequate Yearly Progress means that all students in all schools, districts, and states are making progress toward high academic standards.

**Q. What are the subgroups of students who are traditionally at risk of being left behind, that must be separated out when determining a school’s Adequate Yearly Progress?**

A. The subgroups that will be disaggregated are the following:

- Economically disadvantaged students,
- Limited English Proficient (LEP) students,
- Major ethnic/racial groups, and
- Students with disabilities.

**Q. If subgroups must be separated out, and a school only has one member of any of the above subgroups, is it possible that a school could be identified for Title I Program Improvement on the basis of one student’s test scores?**

A. No. The North Dakota Department of Public Instruction has in place procedures and policies to eliminate any violation of the FERPA law regarding student privacy. The Department employs a policy where any population less than ten will prohibit the reporting of students. Only populations of ten or greater will allow the reporting of students within an identified group.

Please note, however, that the Department of Public Instruction averages up to three years of data for reporting. Therefore, it is possible that small groups of students, when averaged over a three-year period of time, may be reportable.

**Q. What process will the state use to determine “Adequate Yearly Progress?”**

A. First, educators in the state defined “cut points” for what proficiency in reading and mathematics means for the State of North Dakota. What level do we consider proficient in reading and math? What is it that we want all students to know and be able to do when they reach grade 4? Grade 8? Grade 11? On the tests that our students take, what score do all students need to reach to demonstrate proficiency?

Also, *No Child Left Behind* requires the state to choose one of two methods for defining our state’s “starting point” based on the lowest achieving demographic group or

based on the lowest-achieving schools in the state, whichever method results in the highest percentage. Once the initial bar is established, the state is required to “raise the bar” gradually, over a twelve-year period, until all schools reach 100 percent proficiency.

**Q. Have we identified our cut scores? If so, what are they?**

A. Yes, we have identified cut scores for reading and mathematics in grades 4, 8 and 12. As of April 2004, the Department is currently working to bring together teachers from other grade levels across the state to set cut scores for reading and mathematics in grades 3, 5, 6, 7, and 11. On the tables below, you will find the cut scores identified for grades 4, 8 and 12 in reading and mathematics. In addition, you will find the percentage of students who must meet the cut point at the present time in order to be considered making “Adequate Yearly Progress.” As we continue to implement *No Child Left Behind*, the percentage of students who must meet the cut point will steadily increase until we reach 100 percent proficiency by 2013-2014.

Reading	
4 <sup>th</sup> Grade Reading	
Established Proficient Cut Scores	634
Percent of students who must meet the cut point	65.1%

Mathematics	
4 <sup>th</sup> Grade Mathematics	
Established Proficient Cut Scores	635
Percent of students who must meet the cut point	45.7%

8 <sup>th</sup> Grade Reading	
Established Proficient Cut Scores	678
Percent of students who must meet the cut point	61.4%

8 <sup>th</sup> Grade Mathematics	
Established Proficient Cut Scores	716
Percent of students who must meet the cut point	33.3%

12 <sup>th</sup> Grade Reading	
Established Proficient Cut Scores	720
Percent of students who must meet the cut point	42.9%

12 <sup>th</sup> Grade Mathematics	
Established Proficient Cut Scores	768
Percent of students who must meet the cut point	24.1%

**Q. What about new students? Can a school be held accountable for students who have only attended that particular school for a short period of time?**

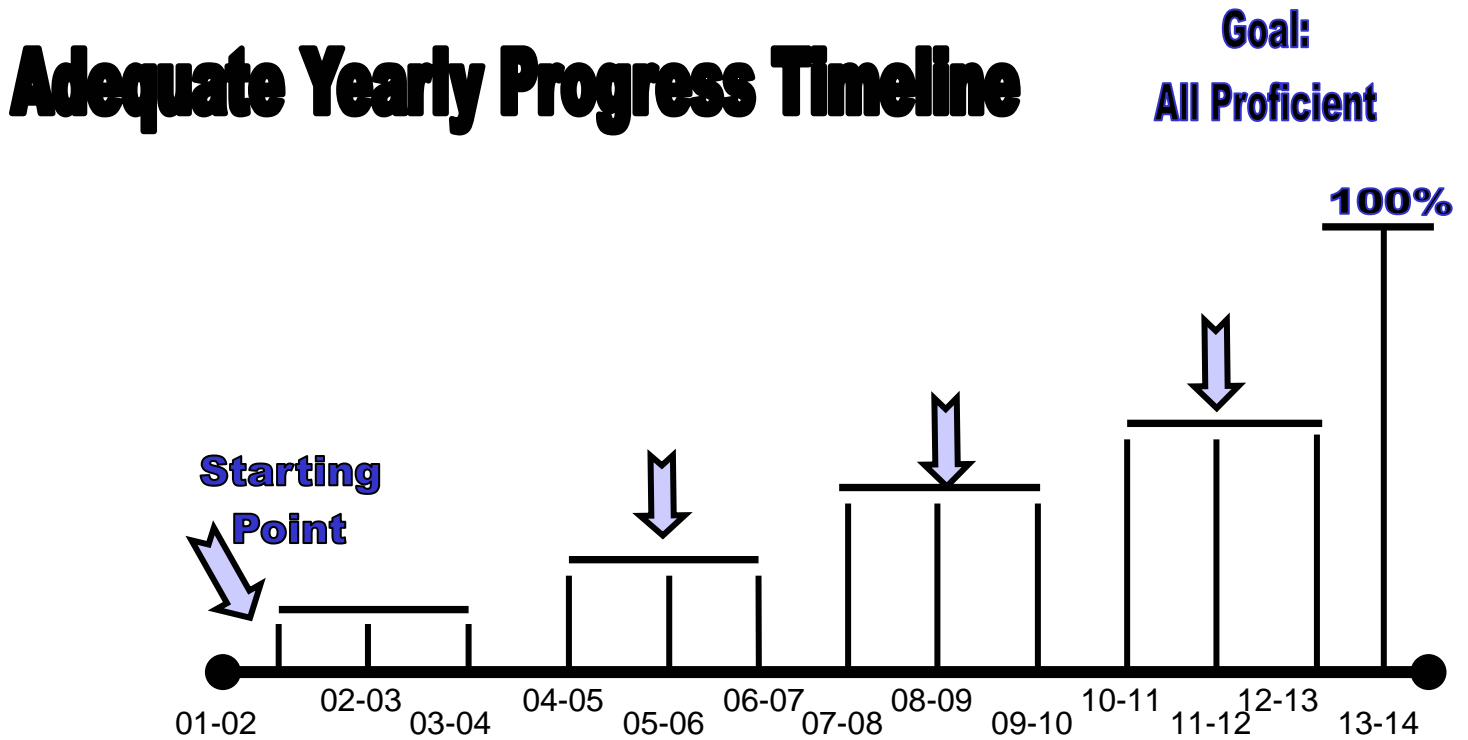
A. Students need to have been enrolled in a particular school for one full year in order to be counted in the adequate yearly progress scores. However, students who have not attended the school for a full year must still take the state assessment. Their scores will NOT be used to determine adequate yearly progress for the school, but they WILL be used to determine adequate yearly progress for the district.

**Q. How long must a student attend a school to be considered “enrolled for one full year?”**

A. One full year means that the student has been enrolled at a particular school since the first day of school.

**Q. Doesn't *No Child Left Behind* require that 100 percent of the students be proficient?**

A. Yes, by the year 2013-2014, 100 percent of the students are required to be proficient in reading and mathematics. The percentage of students who need to be proficient goes up in three-year increments until the requirement reaches 100 percent in 2013-2014. The graph below illustrates how required proficiency percentages will rise every three years (i.e., the "intermediate goals" until we make the final jump to 100 percent proficiency in 2013-2014).



**Q. Has the state set the actual required percentages for each period above?**

A. Yes. The following table lists what the required proficiencies will be as we continue the timeline toward requiring 100 percent proficiency.

**Intermediate Goals 2001-2014**

Subject/ Grades	School Years				
	2001-2004	2004-2007	2007-2010	2010-2013	2013-2014
<b>Reading</b>					
4	65.1	73.8	82.6	91.3	100.0
8	61.4	71.1	80.7	90.4	100.0
12	42.9	57.2	71.5	85.7	100.0
<b>Math</b>					
4	45.7	59.3	72.9	86.4	100.0
8	33.3	50.0	66.7	83.3	100.0
12	24.1	43.1	62.1	81.0	100.0
<b>Graduation</b>	89.9				
<b>Attendance</b>	93.0				

**Q. What about special populations of students? For example, are students who are labeled Limited English Proficient (LEP) required to take the state test? Are students who are on an Individual Education Plan (IEP) for special education required to take the exam?**

A. Two new policies were released by the U.S. Department of Education in February 2004 that will help states and local school districts meet the requirements of the NCLB Act for limited English proficient 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 (which is different than the state assessment). They would take the mathematics state 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 with the participation rate without holding the school or district responsible for the student's performance during that first year since entering 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 in 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.

Regarding students on an IEP, these students, also, are required to take the state assessment. There is an alternate assessment that is available for special education students, but this assessment is only for students with significant disabilities, and for a student to take this assessment, it must be written into that student's IEP. The majority of students on an IEP must participate in the state assessment. Both tests (the alternate and the regular state assessment) will be used in the adequate yearly progress calculations. Accommodations as described in the Test Interpretation Manual are allowed (the manual is available online at [http://www.ctb.com/ncmedia/2161/4845212\\_TCM\\_web\\_ND04.pdf](http://www.ctb.com/ncmedia/2161/4845212_TCM_web_ND04.pdf) or follow the link at the Department of Public Instruction's website at <http://www.dpi.state.nd.us/testing/assess/index.shtm>).

**Q. How will the state assure that all students participate in the state test?**

A. In order for a school to make adequate yearly progress, the school must ensure that at least 95 percent of the students at the state, district, school, and subgroup level participated in the state assessment. The law states that if fewer than 95 percent of the students participate in the state assessment in any given year, then the school and/or district

automatically does not make AYP for that year (even if every child tested had proficient test scores).

Schools must report all student results by subgroups. The number of students in the composite score and each subgroup must be of sufficient size to produce statistically reliable results for the 95 percent requirement to affect adequate yearly progress. In other words, if the number of students in the composite score or in a subgroup is too small to produce statistically reliable results, the state will not, on the basis of the 95 percent requirement, identify the school as not making adequate yearly progress, even if fewer than 95 percent of the students in that subgroup take the state's assessment.

On Monday, March 29 2004, U.S. Secretary of Education Paige issued a new policy for calculating participation rates under the *No Child Left Behind Act*. 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 this 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 dip in their participation rates.

Also, since 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 improvement.

**Q. Other than the results of the state assessment and participation in the assessment, is there any other information about the school that will be used to determine whether or not a school is making Adequate Yearly Progress?**

A. Yes. A state's definition of Adequate Yearly Progress must include a "secondary indicator" for determining progress. The secondary indicator at the high school level is graduation rates, and for the middle and elementary school level, North Dakota has chosen to use attendance rates. These indicators will be used to further identify schools that are not making Adequate Yearly Progress. However, these indicators may NOT be used to prevent a school from being identified for improvement.

**Q. What if a school does not make “Adequate Yearly Progress?”**

A. If a school does not make state-defined Adequate Yearly Progress for two consecutive school years and the school receives Title I funds, the school will be identified for program improvement. Identified schools will receive additional resources to make improvement. In addition, schools will face certain sanctions.

<p>Two consecutive years of not making AYP=</p>	<ul style="list-style-type: none"> <li>• Development of two-year plan for improvement.</li> <li>• School must offer “school choice,” where parents are given the option to transfer their student to a different public school in the district.</li> </ul>
<p>Third consecutive year of not making AYP=</p>	<ul style="list-style-type: none"> <li>• Continue/update the Program Improvement Plan.</li> <li>• Continue “school choice.”</li> <li>• Provide “supplemental services” to disadvantaged children, where parents of identified children are allowed to receive Title I funds to pay for educational services provided outside of the school day. Services must be provided by an entity approved for such services by the state.</li> </ul>
<p>Fourth consecutive year of not making AYP=</p>	<ul style="list-style-type: none"> <li>• Continue/update the Program Improvement Plan.</li> <li>• Continue providing “school choice” and “supplemental services.”</li> <li>• District must implement corrective actions such as replacing certain staff, implementing a new curriculum, or extending the school day or year.</li> </ul>
<p>Fifth consecutive year of not making AYP=</p>	<ul style="list-style-type: none"> <li>• Continue/update the Program Improvement Plan.</li> <li>• Continue “school choice” and “supplemental services.”</li> <li>• Continue corrective actions.</li> <li>• Plan for “alternative governance.”</li> </ul>
<p>Sixth consecutive year of not making AYP=</p>	<ul style="list-style-type: none"> <li>• Continue/update the Program Improvement Plan.</li> <li>• Continue “school choice” and “supplemental services.”</li> <li>• Continue corrective actions.</li> <li>• Implement “alternative governance.”</li> </ul>

## REPORTING TO PARENTS

**Q. *No Child Left Behind* increases responsibilities for reporting to parents. How are these responsibilities increased?**

A. There are three main ways in which *No Child Left Behind* has increased responsibilities for reporting to parents. These are 1) the **"Parent's Right to Know" clause**, 2) the requirement for states and schools to publish **"report cards"** on student performance, and 3) the school's **"Annual Adequate Yearly Progress Report."**

**Q. What is the "Parent's Right to Know" clause? What does it require?**

A. The "Parent's Right to Know" clause has two major requirements for reporting to parents about the quality of professional staff at their public school. **First**, at the beginning of each school year, school districts that receive Title I funds must notify parents that they have the right to request and receive information on the professional qualifications of teachers at their student's school. This notification may take place in a school newsletter or by a separate letter to parents. **Second**, a school is also required to notify parents if their child is taught for four consecutive weeks or more by a teacher who is not "highly qualified" (as defined in *No Child Left Behind*).

**Q. If, after being notified of his/her right to receive information about the qualifications of teachers at his/her school, a parent chooses to access this information, what, specifically, should the school have available to report to parents on teacher qualifications?**

A. If a parent requests this information, at a minimum, schools are required to report the following\*:

- Whether each teacher has met **state qualifying and licensing criteria** for the grade levels and subject areas in which the teacher is teaching;
- Whether the teacher is teaching under **emergency or other provisional status**;
- The baccalaureate **degree major** of the teacher and any **other graduate certification** or degree held by the teacher, including the **field of discipline** of the certification or degree; and
- Whether the child is provided services by **paraprofessionals** and, if so, their qualifications.

Samples of forms that could be used by schools to meet this requirement are available on the Title I website at the following address:

<http://www.dpi.state.nd.us/title1/targeted/general/reauthoriz/handout/parents.pdf>

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\* Above information taken from "The New Title I: Balancing Flexibility with Accountability," by Kristen Tosh Cowan and Leigh Manasevit, Washington, DC: Thompson Publishing Group, 2002. For further information call 1-800-876-0226.

**Q. What is the state, district, and school “report card?”**

A. *No Child Left Behind* requires that, beginning in the 2002-2003 school year, state test results are reported to the public. All school districts must have annual report cards for parents and the public on the academic achievement of all students in the district combined, as well as the achievement of students at each individual school. The state must also prepare an annual report card on the achievement of all the students in the state. In North Dakota, the state, district, and building report cards must include the information bulleted below. Districts must provide all of the following information both as district results and as a whole AND by each individual school building within the district\*:

- Information, in the aggregate, on student achievement at each proficiency level on the CAT test.
- Student achievement at each proficiency level on the CAT test disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged. (Disaggregation is not required to be reported on the report card if it could reveal personally identifiable information about an individual student or if the number of students in the subgroup is below the uniform number set by the state as statistically reliable for reporting.)
- The percentage of students not tested, disaggregated as above.
- Information that provides a comparison between the actual achievement levels of each “subgroup” of students (disaggregated by major race/ethnic group, disability status, educationally disadvantaged status, and LEP status) and the state’s annual measurable objectives for each subgroup of students on the CAT test.
- The most recent two-year trend in student achievement in each subject area and grade level tested by the CAT test.
- Aggregate information on attendance at elementary schools.
- Aggregate information on graduation rates at high schools, including the percentage of students who graduate from secondary school with a regular diploma in the standard number of years.
- Information on the performance of the school/district toward making Adequate Yearly Progress, including the number and names of each school identified for program improvement.
- The professional qualifications of all teachers, including the percentage of teachers teaching with emergency or provisional credentials and the percentage of classes not taught by “highly qualified” teachers. In the district report card, the information on “highly qualified” teachers must be identified in the aggregate throughout the state and disaggregated by high-poverty schools compared to low-poverty schools. (For the purposes of the report card, a “high poverty” school means a school in the top quartile of poverty in the state

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\* Information taken from “The New Title I: Balancing Flexibility with Accountability,” by Kristen Tosh Cowan and Leigh Manasevit, Washington, DC: Thompson Publishing Group, 2002. For further information call 1-800-876-0226.

and a “low poverty” school is a school in the bottom quartile of poverty in the state.)

In North Dakota, the Department of Public Instruction will develop and disseminate, via the Department’s website at <http://www.dpi.state.nd.us/dpi/reports/profile/index.shtm>, district and individual school building report cards. **Districts are then required to disseminate this information to parents and community members.**

**Q. What is the school’s “Annual Adequate Yearly Progress Report?”**

A. Each year, the Department of Public Instruction will release an Adequate Yearly Progress Report for all public school buildings and districts in the state of North Dakota. This report summarizes whether a school made AYP or not. It provides information on whether or not the school as a whole made Adequate Yearly Progress, as well as specific subgroups of students at the school. In addition, it identifies whether or not the school has met the AYP requirement on the secondary indicator (attendance rates for elementary and middle schools, graduation rates for high schools) and bottom lines whether or not the school has made Adequate Yearly Progress for the school year or not. See the sample format of the AYP report below. For more information on what Adequate Yearly Progress means, see that section of this Q & A document. To find more information on the AYP report, download the Department’s *Understanding Your School’s Adequate Yearly Progress Report* on the Department website at <http://www.dpi.state.nd.us/testing/account/AYPINST.pdf>.

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Note: An asterisk (*) indicates the area(s) where the school failed to meet adequate yearly progress. Some areas may be below the cutpoint, but not identified due to the lack of statistical reliability in small numbers of students. Statistics are not shown for fewer than ten students. An (I) indicates insufficient data to determine 2002-03 adequate yearly progress; value reported results from the combining of 2001-2002 results with 2002-2003 results.																																																																			

## HIGHLY QUALIFIED TEACHERS

PLEASE NOTE: The North Dakota Education Standards and Practices Board (ESPB) is the entity that has the authority to determine what is considered "highly qualified" for teachers in North Dakota. The information below focuses on (1) What are the federal requirements? (2) What does the law provide for a definition of "highly qualified?" and (3) The specific regulations on teacher quality in the Title I law. For specific information on what this means for North Dakota educators, see the *Procedures and Guidelines for North Dakota's Major Equivalency Teacher Requirements*, on the web at <http://www.state.nd.us/espb/forms/tool-kit-draft.pdf>.

### **Q. What does *No Child Left Behind* require for teachers?**

A. Through Title I law, each state must assure that all educators teaching in "core academic subjects" are "highly qualified" by the end of the 2005-2006 school year.

### **Q. Does this pertain only to Title I teachers?**

A. No, the requirement that teachers be highly qualified, although written in Title I law, applies to ALL teachers in the state who are teaching in the core academic subjects, K-12.

### **Q. What are the "core academic subject areas?"**

A. *No Child Left Behind* defines the core academic subject areas as the following:

- English
- Reading or Language Arts
- Mathematics
- Science
- Foreign Languages
- Civics and Government
- Economics
- Arts
- History
- Geography
- 

### **Q. When will teachers have to meet these requirements?**

A. When NCLB was first enacted, it stated that all teachers who are newly hired AND working in a program supported with Title I funds who are hired after the first day of the 2002-2003 school year must meet this provision immediately and that all existing teachers would need to meet the provision by June 2006. On Monday, March 15, 2004, modifications to the highly qualified teacher provisions were made by the U. S. Department of Education. The new policy states that if rural teachers are highly qualified in at least one subject they teach, they can have three years to become highly qualified in the other subjects they teach. New teachers would have three years from the date they are hired. The Department of Public Instruction has written a request to the U.S. Department of Education to use an alternative definition of "rural" for use in implementing this new policy. To date, no response has been received, so at this time, the specific information as to whom this new policy applies is pending.

**Q. What is meant by “new” and “not new” teachers?**

A. A “new” teacher is a teacher who has just graduated from a university and just received his/her certification to teach. A teacher who is “not new” is one who has been a certified teacher before 2002-2003. If a person graduated from college in 2001, received a teaching certificate and taught in the classroom during the 2001-2002 academic year, this teacher would be considered “not new.” Also, if a teacher is newly hired to a district, but has been teaching before the 2002-2003 school year, that person would also be considered “not new.”

**Q. What if a teacher has a temporary, provisional, or emergency certification? Is he/she “highly qualified” since he/she is allowed to teach in North Dakota?**

A. No; a teacher with a temporary, provisional, or emergency certification is NOT “highly qualified” under Title I law. If a school district employs a teacher with a temporary, provisional, or emergency certification, the school would need to report to the parents (whose children are taught by that teacher) that the teacher is not “highly qualified,” as is required in the *Parent’s Right to Know* clause. Districts would probably also want to explain to parents the reason for the certification status, and the deadline by which the teacher will receive a North Dakota teaching license.

**Q. Why is this in Title I law?**

A. Historically, many requirements that affect all students and teachers in a state come from a federal requirement within Title I law. Why is it that Title I, a program that traditionally has paid for the hiring of one or two teachers in North Dakota schools to provide supplemental academic assistance in reading and/or math to specific, identified students, is able to pronounce such a far-reaching requirement for all schools and teachers, regardless of whether or not teachers are paid with Title I funds? Title I is about improving the achievement of educationally disadvantaged students. Since improving these students’ achievement is the primary concern of Title I law, Title I provisions can affect the whole school. If a school, for example, is filled with teachers who are not certified to teach in the subjects they are teaching, more students in that school are likely to be disadvantaged. Therefore, requiring all schools to improve teacher qualifications would help all students at the school achieve, including students who would traditionally be selected for Title I services, thereby improving the achievement of educationally disadvantaged students.

## AIDES/PARAPROFESSIONALS

**Q. What qualifications do aides/paraprofessionals need in order to work in a Title I program?**

A. *No Child Left Behind* requires that aides/paraprofessionals must be highly qualified as well. To be qualified for employment in a Title I program, an aide/paraprofessional must meet at least one of the following three criteria:

1. Have an associate (or higher) degree from an institution of higher education, OR
2. Have completed at least two years of study full time at an institution of higher education, OR
3. Passed an assessment that documents his/her knowledge of mathematics, reading, and writing.

**Q. When must Title I aides/paraprofessionals meet one of the three criteria?**

A. *No Child Left Behind* requires that all aides/paraprofessionals working in a program supported with Title I funds and hired after the date of the enactment, January 8, 2002, meet this requirement immediately. All aides who were hired before the date of enactment have until July 1, 2005 to fulfill one of the above requirements.

**Q. What if we hire an aide who will be new to our school, but who has been working as an aide in our district in previous school years?**

A. An aide who has previously worked in a school district as an aide would have four years to meet the above requirements, even if he/she has recently been hired to work at a different school.

**Q. My school is a Title I schoolwide school. Do our aides still need to meet one of the above criteria?**

A. Yes. In fact, the rules regarding the qualifications of aides/paraprofessionals are, if anything, more stringent for Title I schoolwide schools. All instructional aides, not just those paid with Title I funds, must meet one of the three criteria for qualification. The key to determining whether or not an aide/paraprofessional at a schoolwide school needs to meet the above requirements is his/her duties. If his/her primary duties are instructional—assisting teachers in the delivery of instruction to students—then the aide/paraprofessional must meet one of the three criteria. If, however, his/her duties were not instructional, if, for example, his/her duties are to assist the librarian at the school, to work in the lunchroom, or to observe the playground, then he/she would not have to meet the above criteria.

**Q. What are aides/paraprofessionals working in a Title I program allowed to do?**

A. In order to ensure that only the most qualified instructors are regularly providing instruction to educationally disadvantaged students, the *No Child Left Behind Act* has much more restrictive regulations on what duties are allowable for aides/paraprofessionals working in a Title I program. The seven allowable duties include,

1. One-on-one tutoring for eligible (Title I) students, but only when these students would not receive instruction from a certified teacher,
2. Assisting classroom management (in a schoolwide setting only);
3. Providing computer lab assistance;
4. Conducting parent involvement activities;
5. Serving as a translator;
6. Providing support in a library or media center. In a targeted assistance program, any services provided by a Title I-paid aide would have to be supplemental and target identified Title I students; and
7. Providing instructional support services under the direct supervision of a teacher (in a targeted assistance program, Title I-paid aides must be under the direct supervision of a Title I teacher).

**Q. Can Title I aides work with Title I students when the teacher is gone for two days at the Fall Conference?**

A. It depends. All Title I aides must be under the direct supervision of a Title I teacher. Direct supervision doesn't always have to mean direct visual supervision, although the aide should always be in close proximity to a teacher. If the Title I teacher has given explicit direction to a Title I aide, it is possible for them to work one-on-one with a Title I student in the classroom at a time when a teacher is not instructing while, for example, the Title I teacher is away at the Fall Conference. However, it would be unacceptable for a Title I aide to pull students to a room and work with Title I students when the Title I teacher is absent. It is best practice to hire a substitute to replace the Title I teacher; then the aide could work under the supervision of the substitute and with students in the Title I classroom.

## SCHOOL CHOICE

**Q. When is a school required, by federal law, to offer public school choice?**

A. A school must offer school choice to its students if it has been identified as a Title I program improvement school. A school is identified for Title I program improvement only if it has failed to make Adequate Yearly Progress for two consecutive school years. The school choice provision stays in effect for the duration of a school's identification as a program improvement school.

**Q. If a school must offer public school choice, does that mean that they must allow students to attend any school that they wish and cover those costs?**

A. If a school is identified for program improvement and must provide school choice, students at that school must be provided the option of transferring to another public school that is not failing within that same district. Class size cannot be used as a reason for refusing to allow a student from a low-performing school to transfer into a new school. Five percent of the district's Title I funds must be set aside for paying the costs of transporting these students to another school.

**Q. What if, as in the case of rural schools, there is no other school building in our district for the student to transfer to? Or what if the only other schools in the district are also identified as failing to make Adequate Yearly Progress?**

A. In cases like these, where there are no other schools in the district or all schools within a district have been identified for program improvement, the school district is strongly encouraged to consider voluntarily offering "supplemental services" to students in their district a year earlier than required by law.

**Q. Will transportation be offered to students who wish to exercise their public school choice option?**

A. Yes. Districts must provide transportation required for a student to exercise public school choice or interdistrict choice offered as part of identification for Program Improvement.

**Q. Which students in "failing" schools are eligible for exercising public school choice?**

A. All students attending a school that is identified as not making Adequate Yearly Progress are eligible to exercise their right to public school choice, but districts must give priority to low-income students if it is not possible to serve all students who wish to participate.

**Q. When can a district deny a student's right to enter a school of their choice?**

A. The only acceptable reason to deny a school choice request from a student who is exercising this option from a low-performing school is if it would violate state fire and safety code laws to add a child to a particular classroom. Class size alone is not an acceptable reason to refuse a student's transfer for the school choice option.

## SUPPLEMENTAL SERVICES

**Q. What are “supplemental services?”**

A. The term “supplemental services” refers to extra help provided to students in reading, language arts and math. This extra help can be provided before or after school, and on weekends. Before and after school tutoring and remedial classes in reading, language arts, or math are just some options that might be available to a student who qualifies for these services.

**Q. When is a school required to use part of its Title I funds to provide outside supplemental services for its students?**

A. In a school’s second year of being identified as failing to make Adequate Yearly Progress (third consecutive year of failing, second year in Program Improvement), it is required to allow some of its students to receive additional supplemental services. Twenty percent of the district’s Title I allocation must be set-aside to pay for the costs of implementing school choice and supplemental services.

**Q. Who is available to provide supplemental services?**

A. The provider MUST be on the state-approved list for supplemental service providers and must be capable of providing supplemental educational services consistent with the instructional program of the district and the state’s academic standards. Providers can be non-profit, including faith-based organizations, or for-profit entities with a demonstrated record of effectiveness in increasing student academic achievement. In addition, providers must give parents and the school information on the progress of the children served, ensure that instruction is consistent with state and local standards, including state student academic achievement standards, and meet applicable health, safety, and civil rights laws. The latest list of approved supplemental service providers is available on the Title I website at <http://www.dpi.state.nd.us/title1/targeted/general/supsvcs.shtm>.

**Q. How can a parent choose a good program?**

A. The law requires that “supplemental educational service” providers adhere to high-quality, research-based instruction. School districts who offer supplemental services are required to give parents information about every available, state-approved program in the area. This includes information about the providers, their qualifications, and their effectiveness.