



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Kirsten Baesler  
Superintendent of Public Instruction  
North Dakota Department of Public Instruction  
600 East Boulevard Avenue, Department 201  
Bismarck, ND 58505

April 9, 2019

Dear Superintendent Baesler:

Thank you for your participation in the U.S. Department of Education's (the Department) assessment peer review process under Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). I appreciate the efforts of the North Dakota Department of Public Instruction (NDDPI) to prepare for the peer review, which occurred in February 2019. Specifically, NDDPI submitted evidence regarding the ACT, which NDDPI requested to permit interested local educational agencies (LEAs) to administer as a locally selected, nationally recognized high school academic assessment in reading/language arts and mathematics in place of the statewide high school assessments. NDDPI also submitted evidence in support of the general high school assessment in reading/language arts and mathematics, the North Dakota State Assessment (NDSA). The results of the peer review of the NDSA will be forthcoming in a separate letter.

Section 1111(b)(2)(H) of the ESEA, as amended by the ESSA, permits a State to allow its local educational agencies (LEAs) to select and use, in lieu of the statewide assessment, a nationally recognized high school academic assessment in reading/language arts and mathematics. As defined in 34 C.F.R. § 200.3(d), a nationally recognized high school academic assessment is "an assessment of high school students' knowledge and skills that is administered in multiple States and is recognized by institutions of higher education in those or other States for the purposes of entrance or placement into courses in postsecondary education or training programs." NDDPI is offering its LEAs the option to administer the ACT in reading/language arts and mathematics in place of its statewide assessments in those subjects.

State assessment systems provide essential information that States, districts, principals and teachers can use to identify the academic needs of students, target resources and supports toward students who need them most, evaluate school and program effectiveness and close achievement gaps among students. A high-quality assessment system also provides useful information to parents about their children's advancement against and achievement of grade-level standards. The Department's peer review of State assessment systems is designed to provide feedback to States to support the development and administration of high-quality assessments.

External peer reviewers and Department staff carefully evaluated NDDPI's submission and the Department found, based on the evidence received, that the components of your assessment system meet many, but not all of the statutory and regulatory requirements of section 1111(b)(1) and (2) of the ESEA, as amended by the ESSA. Based on the recommendations from this peer review and our own analysis of the State's submission, I have determined the following:

- The ACT **substantially meets requirements** as locally selected, nationally recognized high school academic assessments in reading/language arts and mathematics.

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

**Substantially meets requirements** means that these components meet most of the requirements of the statute and regulations but some additional information is required. Because the ACT substantially meets requirements, and consistent with the information provided to States on May 17, 2017 (available here: <https://www2.ed.gov/admins/lead/account/saa/locallyselected72117.pdf>), NDDPI may continue to permit LEAs to administer the ACT in place of the statewide assessment beginning in the 2018-2019 school year.

The specific list of items required for NDDPI to submit is enclosed with this letter. Within 30 days of receipt of this letter, NDDPI must provide to the Department a plan and timeline by which it will submit the additional documentation. If adequate progress is not made in providing this information, the Department may take additional action.

In addition, the full peer review notes from the review are enclosed. These recommendations to the Department formed the basis of our determination. Please note that the peers' recommendations may differ from the Department's feedback; we encourage you to read the full peer notes for additional suggestions and recommendations for improving your assessment system beyond what is noted in the Department's feedback. Department staff will reach out to your assessment director in the next few days to discuss the peer notes and the Department's determination and to answer any questions you have.

Thank you for your ongoing commitment to improving educational outcomes for all students. I look forward to our continued partnership as we move ahead with this critical work. I appreciate the work you are doing to improve your schools and provide a high-quality education for your students.

If you have any questions, please contact my staff at: [OSS.NorthDakota@ed.gov](mailto:OSS.NorthDakota@ed.gov).

Sincerely,

/s/

Frank T. Brogan  
Assistant Secretary for  
Elementary and Secondary Education

Enclosures

cc: Robert Bauer, Director of Assessment

**Critical Elements Where Additional Evidence is Needed to Meet the Requirements for North Dakota’s Use of the ACT as a Locally Selected Nationally Recognized High School Assessment**

Critical Element	Additional Evidence Needed
<b>2.1 – Test Design and Development</b>	<ul style="list-style-type: none"> <li>• Evidence that the ACT is aligned to the North Dakota academic content standards (e.g., an alignment study of the ACT with the State’s academic content standards).</li> <li>• Evidence of a test design for the ACT that includes a balance of depth of knowledge (DOK) across and within reporting categories that is representative of the cognitive demand found within the State’s academic content standards.</li> </ul>
<b>2.4 – Monitoring Test Administration</b>	<ul style="list-style-type: none"> <li>• Evidence of a process for monitoring the administration of the ACT to ensure that standardized test administration procedures are implemented with fidelity across districts and schools.</li> </ul>
<b>3.1 – Overall Validity, including Validity Based on Content</b>	<ul style="list-style-type: none"> <li>• The evidence provided for critical element 2.1 will also address this critical element.</li> <li>• Evidence that all standards are included in the assessment system, including any standards that are excluded because they are not reading/language arts “Anchor Standards” or “standards for mathematical practice.”</li> </ul>
<b>3.2 – Validity Based on Cognitive Processes</b>	<ul style="list-style-type: none"> <li>• Evidence of validity that the ACT assessment taps the intended cognitive processes as represented in the State’s content standards (e.g., think aloud labs, item analysis protocols, and surveys following test items).</li> </ul>
<b>3.3 – Validity Based on Internal Structure</b>	<ul style="list-style-type: none"> <li>• Evidence of internal structure validity of the ACT writing test (e.g., correlations among domain scores).</li> </ul>
<b>4.1 – Reliability</b>	<ul style="list-style-type: none"> <li>• Evidence that the issue of lower ACT test reliability for North Dakota Native Americans and Alaskan Natives was addressed to determine possible causes.</li> <li>• Evidence of reliability, overall standard errors of measurement (SEM), and conditional SEM of subtests for the ACT writing test.</li> </ul>
<b>4.7 – Technical Analysis and Ongoing Maintenance</b>	<ul style="list-style-type: none"> <li>• Evidence of a process (i.e., including the State’s TAC for monitoring, maintaining, and improving the State’s administration of the ACT (e.g., TAC meeting agendas and minutes).</li> <li>• Evidence of how adequate technical quality will be made public on the State’s website.</li> </ul>
<b>5.2 – Procedures for Including English Learners</b>	<ul style="list-style-type: none"> <li>• Evidence that all of the supports and accommodations available to English learners on the State’s high school assessment (NSDA) are also available to students in an LEA that participates in the ACT as a locally selected option.</li> </ul>
<b>5.3 – Accommodations</b>	<ul style="list-style-type: none"> <li>• Evidence that the accommodations provided do not alter the construct being assessed and allow meaningful interpretations of results.</li> <li>• Evidence that the use of any non-allowable accommodations on the test will result in an invalid individual score result.</li> </ul>
<b>5.4 – Monitoring Test Administration for Special Populations</b>	<ul style="list-style-type: none"> <li>• Evidence of a plan and forms for collecting information (e.g., monitoring of classrooms, self-report by teachers) linking the accommodations actually used during classroom instruction with the accommodations in the IEP and the accommodations used during testing.</li> </ul>
<b>6.3 – Challenging and Aligned Academic Achievement Standards</b>	<ul style="list-style-type: none"> <li>• Evidence that the State’s academic achievement standards for the ACT test in reading/language arts are challenging and aligned with the State’s academic content standards and with entrance requirements for credit-bearing coursework in the system of public higher education in the State such that a student who scores at the proficient or above level has mastered what students are expected to know and be able to do by the time they graduate</li> </ul>

Critical Element	Additional Evidence Needed
<b>6.4 – Reporting</b>	<p>from high school in order to succeed in college and the workforce.</p> <ul style="list-style-type: none"> <li>• Evidence that student reports: <ul style="list-style-type: none"> <li>○ Report the student’s academic achievement in terms of the State’s grade-level academic achievement standards;</li> <li>○ To the extent practicable, are available in alternative formats (e.g., oral or written translations and accessible formats as needed).</li> </ul> </li> <li>• Evidence of the reliability of each of the subscale scores on score reports, or the addition of confidence intervals reflecting the level of precision.</li> </ul>
<b>7.1 – State Procedures for the Use of Locally Selected, Nationally Recognized High School Academic Assessments</b>	<ul style="list-style-type: none"> <li>• Evidence that the State has established technical criteria to use in its review of the ACT as a locally selected, nationally recognized high school academic assessment.</li> <li>• Evidence the State has completed its technical review of the ACT.</li> <li>• Evidence provided for critical elements 5.2 and 5.3 will address this critical element as well.</li> <li>• Evidence provided for critical elements 2.1 and 2.3 will address this critical element as well.</li> </ul>
<b>7.3 – Comparability of the Locally Selected Nationally Recognized High School Academic Assessments with the State Assessments</b>	<ul style="list-style-type: none"> <li>• Evidence of comparability between the ACT tests and the North Dakota State Assessment tests (e.g., tables comparing reliability and validity coefficients for the tests).</li> <li>• Evidence requested for critical elements 2.1 and 3.1 will address this critical element as well.</li> </ul>

U. S. DEPARTMENT OF EDUCATION

# Peer Review of State Assessment Systems

## January 2019 State Assessment Peer Review Notes

for North Dakota, including North Dakota's administration of the  
ACT as a locally selected nationally recognized high school test



U. S. Department of Education  
Office of Elementary and Secondary Education  
Washington, D.C. 20202

Note: Peer review notes provide the combined recommendations of the individual peers to the U.S. Department of Education (Department), based on the statute and regulations, the Department's peer review guidance, and the peers' professional judgement of the evidence submitted by the State. These assessment peer review notes, however, do not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for assessment peer review. Although the peer notes inform the Secretary's consideration of each State's assessment system, the Department makes the final decision regarding whether the assessment system meets the requirements in the statute and regulations. As a result, these peer notes may not completely align with the final determination made by the Department.

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# SECTION 1: STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS

## Critical Element 1.1 – State Adoption of Academic Content Standards for All Students

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><b><u>For academic content standards:</u></b></p> <p>The State formally adopted challenging academic content standards for all students in reading/language arts, mathematics and science and applies its academic content standards to all public schools and public school students in the State.</p>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>● <i>NDSA 001 NDCC Chapter 15.1-02 Superintendent of Public Instruction - 15.1-02-04.3 and 15.1-02-04.4 (p. 1)</i></li> <li>● <i>NDSA 002 Baesler Approves New ND Math, English Standards</i></li> <li>● <i>NDSA 003 Content Standards Development Protocols - Sections: I (p. 3), II.A (pp. 3-4), II.E.3.b (2) (p. 7), III.I (p. 13), III.N.4 (p. 16)</i></li> <li>● <i>NDSA 004 ND ELA Content Standards - (pp. 1, 13, 19, 23,41, 50, 57, 60, 112, 117)</i></li> <li>● <i>NDSA 005 ND Math Content Standards - (p. i)</i></li> </ul>	<p><b><u>NDSA</u></b></p> <p>North Dakota Century Code (NDCC 15.1-02-04.3) enacted <u>in</u> April 2017 that North Dakota formally adopted challenging academic standards in the content areas of English language arts (ELA) and literacy and mathematics.</p> <p>No additional evidence is required.</p>
<p><b>Section 1.1 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> No additional evidence is required or</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>● [list additional evidence needed w/brief rationale]</li> </ul>		

## Critical Element 1.2 – Challenging Academic Content Standards

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><b><u>For academic content standards:</u></b>            The State’s challenging academic content standards in reading/language arts, mathematics, and science are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards.</p>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>● <i>NDSA 002 Baesler Approves New ND Math, English Standards</i></li> <li>● <i>NDSA 006 NDUS Endorsement of ELA and Math Standards</i></li> <li>● <i>NDSA 003 Content Standards Development Protocols – Sections: II.C (p. 4), II.D (p. 5), II.G.2.j (p. 9), II.I (p. 11)</i></li> <li>● <i>NDSA 007 Content Standards Review Committee Roster</i></li> <li>● <i>NDSA 008 Notices and Agendas of Content Review Committee Meetings</i></li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>● <i>NDACT 007 ACT Alignment North Dakota 2018</i></li> </ul> <p>This evidence does not seem relevant to this critical element.</p>	<p><b><u>NDSA</u></b></p> <p>The chancellor of the North Dakota University System wrote a letter of support, based on faculty members reviewing standards in both mathematics and ELA. They determined the standards met expectations for “college, career, or military pathway.” [NDSA006]</p> <p>Representation from higher education institutions on the ND Standards Development Committees included one faculty member from a university for the mathematics review and two for the ELA review (NDSA 027). Content Standards Development Protocols (NDSA 003) are provided, along with rosters (NDSA 007), notices and agendas (NDSA 008).</p> <p><b><u>ACT</u></b></p> <p>In the peer review submission, ND indicates the approval of the ACT as a locally selected option and supports that the academic content standards are challenging and aligned with college entrance requirements. ND cites the ACT Alignment North Dakota 2018 document [NDACT007].</p> <p>Adopting a college entrance exam does not provide evidence that a state’s content standards are aligned with college entrance expectations. This evidence does not seem relevant to this critical element.</p> <p>No additional evidence is required.</p>
<p><b>Section 1.2 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> No additional evidence is required or</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>● [list additional evidence needed w/brief rationale]</li> </ul>		

**Critical Element 1.3 – Required Assessments**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State’s assessment system includes annual general and alternate assessments aligned with <b><u>grade-level academic achievement standards</u></b> or alternate academic achievement standards in:</p> <ul style="list-style-type: none"> <li>• Reading/language arts (R/LA) and mathematics in each of grades 3-8 and at least once in high school (grades 9-12);</li> <li>• Science at least once in each of three grade spans (3-5, 6-9 and 10-12).</li> </ul> <p>AND</p> <p>The State’s <b><u>academic content assessments</u></b> must be the same assessments administered to all students in the tested grades, with the following exceptions:</p> <ul style="list-style-type: none"> <li>• Students with the most significant cognitive disabilities may take an alternate assessment aligned with alternate academic achievement standards.</li> <li>• A State may permit an LEA to administer a nationally recognized high school academic assessment in lieu of the State high school assessment if certain conditions are met.</li> <li>• A State that administers an end-of-course high school mathematics assessment may exempt an 8<sup>th</sup> grade student from the mathematics assessment typically administered in eighth grade and allow the student to take the State end-of-course mathematics test instead.</li> <li>• The Department may have approved</li> </ul>	<p>NDSA:</p> <ul style="list-style-type: none"> <li>• NDSA 009</li> <li>• NDSA 010</li> <li>• NDSA 011</li> <li>• NDSA 012</li> </ul> <p>ACT:</p> <ul style="list-style-type: none"> <li>• NDSA 009</li> <li>• NDSA 010</li> <li>• NDSA 011</li> <li>• NDSA 013</li> <li>• NDACT 001</li> <li>• NDACT 002</li> <li>• NDACT 003</li> </ul>	<p>ED staff note that NDDPI provided evidence that they offer assessments in all of the required grade levels and content areas, including alternate assessments and the flexibility to use the ACT as a locally selected, nationally recognized option. No further evidence is needed.</p>

the State, under the Innovative Assessment Demonstration Authority, to permit students in some LEAs to participate in a demonstration assessment system in lieu of participating in the State assessment.		
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**Section 1.3 Summary Statement**

No additional evidence is required or

The following additional evidence is needed/provide brief rationale:

- [list additional evidence needed w/brief rationale]

**Critical Element 1.4 – Policies for Including All Students in Assessments**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State requires the inclusion of all public elementary and secondary school students in its assessment system and clearly and consistently communicates this requirement to districts and schools.</p> <ul style="list-style-type: none"> <li>• For students with disabilities, policies state that all students with disabilities in the State, including those children with disabilities publicly placed in private schools as a means of providing special education and related services, must be included in the assessment system;</li> <li>• For ELs: <ul style="list-style-type: none"> <li>○ Policies state that all ELs must be included in all aspects of the content assessment system, unless the State has chosen the statutory option for recently arrived ELs under which such ELs are exempt from one administration of its reading/ language arts assessment.</li> <li>○ If a State has developed native language assessments for ELs in R/LA, ELs must be assessed in R/LA in English if they have been enrolled in U.S. schools for three or more consecutive years, except, if a district determines, on a case-by-case basis, that native language assessments would yield more accurate and reliable information, the district may assess a student with native language assessments for a period not to exceed two additional consecutive years.</li> </ul> </li> </ul>	<p>NDSA:</p> <ul style="list-style-type: none"> <li>• NDSA 012</li> <li>• NDSA 013</li> <li>• NDSA 014</li> <li>• NDSA 015</li> <li>• NDSA 016</li> <li>• NDSA 017</li> <li>• NDSA 018</li> <li>• NDSA 019</li> <li>• NDSA 020</li> </ul>	<p>ED staff note that NDDPI provided evidence of policies and procedures that include all students in the required assessments, including students with disabilities and English learners.</p>

<p>○ If the State uses the flexibility for Native American language schools and programs: (1) the State provides the content assessment in the Native American language to all students in the school or program; (2) the State submits such content assessment for peer review as part of its State assessment system; and (3) the State continues to provide ELP assessments and services for ELs as required by law. The State must assess in English the students' achievement in R/LA in high school.</p>		
<p><b>Section 1.4 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> No additional evidence is required or</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• [list additional evidence needed w/brief rationale]</li> </ul>		

**Critical Element 1.5 – Meaningful Consultation in the Development of Challenging State Standards and Assessments**

(Note: this is a new requirement under ESSA, so it does not apply to standards and assessments adopted prior to the passage of ESSA (December 2015)).

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>If the State has developed or amended challenging <b>academic</b> standards and assessments, the State has conducted meaningful and timely consultation with:</p> <ul style="list-style-type: none"> <li>• State leaders, including the Governor, members of the State legislature and State board of education (if the State has a State board of education).</li> <li>• Local educational agencies (including those located in rural areas).</li> <li>• Representatives of Indian tribes located in the State.</li> <li>• Teachers, principals, other school leaders, charter school leaders (if the State has charter schools), specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents.</li> </ul>	<p>NDSA:</p> <ul style="list-style-type: none"> <li>• NDSA 002</li> <li>• NDSA 003</li> <li>• NDSA 004</li> <li>• NDSA 005</li> <li>• NDSA 006</li> <li>• NDSA 021</li> <li>• NDSA 022</li> <li>• NDSA 023</li> <li>• NDSA 024</li> <li>• NDSA 025</li> <li>• NDSA 026</li> <li>• NDSA 027</li> <li>• NDSA 028</li> <li>• NDSA 029</li> <li>• NDSA 030</li> </ul>	<p>ED staff note that NDDPI provided evidence of meaningful consultation in the development of mathematics and reading/language arts standards. The State utilized Development Committees that included teachers and LEA representatives from across the State. An ESSA Planning Committee included a diverse range of associations, including Tribal representatives. The State received numerous public comments on its proposed standards. The Superintendent conducted an eleven-city Listening Tour and documented the key comments and issues raised. No further evidence is needed.</p>
<p><b>Section 1.5 Summary Statement</b></p>		
<p><input type="checkbox"/> No additional evidence is required or</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• [list additional evidence needed w/brief rationale]</li> </ul>		

## SECTION 2: ASSESSMENT SYSTEM OPERATIONS

### Critical Element 2.1 – Test Design and Development

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State’s test design and test development process is well-suited for the content, is technically sound, aligns the assessments to <b><u>the depth and breadth of the State’s academic content standards</u></b> for the grade that is being assessed and includes:</p> <ul style="list-style-type: none"> <li>• Statement(s) of the purposes of the assessments and the intended interpretations and uses of results;</li> <li>• Test blueprints that describe the structure of each assessment in sufficient detail to support the development of assessments that are technically sound, measure the depth and breadth of <b><u>the State’s grade-level academic content standards</u></b> and support the intended interpretations and uses of the results.</li> <li>• Processes to ensure that each academic assessment is tailored to the knowledge and skills included in <b><u>the State’s academic content standards</u></b>, reflects appropriate inclusion of challenging content, and requires complex demonstrations or applications of knowledge and skills (i.e., higher-order thinking skills).</li> <li>• If the State administers computer-adaptive assessments, the item pool and item selection procedures adequately support the test design and intended uses and interpretations of results.</li> <li>• If the State administers a computer-adaptive assessment, it makes proficiency determinations with respect to the grade in which the</li> </ul>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 019 Technical Report Volume 1</i> - Section 1: (pp. 5-10) &amp; Table 1: (p. 6)</li> <li>• <i>NDSA 031 Technical Report Volume 2-DRAFT</i> – Sections: 1.1 (pp. 1-2), 2 (pp. 3-22), 3 (pp. 22-34) 4.1 (pp. 35-43);</li> <li>Appendices: A &amp; B</li> <li>• <i>NDSA 032 Technical Report Volume 4 - Section 5 pp. (34-55)</i></li> <li>• <i>NDSA 033 Technical Report Volume 6</i> (pp. 30-35)</li> <li>• <i>NDSA 034 ELA Blueprint-Final</i></li> <li>• <i>NDSA 035 Math Blueprint-Final</i></li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>• ACT’s Peer Review Submission for West Virginia – <ul style="list-style-type: none"> <li>○ <i>ACT Evidence #01 - How ACT Assessments Align</i></li> <li>○ <i>ACT Evidence #02 - ACT Alignment Report</i></li> <li>○ <i>ACT Evidence #03 - ACT Alignment Updates_Nov18</i></li> <li>○ <i>ACT Evidence #04 - ACT Crosswalk</i></li> <li>○ <i>ACT Evidence #05 - ACT Technical Manual,</i></li> <li>○ <i>ACT Evidence #06 - Using Your ACT Results 2017-2018,</i></li> <li>○ <i>ACT Evidence #07 - Fairness Report for the ACT Tests</i></li> <li>○ <i>ACT Evidence #08 - National Curriculum Survey</i></li> </ul> </li> <li>• <i>NDACT 004 North Dakota Choice Ready Guidance</i> (p. 4)</li> <li>• <i>NDACT 005 State Scholarship Information</i></li> <li>• <i>NDACT 006 Choice Ready Chart</i></li> <li>• <i>NDACT 007 ACT Alignment North Dakota 2018</i> (pp. 9-31)</li> <li>• <i>NDACT 008 Alignment of North Dakota English Language Arts and Mathematics Standards to Wisconsin</i></li> </ul>	<p><b><u>NDSA</u></b></p> <p>For the NDSA, further evidence is needed to demonstrate how test blueprints describe the structure of each assessment in sufficient detail to support the development of assessments that are technically sound, measure the depth and breadth of <b><u>the State’s grade-level academic content standards</u></b> and support the intended interpretations and uses of the results. Blueprints provide items by standard and items by DOK, but did not provide items by <b><u>DOK within the standard</u></b>.</p> <p>The purpose of the NDSA is to yield test scores reflecting student achievement of ND’s academic content standards [NDSA019].</p> <p>The State indicated in their peer review submission that only the paper form is currently used.</p> <p><b><u>ACT</u></b></p> <p>ND provided evidence to support alignment (ACT #02, NDACT 007 &amp; 008) between ACT and the ND content standards. Further evidence (e.g., an external study) that demonstrates alignment between the ACT and the ND content standards is required.</p> <p>ND does provide an ACT-developed report of the alignment between ACT and the ND state standards [NDA CT007] and an alignment review between Wisconsin standards and ND standards [NDACT008]. However, evidence of an external alignment study between ACT and the ND content standards was not provided.</p> <p>The ACT test blueprints do not provide sufficient detail regarding how the structure of each assessment sufficiently supports the measurement of the depth and breadth of the State’s grade-level academic content standards. (See comments under (1.2).</p>

<p>student is enrolled and uses that determination for all reporting.</p> <ul style="list-style-type: none"> <li>If the State administers a content assessment that includes portfolios, such assessment may be partially administered through a portfolio but may not be <i>entirely</i> administered through a portfolio.</li> </ul>	<p><i>Standards.</i></p>	<p>A statement of purpose is included [ACT05].</p> <p>Blueprints depict percentages by reporting categories and DOK levels (as well as by formats). Blueprints do not show item frequencies or percentages by DOK within category[ACT05]. Evidence in the ACT blueprint describing a balance of DOK across categories representative of the ND Content Standards is needed.</p>
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**Section 2.1 Summary Statement**

No additional evidence is required for the ACT or

The following additional evidence is needed/provide brief rationale for the ACT:

- Evidence that the ACT is aligned to ND Standards (e.g., Alignment study between ACT and ND content standards).
- Evidence in the ACT blueprint describing a balance of DOK across categories (i.e., items within categories within standards) representative of the ND Content Standards.

No additional evidence is required for the NDSA or

The following additional evidence is needed/provide brief rationale for the NDSA:

- Evidence in the NDSA blueprint describing a balance of DOK across categories (i.e., items within categories within standards) representative of the ND Content Standards.

**Critical Element 2.2 – Item Development**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State uses reasonable and technically sound procedures to develop and select items to:</p> <ul style="list-style-type: none"> <li>Assess student achievement based on the <b>State’s academic content standards</b> in terms of content and cognitive process, including higher-order thinking skills.</li> </ul>	<p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><b>NDSA</b></p> <ul style="list-style-type: none"> <li><i>NDSA 031 Technical Report Volume 2 – DRAFT – Sections: 1.1 (pp. 1-2); 2 (pp. 3-22); 3 (pp.22-34); 4 (pp. 34-50)</i></li> </ul>	<p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><b>NDSA</b></p> <p>ND describes a reasonable and technically sound process by which AIR develops items and ND selects items from the AIR Core item bank [NDSA031].</p> <p>No additional evidence is required for the NDSA.</p>
<p><b>Section 2.2 Summary Statement</b></p>		
<p><input type="checkbox"/> No additional evidence is required for ACT NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><input checked="" type="checkbox"/> No additional evidence is required for the NDSA</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for the NDSA:</p> <ul style="list-style-type: none"> <li>[list additional evidence needed w/brief rationale]</li> </ul>		

## Critical Element 2.3 – Test Administration

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State implements policies and procedures for standardized test administration; specifically, the State:</p> <ul style="list-style-type: none"> <li>• Has established and communicates to educators clear, thorough and consistent standardized procedures for the administration of its assessments, including administration with accommodations;</li> <li>• Has established procedures to ensure that general and special education teachers, paraprofessionals, teachers of ELs, specialized instructional support personnel, and other appropriate staff receive necessary training to administer assessments and know how to administer assessments, including, as necessary, alternate assessments, and know how to make use of appropriate accommodations during assessments for all students with disabilities;</li> <li>• If the State administers technology-based assessments, the State has defined technology and other related requirements, included technology-based test administration in its standardized procedures for test administration, and established contingency plans to address possible technology challenges during test administration.</li> </ul>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 018 Technical Report Volume 5 - Section 2 – (pp. 8-12), Table 2, pp.(10-11), Appendix K (p. 1) Table 1), Appendices B &amp; C</i></li> <li>• <i>NDSA 036 NDSA Factsheet 2017-2018</i></li> <li>• <i>NDSA 037 Proposed Testing Times</i></li> <li>• <i>NDSA 038 Accessibility Manual</i></li> <li>• <i>NDSA 039 Student Test Settings and Tools Upload Fields</i></li> <li>• <i>NDSA 040 TIDE User Guide</i></li> <li>• <i>NDSA 041 Quick Guide to TIDE-Adding Users and Students</i></li> <li>• <i>NDSA 042 Quick Guide to TIDE-TIDE Settings for Braille</i></li> <li>• <i>NDSA 043 Online Testing System Test Administrator User Guide</i></li> <li>• <i>NDSA 044 Test Administration Quick Guide</i></li> <li>• <i>NDSA 016 NDSA Participation Rules and Non-Participation Codes</i></li> <li>• <i>NDSA 045 Prepare for NDSA 2018</i></li> <li>• <i>NDSA 046 Administering Tests Training Module</i></li> <li>• <i>NDSA 047 Logging in to TIDE and Managing Users and Students</i></li> <li>• <i>NDSA 048 Managing Student Test Settings</i></li> <li>• <i>NDSA 049 Monitoring Test Progress and Data Cleanup</i></li> <li>• <i>NDSA 050 Secure Browser Installation Manual</i></li> <li>• <i>NDSA 051 System Requirements for Online Testing</i></li> <li>• <i>NDSA 052 Technical Specifications Manual for Online Testing</i></li> <li>• <i>NDSA 053 NDSA Online Contingency Planning</i></li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>• <i>ACT Evidence #09 - The ACT Test Administration Manual,</i></li> <li>• <i>ACT Evidence #10 - Test Coordinator Information Manual,</i></li> <li>• <i>NDACT 009 ACT Test Administration Manual – Accommodations and English Learner Supports</i></li> </ul>	<p><b><u>NDSA</u></b></p> <p>ND has established and communicated clear, standardized administration procedures [NDSA018, NDSA036-044, NDSA016].</p> <p>ND has established procedures to ensure professionals receive appropriate training, including training relevant to test accommodations [NDSA045-049].</p> <p>ND thoroughly described technology requirements and provided user support information as a contingency plan [NDSA018].</p> <p>No additional evidence is required.</p> <p><b><u>ACT</u></b></p> <p>ACT provided evidence of clear and thorough standardized test administration procedures. Training procedures were established, including training on the use of appropriate accommodations. Only the paper form of the ACT is currently being used.</p> <p>No additional evidence is required.</p>

	<p>(pp. 12, 35-102, 117)</p> <ul style="list-style-type: none"> <li>● <i>NDACT 010 ACT Informational Webpage for ND</i></li> <li>● <i>NDACT 011 ACT Training Email</i></li> <li>● <i>NDACT 012 Schedule of Events</i></li> <li>● <i>NDACT 013 ACT Q and A Links</i></li> <li>● <i>NDACT 014a and 014b ND QA Summaries</i></li> <li>● <i>NDACT 015 ACT Approved Accommodations Webinar Summary</i></li> <li>● <i>NDACT 016 ACT Training Survey Results</i></li> </ul>	
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**Section 2.3 Summary Statement**

No additional evidence is required for ACT

No additional evidence is required for the NDSA

The following additional evidence is needed/provide brief rationale for the NDSA:

- [list additional evidence needed w/brief rationale]

**Critical Element 2.4 – Monitoring Test Administration**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
<p>The State adequately monitors the administration of its State assessments to ensure that standardized test administration procedures are implemented with fidelity across districts and schools. Monitoring of test administration should be demonstrated for all assessments in the State system: the general academic assessments and the AA-AAAS.</p>	<p>Reviewed by Department Staff Only</p>	<p>ED staff determined that NDDPI did not provide evidence of a process for monitoring the administration of the ACT to ensure that standardized test administration procedures are implemented with fidelity across districts and schools. The State provided evidence of customer service and a list of compliance issues but did not provide any kind of monitoring procedures or protocols. The State references ACT’s Technical Manual, but this manual simply states that State personnel are authorized to monitor ACT administration; this is not evidence that monitoring is taking place.</p>
<p><b>Section 2.4 Summary Statement</b></p>		
<p><input type="checkbox"/> No additional evidence is required or</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• Evidence of a process for monitoring the administration of the ACT to ensure that standardized test administration procedures are implemented with fidelity across districts and schools.</li> </ul>		

## Critical Element 2.5 – Test Security

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has implemented and documented an appropriate set of policies and procedures to prevent test irregularities and ensure the integrity of test results through:</p> <ul style="list-style-type: none"> <li>Prevention of any assessment irregularities, including maintaining the security of test materials (both during test development and at time of test administration), proper test preparation guidelines and administration procedures, incident-reporting procedures, consequences for confirmed violations of test security, and requirements for annual training at the district and school levels for all individuals involved in test administration;</li> <li>Detection of test irregularities;</li> <li>Remediation following any test security incidents involving any of the State’s assessments;</li> <li>Investigation of alleged or factual test irregularities.</li> <li>Application of test security procedures to all assessments in the State system: the general academic assessments and the AA-AAAS.</li> </ul>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li><i>NDSA 018 Technical Report Volume 5</i> – Sections: 3.1 (pp. 14-15), 3.1, 3.2 (p. 15), 3.3 (pp. 15-16), 3 (pp. 13-16), Appendix A, (p. 41)</li> <li><i>NDSA 038 Accessibility Manual</i> (also included as Appendix J of <i>NDSA 018 Technical Report Volume 5</i>) (p. 24)</li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>ACT’s Peer Review Submission for West Virginia <ul style="list-style-type: none"> <li><i>ACT Evidence #09 - ACT Test Administration Manual</i> (pp. 5, 16)</li> <li><i>ACT Evidence #11</i></li> <li><i>ACT Evidence #12 - Terms and Conditions</i></li> </ul> </li> <li><i>NDACT 009 ACT Test Administration Manual – Accommodations and English Learner Supports</i> (pp. 8-10, 11-15, 26-29, 31-34, 35-37, 38-86, 68, 110-115, 119-135, 137)</li> <li><i>NDACT 018 ACT ND Customer Service Contact Detail</i></li> <li><i>NDACT 019 ND Final Compliance Report 2017-2018</i></li> <li><i>NDACT 020 Events that Prompt a Compliance Alert</i></li> </ul>	<p><b><u>NDSA</u></b></p> <p>ND includes guidelines for prevention, detection, remediation, and investigation of any assessment irregularities [NDSA018].</p> <p>No further evidence is required for the NDSA.</p> <p><b><u>ACT</u></b></p> <p>Documentation supports that ACT ND includes guidelines for prevention, detection, remediation, and investigation of any assessment irregularities [NDACT 009, NDACT018-2020020].</p> <p>No further evidence is required for the ACT.</p>
<p><b>Section 2.5 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> No additional evidence is required for ACT</p> <p><input checked="" type="checkbox"/> No additional evidence is required for the NDSA</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for the NDSA:</p> <ul style="list-style-type: none"> <li>[list additional evidence needed w/brief rationale]</li> </ul>		

## Critical Element 2.6 – Systems for Protecting Data Integrity and Privacy

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has policies and procedures in place to protect the integrity and confidentiality of its test materials, test-related data, and personally identifiable information, specifically:</p> <ul style="list-style-type: none"> <li>To protect the integrity of its test-related data in test administration, scoring, storage and use of results;</li> <li>To secure student-level assessment data and protect student privacy and confidentiality, including guidelines for districts and schools;</li> <li>To protect personally identifiable information about any individual student in reporting, including defining the minimum number of students necessary to allow reporting of scores for all students and student groups.</li> </ul>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li><i>NDSA 033 Technical Report Volume 6 - Section 1.1 (p. 3)</i></li> <li><i>NDSA 018 Technical Report Volume 5 - Section 3 (pp. 13-16)</i></li> <li><i>NDSA 055 Student Privacy Statement Example</i></li> <li><i>NDSA 009 North Dakota ESSA State Plan (pp. 61, 64)</i></li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>ACT’s Peer Review Submission for West Virginia <ul style="list-style-type: none"> <li><i>ACT Evidence #09 – The ACT Test Administration Manual</i></li> <li><i>ACT Evidence #13 – ACT Privacy Policy</i></li> <li><i>ACT Evidence #14 – Information Security Summary for External Use</i></li> </ul> </li> <li><i>NDACT 021 ND ACT State Contract Scope of Work (p. 1)</i></li> <li><i>NDACT 059 ACT Student Privacy Statement</i></li> <li><i>NDSA 2.6.3 evidence, NDSA 055 Student Privacy Statement Example and NDSA 009 North Dakota ESSA State Plan (pp. 61, 64)</i></li> </ul>	<p><b><u>NDSA</u></b></p> <p>Collectively, the documents indicate that ND has procedures in place to protect the integrity and confidentiality of the assessments and of the student data. [NDSA009, NDSA018, NDSA033]</p> <p>Data is redacted for groups of fewer than 10. [NDSA055]</p> <p>The evidence presented for this critical element is thorough and complete.</p> <p>No additional evidence is required for the NDSA.</p> <p><b><u>ACT</u></b></p> <p>An additional document indicates a secure site will be used for the ACT in ND [NDACT 021].</p> <p>Data is redacted for groups of fewer than 10. [NDSA055]</p> <p>An additional document indicates a secure site will be used for the ACT in ND [NDACT 021].</p> <p>No additional evidence is required for the ACT.</p>
<p><b>Section 2.6 Summary Statement</b></p>		
<p><input type="checkbox"/>_x_ No additional evidence is required for ACT</p> <p><input checked="" type="checkbox"/>_x_ No additional evidence is required for the NDSA</p> <p><input type="checkbox"/>_ The following additional evidence is needed/provide brief rationale for the NDSA:</p> <ul style="list-style-type: none"> <li>[list additional evidence needed w/brief rationale]</li> </ul>		

## SECTION 3: TECHNICAL QUALITY – VALIDITY

### Critical Element 3.1 – Overall Validity, Including Validity Based on Content

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has documented adequate overall validity evidence for its assessments consistent with nationally recognized professional and technical testing standards. The State’s validity evidence includes evidence that:</p> <p><b><u>The State’s academic assessments</u></b> measure the knowledge and skills specified in the State’s academic content standards, including:</p> <ul style="list-style-type: none"> <li>• Documentation of adequate alignment between the State’s assessments and the academic content standards the assessments are designed to measure in terms of content (i.e., knowledge and process), , balance of content, and cognitive complexity;</li> <li>• Documentation that the assessments address the depth and breadth of the content standards;</li> <li>• If the State has adopted alternate academic achievement standards and administers alternate assessments aligned with those standards, the assessments show adequate alignment to the State’s academic content standards for the grade in which the student is enrolled in terms of content match (i.e., no unrelated content) and the breadth of content and cognitive complexity determined in test design to be appropriate for students with the most significant cognitive disabilities.</li> </ul>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 031 Technical Report Volume 2-DRAFT - Section 4 (pp. 34-50)</i></li> <li>• <i>NDSA 056 Technical Report Volume 3 - Section 4.4.3 (pp. 17-18)</i></li> <li>• <i>NDSA 057 HumRRO Supplemental Alignment Report (pp. 7, 10) &amp; Appendix D</i></li> <li>• <i>NDSA 058 EdMetric Memo to NDDPI</i></li> <li>• <i>NDSA 059 NDDPI Response to HumRRO Alignment Report</i></li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>• ACT’s Peer Review Submission for West Virginia <ul style="list-style-type: none"> <li>○ <i>ACT Evidence #02 - ACT Alignment Report</i></li> <li>○ <i>ACT Evidence #03 - ACT Alignment Updates_Nov18</i></li> </ul> </li> </ul>	<p><b><u>NDSA</u></b></p> <p>HumRRO conducted the first independent alignment study [NDSA057]. The weaknesses were that:</p> <ul style="list-style-type: none"> <li>• for ELA, depth of knowledge (DOK) was weakly aligned at five grade levels and partially aligned at another grade level,</li> <li>• for ELA, balance of knowledge (BOK) was partially aligned at two grade levels, and</li> <li>• for mathematics, range of knowledge (ROK) was partially aligned at one grade level and weakly aligned at one grade level.</li> </ul> <p>EdMetric conducted a second independent study in response to DOK findings from the first alignment study. EdMetric found three grade levels partially aligned and one grade level weakly aligned for ELA DOK. ND indicated all information will be taken into account for constructing future test forms [NDSA 059].</p> <p>Further evidence of alignment (e.g., independent alignment study) that utilizes a sound alignment review methodology is needed. The current evidence is problematic due to the use of an unclear combined methodology.</p> <p>Though evidence was provided, the alignment data may need to be revisited, since it is unclear how the identified weaknesses were determined. There are some systematic differences based on the calibration of the reviewers.</p> <p><b><u>ACT</u></b></p> <p>A qualitative alignment study [NDACT007] highlights overlap between the ACT tests and ND’s “Anchor Standards for Reading and Writing” and ND’s “content</p>

	<ul style="list-style-type: none"> <li>○ ACT Evidence #04 - ACT Crosswalk</li> <li>○ ACT Evidence #05 - ACT Technical Manual</li> <li>○ ACT Evidence #07 - Fairness Report for the ACT Tests</li> <li>○ ACT Evidence #15 - ACT Writing Test Technical Report</li> <li>○ ACT Evidence #16 - Reading Content Review Panel Instructions</li> <li>● NDACT 007 ACT Alignment North Dakota 2018 (pp. 1-31)</li> <li>● NDACT 008 Alignment of North Dakota English Language Arts and Mathematics Standards to Wisconsin Standards (pp. 1-2, 4-6, 6-9, 9-10, 11-15, 16, 17)</li> </ul>	<p>standards and the standards for mathematical practice with the domains of the ACT.”</p> <p>ND needs to provide evidence of direct, quantitative alignment between the full ND content standards and the ACT (see 2.1). If some standards are excluded because they are not “Anchor Standards” in ELA or “standards for mathematical practice,” ND needs to indicate how progress on such standards will be assessed.</p>
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**Section 3.1 Summary Statement**

No additional evidence is required for ACT

The following additional evidence is needed/provide brief rationale for the ACT:

- ND needs to provide evidence of direct, quantitative alignment between the full ND content standards and the ACT (see 2.1). If some standards are excluded because they are not “Anchor Standards” in ELA or “standards for mathematical practice,” ND needs to indicate how progress on such standards will be assessed.

No additional evidence is required for the NDSA

The following additional evidence is needed/provide brief rationale for the NDSA:

- Further evidence of alignment (e.g., independent alignment study) of the NDSA that utilizes a sound alignment review methodology is needed.

**Critical Element 3.2 – Validity Based on Cognitive Processes**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has documented adequate validity evidence that its assessments tap: <b><u>the intended cognitive processes</u></b> appropriate for each grade level as represented in the State’s academic content standards.</p>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>● <i>NDSA 060 Cognitive Laboratories Technical Report</i></li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>● ACT’s Peer Review Submission for West Virginia               <ul style="list-style-type: none"> <li>○ <i>ACT Evidence #05 ACT Technical Manual</i></li> <li>○ <i>ACT Evidence #07 Fairness Report for the ACT Tests</i></li> </ul> </li> </ul>	<p><b><u>NDSA</u></b></p> <p>Evidence from cognitive labs conducted as part of the Smarter Balanced Assessment Consortium was provided [NDSA060]. ND draws items form the same item bank.</p> <p>It is unclear whether items used during the cognitive labs are actually on the NDSA. Evidence is needed that demonstrates how the NDSA assessments tap the intended cognitive processes appropriate for each grade level (e.g., a crosswalk of items used on the ND test and those used during the cognitive labs).</p> <p><b><u>ACT</u></b></p> <p>Evidence of validity that is based on students using the intended cognitive processes to complete assessments is needed. Strong examples of such evidence include think aloud labs, item analysis protocols (i.e., prompts to students to describe their thought processes following item completion), and surveys following test items that directly address cognitive strategies used.</p> <p>It is unclear whether the cognitive labs for the NDACT tap the intended cognitive processes represented in the State’s academic content standards. Technical Manual page 1.3 (Evidence 05) mentions the use of cognitive labs; details are lacking regarding the results of these studies.</p> <p>See reviewers’ comments related to critical elements 2.1 and 3.1 regarding the alignment to ND’s academic content standards.</p>
<p><b>Section 3.2 Summary Statement</b></p>		
<p><input type="checkbox"/> No additional evidence is required for ACT</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for the ACT:</p>		

- Evidence of validity that is based on students using the intended cognitive processes to complete assessments is needed. Strong examples of such evidence include think aloud labs, item analysis protocols (i.e., prompts to students to describe their thought processes following item completion), and surveys following test items that directly address cognitive strategies used. Details of the findings from the cognitive lab studies mentioned in Evidence 5 could suffice.

No additional evidence is required for the NDSA

The following additional evidence is needed/provide brief rationale for the NDSA:

- Evidence is needed that demonstrates how the NDSA assessments tap the intended cognitive processes appropriate for each grade level (e.g., a crosswalk of items used on the ND test and those addressed in cognitive labs).

### Critical Element 3.3 – Validity Based on Internal Structure

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has documented adequate validity evidence that the scoring and reporting structures of its assessments are consistent with the sub-domain structures of the State's <b><u>academic content standards</u></b>.</p>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>● <i>NDSA 032 Technical Report Volume 4</i> ○ Section 5.1 – (pp. 34-38), Section 5.2 (pp. 38-46), Section 5.4 (pp. 46-47)</li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>● ACT's Peer Review Submission for North Dakota               <ul style="list-style-type: none"> <li>○ <i>ACT Evidence #17 Peer Review Report for ND 2018</i></li> <li>○ <i>ACT Evidence #15 ACT Writing Test Technical Report</i></li> </ul> </li> <li>● <i>NDACT 007 ACT Alignment North Dakota 2018</i></li> </ul>	<p><b><u>NDSA</u></b></p> <p>Correlations among reporting categories within ELA and within mathematics were acceptable (<math>r</math>'s &lt; .80). Confirmatory factor analytic results were appropriate (RMSEA &lt; .05; CFI &gt; .92, TLI &gt; .92) in each content area. Overall evidence was strong in this element for these content areas [NDSA032].</p> <p>No additional evidence is required.</p> <p><b><u>ACT</u></b></p> <p>Correlations among mathematics, science, and English or reading scores were acceptable (<math>r</math>'s &lt; .80). Correlations among reporting areas within content areas (i.e., subscale scores) were also mostly acceptable. Confirmatory factor analytic results were appropriate (RMSEA &lt; .04) in each content area. Overall evidence was strong in this element for these content areas. [ACT17]</p> <p>ACT's study (NDACT 007) documenting alignment of the ACT to North Dakota's content standards provides some evidence of alignment of the scoring structure of the ACT to the organizational structure of the North Dakota standards. Further evidence of direct alignment is needed to document how the scoring and reporting structures of the ACT are consistent with the sub-domain structures of the State's academic content standards (see 2.1 &amp; 3.1).</p> <p>Writing scores are sufficiently distinct from English scores (<math>r = .48</math>). [ACT15]</p> <p>Correlations among writing domain scores were not provided. Evidence of internal structure validity of the ACT writing test is needed.</p>
<p><b>Section 3.3 Summary Statement</b></p>		
<p><input type="checkbox"/> No additional evidence is required for the ACT or</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for the ACT:</p>		

- Evidence of internal structure validity of the ACT writing test (e.g., correlations among domain scores).

No additional evidence is required for the NDSA or

The following additional evidence is needed/provide brief rationale for the NDSA:

-

**Critical Element 3.4 – Validity Based on Relations to Other Variables**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has documented adequate validity evidence that the State’s assessment scores are related as expected with other variables.</p>	<p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 032 Technical Report Volume 4 – Section 5.5</i></li> </ul>	<p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><b><u>NDSA</u></b></p> <p>Across grades 3 through 8, correlations with SBAC scores from the previous year ranged from .76 to .81 in ELA and between .78 and .84 in mathematics [NDSA032]. Evidence was NOT available at the high school level. Convergent validity evidence is needed to document that the high school ELA and mathematics tests share relationships with similar constructs (e.g., prior Smarter Balance scores, grades, PSATs, etc.).</p>

**Section 3.4 Summary Statement**

No additional evidence is required for ACT

NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT

The following additional evidence is needed/provide brief rationale for ACT:

- [list additional evidence needed w/brief rationale]

No additional evidence is required for NDSA

The following additional evidence is needed/provide brief rationale for NDSA:

- Convergent validity evidence is needed to document that the high school ELA and mathematics tests share relationships with similar constructs (e.g., prior Smarter Balance scores, grades, PSATs, etc.).

## SECTION 4: TECHNICAL QUALITY – OTHER

### Critical Element 4.1 – Reliability

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has documented adequate reliability evidence for its assessments for the following measures of reliability for the State’s student population overall and each student group consistent with nationally recognized professional and technical testing standards. If the State’s assessments are implemented in multiple States, measures of reliability for the assessment overall and each student group consistent with nationally recognized professional and technical testing standards, including:</p> <ul style="list-style-type: none"> <li>• Test reliability of the State’s assessments estimated for its student population;</li> <li>• Overall and conditional standard error of measurement of the State’s assessments, including any domain or component sub-tests, as applicable;</li> <li>• Consistency and accuracy of estimates in categorical classification decisions for the cut scores, achievement levels or proficiency levels based on the assessment results;</li> <li>• For computer-adaptive tests, evidence that the assessments produce test forms with adequately precise estimates of <b><u>a student’s academic achievement</u></b>.</li> </ul>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 032 Technical Report Volume 4</i> - Section 3: (Tables 6-8, pp. 9-11), Section 3.5: (Tables 17 and 18, pp. 23-24), Section 3.4: (Tables 10-16, pp. 19-22)</li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>• ACT’s Peer Review Submission for West Virginia <ul style="list-style-type: none"> <li>○ <i>ACT Evidence #05 – ACT Technical Manual</i></li> <li>○ <i>ACT Evidence #15 - ACT Writing Test Technical Report</i></li> </ul> </li> </ul>	<p><b><u>NDSA</u></b></p> <p>Reliability coefficients for content areas were acceptable across all grades (<math>r's \geq .85</math>). Reliability coefficients were NOT reported for component sub-tests within ELA and mathematics [NDSA032].</p> <p>Conditional SEM were acceptable across content areas. CSEMs tended to be higher for level 1 and level 4 than for levels 2 and 3. CSEM at cut scores were acceptable. CSEM for component sub-tests were NOT provided [NDSA032].</p> <p>Overall SEM was NOT provided for scores in ELA or mathematics nor for their component sub-tests [NDSA032].</p> <p>Consistency and accuracy of classification were acceptable (<math>&gt; .85</math> per tables 14 through 16) across grades and content areas.</p> <p>Consistency and accuracy of classification were NOT reported for component sub-tests [NDSA032].</p> <p>NONE of the reliability information was disaggregated by student group.</p> <p>Evidence of the overall SEM for ELA and mathematics is needed.</p> <p>Evidence of sub-test reliabilities is needed.</p> <p>Evidence of reliability disaggregated by student group is needed.</p> <p><b><u>ACT</u></b></p> <p>Median reliabilities for content areas were acceptable (<math>r's \geq .85</math>). Median reliabilities for some reporting areas (i.e., subscales) were too low; one area of English, all five areas of mathematics, two areas of reading, and two areas of</p>

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	<ul style="list-style-type: none"> <li>● ACT's Peer Review Submission for North Dakota               <ul style="list-style-type: none"> <li>○ ACT Evidence #05 – ACT Technical Manual</li> <li>○ ACT Evidence #15 - ACT Writing Test Technical Report</li> <li>○ ACT Evidence #17 - Peer Review Report for ND 2018 (pp. 7-8) (pp. 9-10)</li> </ul> </li> </ul>	<p>science had reliabilities below .7. Many were below .6. [ACT05]</p> <p>Agreement indices were acceptable across writing domain scores (perfect agreement &gt; .5, perfect + adjacent agreement &gt;.9). Based on a 2003 reliability study, inter-rater agreement was high (r's = .92 to .94), the generalizability coefficient was .64, the variance component for persons was 63%, and the reliability component of an English/Writing composite was .91. [ACT15]</p> <p>The overall and conditional SEMs were acceptable across content areas. [ACT05].</p> <p>The median classification consistencies were acceptable (&gt; .80) across content areas. The median classification consistencies were too low (&lt; .70) on four of five subscales in mathematics and on one subscale in reading. [ACT05]</p> <p>Classification consistencies were acceptable (&gt; .80 for two levels) for reading and mathematics across genders and ethnicities. [ACT17]</p> <p>ACT prepared a report of psychometric evidence based solely on ND students [ACT017].</p> <p>Reliability coefficients for all content areas were acceptable (r's ≥ .80). Reliability coefficients were NOT reported for component sub-tests within ELA and mathematics [ACT017].</p> <p>Reliability coefficients for all content areas by gender and by ethnicity were mostly acceptable (r's ≥ .80).</p> <p>Reliability was slightly lower for ND Native Americans and Alaskan Natives (r's = .760 to .805) [ACT017]. ND needs to explore this discrepancy, for possible causes, since scores are not as precise for Native Americans and Alaskan Natives as for other ethnic groups. Evidence that the issue of lower reliability for ND Native Americans and Alaskan</p>

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
		<p>Natives was addressed to determine possible causes is needed (e.g., If narrower score distributions contributed to lower reliability, as is suggested, provide the means and standard deviations based on ethnicity.).</p> <p>Classification consistencies were acceptable (&gt; .80) across content areas and student groups, as well as overall [ACT017].</p> <p>Subscales within content areas should be reported with confidence intervals, or not reported at all, given the low reliability estimates for many subscale scores.</p> <p>Evidence of reliability, overall SEM, and conditional SEM of subtests (“domains” in the individual report) was NOT provided for the ACT writing test.</p>
<b>Section 4.1 Summary Statement</b>		
<p><input type="checkbox"/> No additional evidence is required for ACT</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>• Evidence that the issue of lower reliability for ND Native Americans and Alaskan Natives was addressed to determine possible causes is needed (e.g., If narrower score distributions contributed to lower reliability, as was suggested, report the means and standard deviations based on ethnicity).</li> <li>• Evidence of reliability, overall SEM, and conditional SEM of subtests (“domains” in the individual report) for the ACT writing test.</li> </ul> <p><input type="checkbox"/> No additional evidence is required for NDSA</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for NDSA:</p> <ul style="list-style-type: none"> <li>• Evidence of the overall SEM for ELA and mathematics is needed.</li> <li>• Evidence of sub-test reliabilities is needed.</li> <li>• Evidence of reliability disaggregated by student group is needed</li> </ul>		

### Critical Element 4.2 – Fairness and Accessibility

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><i>For all State academic assessments,</i> assessments should be developed, to the extent practicable, using the principles of universal design for learning (UDL) (see definition<sup>1</sup>).</p> <p><b>For academic content assessments,</b> the State has taken reasonable and appropriate steps to ensure that its assessments are accessible to all students and fair across student groups in their design, development and analysis.</p>	<p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><u>NDSA</u></p> <ul style="list-style-type: none"> <li>● <i>NDSA 031 Technical Report Volume 2 – DRAFT – Sections: 2.3 (p. 15) &amp; 2.4 (pp. 15-17)</i></li> <li>● <i>NDSA 018 Technical Report Volume 5 – Section 1.2 (pp. 4-5); Appendices: E (p. 78) &amp; J (pp. 3-25)</i></li> </ul>	<p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><u>NDSA</u></p> <p>Items were written and reviewed using principles of universal design [NDSA031].</p> <p>Accessibility features were built into the assessment and accommodations were made available to ensure accessibility for students [NDSA018].</p> <p>No additional evidence is required.</p>
<p><b>Section 4.2 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> No additional evidence is required for ACT</p> <p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>● [list additional evidence needed w/brief rationale]</li> </ul> <p><input checked="" type="checkbox"/> No additional evidence is required for NDSA</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for NDSA:</p>		

<sup>1</sup> see page 28 of “A State’s Guide to the U.S. Department of Education’s Assessment Peer Review Process”, September 24, 2018 available at: [www.ed.gov/admins/lead/account/saa.html](http://www.ed.gov/admins/lead/account/saa.html)

### Critical Element 4.3 – Full Performance Continuum

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has ensured that each assessment provides an adequately precise estimate of student performance across the full performance continuum for <b>academic assessments</b>, including performance for high- and low-achieving students.</p>	<p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 032 Technical Report Volume 4 – Figures 2 &amp; 3 (pp. 14-16)</i></li> </ul>	<p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><b><u>NDSA</u></b></p> <p>Conditional SEMs indicate acceptable precision at each cut score across grade levels [NDSA032].</p> <p>No additional evidence is required.</p>
<p><b>Section 4.3 Summary Statement</b></p>		
<p><input type="checkbox"/>_x_ No additional evidence is required for ACT</p> <p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><input type="checkbox"/>_ The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>• [list additional evidence needed w/brief rationale]</li> </ul> <p><input checked="" type="checkbox"/>_x_ No additional evidence is required for NDSA</p> <p><input type="checkbox"/>_ The following additional evidence is needed/provide brief rationale for NDSA:</p>		

### Critical Element 4.4 – Scoring

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has established and documented standardized scoring procedures and protocols for its assessments that are designed to produce reliable and meaningful results, facilitate valid score interpretations, and report assessment results in terms of the State’s <b><u>academic achievement standards</u></b>.</p>	<p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>● <i>NDSA 019 Technical Report Volume 1 – Sections: 6 &amp; 7.1 (pp. 36-43, 44); 4.1 (p. 18); 5.2.1 (p. 26); 6.2 (p. 40)</i></li> <li>● <i>NDSA 056 Technical Report Volume 3 – (pp. 7-9, 11-13, 14-28, 28-32, 32-33); Table 5 (p. 13); Appendix E</i></li> <li>● <i>NDSA 031 Technical Report Volume 2 – DRAFT – Section 2.7.2 (pp. 20-21)</i></li> <li>● <i>NDSA 032 Technical Report Volume 4 – (p.25); Table 22 (p. 30)</i></li> <li>● <i>NDSA 033 Technical Report Volume 6 – Figure 13 (p. 27); Section 1.2 (p. 4)</i></li> </ul>	<p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><b><u>NDSA</u></b></p> <p>NDSA has established documented, appropriate scoring procedures [NDSA019].</p> <p>Machine scoring of essays agrees with human scoring at least as well as two human scorers agree with each other [NDSA032].</p> <p>No additional evidence is required.</p>
<p><b>Section 4.4 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> No additional evidence is required for ACT</p> <p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>• [list additional evidence needed w/brief rationale]</li> </ul> <p><input checked="" type="checkbox"/> No additional evidence is required for NDSA</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for NDSA:</p>		

### Critical Element 4.5 – Multiple Assessment Forms

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>If the State administers multiple forms of <b>academic assessments</b> within a content area and grade level, within or across school years, the State ensures that all forms adequately represent the State’s <b>academic content standards</b> and yield consistent score interpretations such that the forms are comparable within and across school years.</p>	<p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 019 Technical Report Volume 1 – Section 5 (pp. 24-25)</i></li> </ul>	<p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><b><u>NDSA</u></b></p> <p>Item response theory methods are used to develop statistically equivalent forms from one year to the next [NDSA019]. Per p. 24, it seems ND and AIR are doing this using a unidimensional model, which may NOT be appropriate given their confirmatory factor analysis and reporting imply sub-categories. Also, it is unclear how this model maintains representation across content standards. It is unclear how the assumption of a unidimensional model interacts with this requirement.</p> <p>Peers did not understand the rationale for using a unidimensional model versus using confirmatory factor analysis.</p> <p>No additional evidence is required.</p>
<p><b>Section 4.5 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> No additional evidence is required for ACT</p> <p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>• [list additional evidence needed w/brief rationale]</li> </ul> <p><input checked="" type="checkbox"/> No additional evidence is required for NDSA</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for NDSA:</p> <ul style="list-style-type: none"> <li>•</li> </ul>		

### Critical Element 4.6 – Multiple Versions of an Assessment

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>If the State administers any of its assessments in multiple versions within a subject area (e.g., online versus paper-based delivery; <b><u>or a native language version of the academic content assessment</u></b>), grade level, or school year, the State:</p> <ul style="list-style-type: none"> <li>• Followed a design and development process to support comparable interpretations of results for students tested across the versions of the assessments;</li> <li>• Documented adequate evidence of comparability of the meaning and interpretations of the assessment results.</li> </ul>	<p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 019 Technical Report Volume 1 – Section 1.4 (p. 7): Tables 6 &amp; 7 (pp12-13)</i></li> <li>• <i>NDSA 031 Technical Report Volume 2 – DRAFT – Sections: 1 (pp. 1-3) and 2 (pp. 3-22)</i></li> <li>• <i>NDSA 061 Device Comparability Study</i></li> </ul>	<p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><b><u>NDSA</u></b></p> <p>The Device Comparability Study [NDSA061] indicated the tests work the same regardless of the device on which they are taken.</p> <p>The print on demand and braille versions of the test are the same test forms, using the same item parameters for scoring, and reported against the same cut scores as the online version of the tests [NDSA019].</p> <p>No additional evidence is required.</p>
<p><b>Section 4.6 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> No additional evidence is required for ACT</p> <p>NOTE TO PEERS—this critical element has been found to have sufficient evidence supporting the use of the ACT as a State assessment in prior peer reviews of the ACT</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>• [list additional evidence needed w/brief rationale]</li> </ul> <p><input checked="" type="checkbox"/> No additional evidence is required for NDSA</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for NDSA:</p> <ul style="list-style-type: none"> <li>•</li> </ul>		

### Critical Element 4.7 – Technical Analysis and Ongoing Maintenance

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State:</p> <ul style="list-style-type: none"> <li>Has a system for monitoring, maintaining, and improving, as needed, the quality of its assessment system, including clear and technically sound criteria for the analyses of all of the assessments in its assessment system (i.e., general assessments and alternate assessments), and</li> <li>Evidence of adequate technical quality is made public, including on the State’s website.</li> </ul>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li><i>NDSA 019 Technical Report Volume 1 - Section 7 (p. 44)</i></li> <li><i>NDSA 018 Technical Report Volume 5 - Section 3 (pp. 13-16)</i></li> <li><i>NDSA 062 Technical Advisory Committee 2018-2019</i></li> <li><i>NDSA 063 Public Availability of Technical Reports</i></li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>ACT’s Peer Review Submission for West Virginia               <ul style="list-style-type: none"> <li><i>ACT Evidence #18 – Overview of ACT Technical Advisory Committee</i></li> <li><i>ACT Evidence # 08 – National Curriculum Survey</i></li> <li><i>ACT Evidence # 05 - ACT Technical Manual</i></li> </ul> </li> <li>Evidence #[17]: Peer Review Report on the ACT Assessment for North Dakota (pp. 5-6).</li> </ul>	<p><b><u>NDSA</u></b></p> <p>ND has a system in place for monitoring test scoring methods and for test security [NDSA018-019].</p> <p>ND has an acceptable technical advisory committee [NDSA062]. The process for involving and soliciting feedback from the technical advisory committee is unclear.</p> <p>NDSA reports are available by request from the department of public instruction website and will be posted on the website once they meet compliance requirements for publication [NDSA063].</p> <p>Evidence that indicates the State uses a process (i.e., including the State’s TAC) for monitoring, maintaining, and improving the assessment (e.g., TAC meeting agendas and minutes) is needed.</p> <p><b><u>ACT</u></b></p> <p>An excellent technical advisory committee (TAC) and acceptable system for improving the quality of assessment is in place for the ACT tests. [ACT18, ACT08]</p> <p>It is unclear whether ND has a process for monitoring, maintaining, and improving the ACT tests as part of the ND assessment system. It is also unclear which evidence of adequate technical quality will be made public on the State’s website.</p> <p>Evidence is needed indicating the State uses a process (i.e., including the State’s TAC) for monitoring, maintaining, and improving the assessment (e.g., TAC meeting agendas and minutes).</p>
<p><b>Section 4.7 Summary Statement</b></p>		
<p><input type="checkbox"/> No additional evidence is required for ACT</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>Evidence that indicates the State uses a process (i.e., including the State’s TAC) for monitoring, maintaining, and improving the assessment (e.g., TAC meeting</li> </ul>		

agendas and minutes).

No additional evidence is required for NDSA

The following additional evidence is needed/provide brief rationale for NDSA:

- Evidence that indicates the State uses a process (i.e., including the State's TAC) for monitoring, maintaining, and improving the assessment (e.g., TAC meeting agendas and minutes).

## SECTION 5: INCLUSION OF ALL STUDENTS

### Critical Element 5.1 – Procedures for Including Students with Disabilities

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has in place procedures to ensure the inclusion of all public elementary and secondary school students with disabilities in the State’s assessment system. Decisions about how to assess students with disabilities must be made by a student’s IEP Team under IDEA, the placement team under Section 504, or the individual or team designated by a district to make that decision under Title II of the ADA, as applicable, based on each student’s individual abilities and needs.</p> <p>If a State adopts alternate academic achievement standards for students with the most significant cognitive disabilities and administers an alternate assessment aligned with those standards under ESEA section 1111(b)(1)(E) and (b)(2)(D), respectively, the State must:</p> <ul style="list-style-type: none"> <li>• Establish guidelines for determining whether to assess a student with an AA-AAAS, including: <ul style="list-style-type: none"> <li>○ A State definition of “students with the most significant cognitive disabilities” that addresses factors related to cognitive functioning and adaptive behavior;</li> </ul> </li> <li>• Provide information for IEP Teams to inform decisions about student assessments that: <ul style="list-style-type: none"> <li>○ Provides a clear explanation of the differences between assessments aligned with grade-level academic achievement</li> </ul> </li> </ul>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 038 Accessibility Manual</i></li> <li>• <i>NDSA 009 North Dakota ESSA State Plan</i> (pp. 14, 28, 43, 50)</li> <li>• <i>NDSA 012 Guidelines, Individualized Education Program Planning Process</i> (pp. 50, 51, 52)</li> <li>• <i>NDSA 065 Section 504 Subpart D Guidelines for Educators and Administrators</i> (pp. 33-37)</li> <li>• <i>NDSA 064 Guidelines, Intellectual Disabilities in Educational Settings</i> (p, 18)</li> <li>• <i>NDSA 066 Special Education Spring Leadership Institute</i> <ul style="list-style-type: none"> <li>○ Slides 43-47 - Training slides on the State Assessment, including accommodations and alternate assessments</li> </ul> </li> <li>• <i>NDSA 067 Personalized Learning Presentation</i> <ul style="list-style-type: none"> <li>○ Accessibility of assessment and instruction I</li> </ul> </li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>• ACT’s Peer Review Submission for West Virginia <ul style="list-style-type: none"> <li>○ <i>ACT Evidence #05 - ACT Technical Manual</i></li> <li>○ <i>ACT Evidence #19 - ACT Policy for Accommodation Documentation</i></li> <li>○ <i>ACT Evidence #20 – ACT Test Accessibility and Accommodations System User Guide</i></li> </ul> </li> <li>• <i>NDACT 022 ACT NDSA Approved Accommodations and Supports</i></li> <li>• <i>NDSA 012 Guidelines, Individualized Education Program Planning Process</i> (pp. 50, 51, 52)</li> <li>• <i>NDSA 038 Accessibility Manual</i></li> </ul>	<p><b><u>NDSA</u></b></p> <p>Guidelines, Individualized Education Program Planning Process indicates decisions about large scale assessment participation must be made by the student’s IEP team. The document indicates all students must be included in the State’s assessment system [NDSA012].</p> <p>ND indicates other components of critical element 5.2 are NOT applicable because the AA-AAAS is NOT being reviewed currently.</p> <p>No additional evidence required.</p> <p><b><u>ACT</u></b></p> <p>The State and ACT promote the use of accommodations by students with disabilities. [ACT5, NDACT 022]</p> <p>ND indicates other components of critical element 5.2 are NOT applicable because the AA-AAAS is NOT being reviewed currently.</p> <p>No additional evidence is required.</p>

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
<p>standards and those aligned with alternate academic achievement standards, including any effects of State and local policies on a student's education resulting from taking an AA-AAAS, such as how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma;</p> <ul style="list-style-type: none"> <li>• Ensure that parents of students assessed with an AA-AAAS are informed that their child's achievement will be measured based on alternate academic achievement standards;</li> <li>• Not preclude a student with the most significant cognitive disabilities who takes an AA-AAAS from attempting to complete the requirements for a regular high school diploma; and</li> <li>• Promote, consistent with requirements under the IDEA, the involvement and progress of students with the most significant cognitive disabilities in the general education curriculum that is based on the State's academic content standards for the grade in which the student is enrolled; and</li> <li>• Develop, disseminate information on, and promote the use of appropriate accommodations to ensure that a student with the most significant cognitive disabilities who does not take an AA-AAAS participates in academic instruction and assessments for the grade in which the student is</li> </ul>		

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>enrolled.</p> <ul style="list-style-type: none"> <li>The State has in place and monitors implementation of guidelines for IEP teams to apply in determining, on a case-by-case basis, which students with the most significant cognitive disabilities will be assessed based on alternate academic achievement standards, if applicable. Such guidelines must be developed in accordance with 34 CFR § 200.6(d).<sup>2</sup></li> </ul>		
<b>Section 5.1 Summary Statement</b>		
<p><input checked="" type="checkbox"/> No additional evidence is required for ACT</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li></li> </ul> <p><input checked="" type="checkbox"/> No additional evidence is required for NDSA</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for NDSA:</p> <ul style="list-style-type: none"> <li></li> </ul>		

<sup>2</sup> See the full regulation at 34 CFR § 200.6(d) (online at [https://www.ecfr.gov/cgi-bin/text-idx?SID=07e168e9e7a6c5931b4549cc15547ee9&mc=true&node=se34.1.200\\_16&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=07e168e9e7a6c5931b4549cc15547ee9&mc=true&node=se34.1.200_16&rgn=div8))

## Critical Element 5.2 – Procedures for Including English Learners in Academic Content Assessments

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has in place procedures to ensure the inclusion of all ELs in public elementary and secondary schools in the State’s academic content assessments and clearly communicates this information to districts, schools, teachers, and parents, including, at a minimum:</p> <ul style="list-style-type: none"> <li>• Procedures for determining whether an EL should be assessed with a linguistic accommodation(s);</li> <li>• Information on accessibility tools and features available to all students and assessment accommodations available for ELs;</li> <li>• Assistance regarding selection of appropriate linguistic accommodations for ELs, including to the extent practicable, assessments in the language most likely to yield accurate and reliable information on what those students know and can do to determine the students’ mastery of skills in academic content areas until the students have achieved English language proficiency.</li> </ul>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 012 Guidelines, Individualized Education Program Planning Process</i> (pp. 50, 51, 52)</li> <li>• <i>NDSA 020 Guidance on English Learner Programming</i> (pp. 2-4, 3-4, 8); Appendix C</li> <li>• <i>NDSA 038 Accessibility Manual</i> - Figure 2, p. 16); (pp. 28-29, 30, 31-32); Tool 5 (pp. 36-40)</li> <li>• <i>NDSA 068 Guidance, Participation of English Learners in NDSA</i> (pp. 1, 2)</li> <li>• <i>NDSA 069 EL Assessment Accommodations Plan</i></li> <li>• <i>NDSA 070 Approved List of Dual Language Dictionaries</i></li> <li>• <i>NDSA 018 Technical Report Volume 5</i> - Appendix A (pp. 3; 15-17); Appendix C (pp. 13, 23); Appendix E (pp. 78-81); Appendix J (pp. 5-25); (pp. 5-6; 16-18; 33-49)</li> <li>• <i>NDSA 071 English Learner Program Plan Template</i></li> <li>• <i>NDSA 072 Sample EL Program Plan-West Fargo</i></li> <li>• <i>NDSA 073 Sample EL Program Plan-Fargo</i></li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>• ACT’s Peer Review Submission for West Virginia <ul style="list-style-type: none"> <li>○ <i>ACT Evidence #05 - ACT Technical Manual</i></li> <li>○ <i>ACT Evidence #20 - ACT Test Accessibility and Accommodations System User Guide</i></li> <li>○ <i>ACT Evidence #21 - ACT EL Supports Guide</i></li> <li>○ <i>ACT Evidence #22 - ACT Policy for EL Supports Documentation</i></li> </ul> </li> <li>• <i>NDACT 009 ACT Administration Manual/Accommodations and English Learner Supports Paper Testing</i></li> <li>• <i>NDACT 015 ACT Technical Writing Report</i></li> <li>• <i>NDACT 022 Table of Approved Accommodations and Support for ACT and NDSA</i></li> <li>• <i>NDSA 068 Guidance, Participation of English Learners in NDSA</i></li> </ul>	<p><b><u>NDSA</u></b></p> <p>ND has a detailed plan for inclusion of ELs in schools and in academic assessment and clearly communicates this information through the Guidance on English Learner Programming [NDSA020]. This guidance includes procedures for determining linguistic accommodations.</p> <p>Information on accessibility tools and assessment accommodations for ELs are included in the accessibility manual [NDSA038].</p> <p>Additional documents [NDSA068-069] provide guidance on selecting accommodations for ELs.</p> <p>A list of dual language dictionaries is provided [NDSA70].</p> <p>Assistance is provided for selecting the appropriate linguistic accommodations for ELs [NDSA068].</p> <p>Evidence of a single statewide policy for determining the allowable accommodations and supports for both the NDSA high school assessment and the ACT is needed.</p> <p><b><u>ACT</u></b></p> <p>ACT includes procedures for determining whether an EL should be assessed with a linguistic accommodation. [ACT05, ACT20-22, ACT09]</p> <p>The State and ACT provide information on accessibility features for all students and accommodations available for ELs. [ACT05, ACT20-22, NDACT009]</p> <p>The State provides assistance in the selection of appropriate linguistic accommodations, including assessments in the native language until the students reach English proficiency. Translation of instructions into 12 languages is available as an accommodation on the ACT. Translation of the ACT does not appear to be available; this feature is only available for the AA-AAAS. [NDACT 009]</p>

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
		<p>Allowable accommodations on the ACT and on the NDSA appear moderately aligned [NDACT 022].</p> <p>Evidence of a single statewide policy for determining the allowable accommodations and supports for both the NDSA high school assessment and the ACT is needed.</p> <p>Evidence that students taking the ACT, who have not reached English proficiency, will be able to do so in a way that yields reliable scores from which valid inferences may be drawn is needed. Solely translating the directions is not enough in mathematics and science, since English skills are required to access these tests. All of the content would need to be translated to yield accurate scores. A rationale should be provided if this accommodation is not allowable.</p>
<b>Section 5.2 Summary Statement</b>		
<p><input type="checkbox"/> No additional evidence is required for ACT</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>• Evidence that students taking the ACT, who have not reached English proficiency, will be able to do so in a way that yields reliable scores from which valid inferences may be drawn. Solely translating the directions is not enough in mathematics and science, since English skills are required to access these tests. All of the content would need to be translated to yield accurate scores. A rationale should be provided if this accommodation is not allowable.</li> <li>• Evidence of a single statewide policy for determining the allowable accommodations and supports for both the NDSA high school assessment and the ACT.</li> </ul> <p><input type="checkbox"/> No additional evidence is required for NDSA</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for NDSA:</p> <ul style="list-style-type: none"> <li>• Evidence of a single statewide policy for determining the allowable accommodations and supports for both the NDSA high school assessment and the ACT.</li> </ul>		

### Critical Element 5.3 – Accommodations

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State makes available appropriate accommodations and ensures that its assessments are accessible to students with disabilities and ELs, including ELs with disabilities. Specifically, the State:</p> <ul style="list-style-type: none"> <li>• Ensures that appropriate accommodations, such as, interoperability with, and ability to use, assistive technology, are available to measure the <b>academic achievement</b> of students with disabilities.</li> <li>• Ensures that appropriate accommodations are available for ELs;</li> <li>• Has determined that the accommodations it provides (1) are appropriate and effective for meeting the individual student’s need(s) to participate in the assessments, (2) do not alter the construct being assessed, and (3) allow meaningful interpretations of results and comparison of scores for students who need and receive accommodations and students who do not need and do not receive accommodations;</li> <li>• Has a process to individually review and allow exceptional requests for a small number of students who require accommodations beyond those routinely allowed.</li> <li>• Ensures that accommodations for all required assessments do not deny students with disabilities or ELs the opportunity to participate in the assessment and any benefits from participation in the assessment.</li> </ul>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 074 Guidelines for the Provision of Assistive Technology</i> (pp. 19, 31)</li> <li>• <i>NDSA 019 Technical Report Volume 1 - Section 1.4 - (p. 3); Section 2.2: Tables 6-11 (pp. 7-10); Section 4.: (pp. 33-37); Appendix A, Tables 16 and 17 (pp. 16-19)</i></li> <li>• <i>NDSA 031 Technical Report Volume 2 – DRAFT - Section 1.2 (pp. 2-3); Section 4.6 (pp. 47-50)</i></li> <li>• <i>NDSA 018 Technical Report Volume 5 - Appendix A (pp. 3; 15-17); Appendix B (pp. 9-11); Appendix C (pp. 13, 23); Appendix D (p. 3); Appendix E (pp. 41, 78-80); Appendix G (pp. 1-3); Appendix J (pp. 5-25); (pp. 5-6; 16-18; 33-49)</i></li> <li>• <i>NDSA 020 Guidance on English Learner Programming</i> (pp.3-4, 7-8); Appendix C</li> <li>• <i>NDSA 068 Guidance, Participation of English Learners in NDSA</i> (pp.1-4)</li> <li>• <i>NDSA 070 Approved List of Dual Language Dictionaries</i></li> <li>• <i>NDSA 069 EL Assessment Accommodations Plan</i></li> <li>• <i>NDSA 038 Accessibility Manual - Figure 2 (p. 16); Tool 5 (pp. 11, 36-40, 53-55)</i></li> <li>• <i>NDSA 075 Guidance on Exceptional Accommodations</i></li> <li>• <i>NDSA 076 Unique Accommodation Request Application</i></li> <li>• <i>NDSA 012 Guidelines, Individualized Education Program Planning Process</i> (pp. 51, 52)</li> <li>• <i>NDSA 013 NDCC 15.1-21 Curriculum and Testing</i></li> <li>• <i>NDSA 064 Guidelines, Intellectual Disabilities in Educational Settings (p, 18)</i></li> </ul>	<p><b><u>NDSA</u></b></p> <p>Procedures are in place to ensure appropriate accommodations such as assistive technology are in place and will function [NDSA074].</p> <p>ND has a detailed plan for inclusion of ELs in schools and in academic assessment and clearly communicates this information through the Guidance on English Learner Programming [NDSA020]. This guidance includes procedures for determining linguistic accommodations.</p> <p>Evidence of guidance for IEP teams to select appropriate accommodations for individual student needs (e.g., information about which student need is associated with which accommodation). Reliability and validity coefficients, disaggregated by students receiving accommodations and students not receiving accommodations, would serve this purpose. ND indicated AIR provided differential item functioning (DIF) based on use of accommodations; such a report could contribute to this purpose. It was NOT shared. ND provided DIF results on students receiving special education services vs. students not receiving special education services. The number of items flagged for DIF was small. It was unclear whether the distinction of special education services was 100% aligned with the distinction of using accommodations (i.e., some students NOT eligible for special education may have received accommodations, and some students eligible for special education may NOT have received accommodations). Also, it is unclear how ND interpreted the findings and which actions were taken with the flagged items.</p> <p>Evidence of equitable policies between the online ACT accommodations and the paper/pencil NDSA accommodations is needed to support that the accommodations do not alter the construct being assessed.</p> <p>Reliability (e.g., coefficient alpha, SEMs) and/or validity evidence (e.g., predictive validity correlations, factor</p>

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	<p><b>ACT</b></p> <ul style="list-style-type: none"> <li>● ACT’s Peer Review Submission for West Virginia <ul style="list-style-type: none"> <li>○ ACT Evidence #05 – ACT Technical Manual</li> <li>○ ACT Evidence #19 – ACT Policy for Accommodation Documentation</li> <li>○ ACT Evidence #20 – ACT Test Accessibility and Accommodations System User Guide</li> <li>○ ACT Evidence #21 - ACT EL Supports Guide</li> <li>○ ACT Evidence #22 –ACT Policy for EL Supports Documentation</li> </ul> </li> <li>● NDACT 022 ACT NDSA Approved Accommodations and Supports</li> <li>● NDACT 023 ACT Accommodations and Supports</li> <li>● ACT’s Peer Review Submission for North Dakota <ul style="list-style-type: none"> <li>○ ACT Evidence #17 - Peer Review Report for ND 2018 (not addressed in ACT’s submission for CE 5.3.3; however, DIF analyses for ND are included on pp. 8-10)</li> <li>● NDSA 038 Accessibility Manual</li> </ul> </li> </ul> <p>ACT Evidence #20 - ACT Test Accessibility and Accommodations System User Guide</p> <p>ACT Evidence #21 - ACT EL Supports Guide</p> <p>ACT Evidence #22 - ACT Policy for EL Supports Documentation</p> <p>ACT provided ND with a list of accommodations administered during 2018 testing [NDACT023].</p>	<p>analytic results) that is disaggregated by whether students received accommodations or not would provide clear evidence the construct is preserved and interpretations are meaningful.</p> <p>ND has a process in place for requesting exceptional accommodations [NDSA038, NDSA075-76].</p> <p>ND indicates all students must have equal access to grade level content [NDSA038].</p> <p><b>ACT</b></p> <p>Reliability (e.g., coefficient alpha, SEMs) and/or validity evidence (e.g., predictive validity correlations, factor analytic results) that is disaggregated by whether students received accommodations or not would provide clear evidence that the construct is preserved and interpretations are meaningful.</p> <p>ACT ensures appropriate accommodations including assistive technology are available to students with disabilities. [ACT05]</p> <p>ACT ensures appropriate accommodations are available for ELs. [ACT05, ACT21, ACT22]</p> <p>ACT has a process to individually review exceptional requests. [ACT05]</p> <p>Accommodations allow students with disabilities and ELs to participate and receive all benefits. From ACT05 p. 4.8, “Allowed accommodations are available to users who have been qualified by the local governing school or employment authority to use them.” ACT will not count scores as reportable from accessibility supports that are not approved. [ACT05] This causes a concern regarding equal benefits addressed in critical element 7.1.</p> <p>ACT provided ND with a list of accommodations administered during 2018 testing [NDACT023].</p>

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
		Evidence of guidance for IEP teams to select appropriate accommodations for individual student needs (e.g., information about which student need is associated with which accommodation) is needed.
<b>Section 5.3 Summary Statement</b>		
<p><input type="checkbox"/> No additional evidence is required for ACT</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>• Evidence of guidance for IEP teams to select appropriate accommodations for individual student needs (e.g., information about which student need is associated with which accommodation).</li> <li>• Reliability (e.g., coefficient alpha, SEMs) and/or validity evidence (e.g., predictive validity correlations, factor analytic results) disaggregated by whether students received accommodations or NOT would provide clear evidence that the construct is preserved and interpretations are meaningful.</li> </ul> <p><input type="checkbox"/> No additional evidence is required for NDSA</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for NDSA:</p> <ul style="list-style-type: none"> <li>• Evidence of guidance for IEP teams to select appropriate accommodations for individual student needs (e.g., information about which student need is associated with which accommodation).</li> <li>• Reliability (e.g., coefficient alpha, SEMs) and/or validity evidence (e.g., predictive validity correlations, factor analytic results) disaggregated by whether students received accommodations or NOT would provide clear evidence that the construct is preserved and interpretations are meaningful.</li> <li>• Evidence of equitable policies between the online NDSA accommodations and the paper/pencil ACT accommodations is needed to support that the accommodations do not alter the construct being assessed.</li> </ul>		



Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	<ul style="list-style-type: none"> <li>○ ACT Evidence #09 - ACT Test Administration Manual</li> <li>○ ACT Evidence #05 - ACT Technical Manual</li> <li>○ ACT Evidence #19 - ACT Policy for Accommodation Documentation</li> <li>○ ACT Evidence #20 - ACT Test Accessibility and Accommodations System User Guide</li> <li>○ ACT Evidence #21 - ACT EL Supports Guide</li> <li>○ ACT Evidence #22 - ACT Policy for EL Supports Documentation</li> <li>● NDSA 5.4.2 evidence.</li> </ul>	<p>Evidence of a plan and forms for collecting information (e.g., monitoring of classrooms, self-report by teachers) linking the accommodations actually used during classroom instruction with the accommodations in the IEP and used during testing is needed. This is necessary to show assessment accommodations are “Consistent with accommodations provided to the students during instruction and/or practice.”</p> <p>Evidence is needed that the monitoring plan for the NDSA is also applied to the ACT.</p>
<b>Section 5.4 Summary Statement</b>		
<p><input type="checkbox"/> No additional evidence is required for ACT</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>• Evidence of the forms used for monitoring, including the monitoring protocol.</li> <li>• Evidence of a plan and forms for collecting information (e.g., monitoring of classrooms, self-report by teachers) linking the accommodations actually used during classroom instruction with the accommodations in the IEP and the accommodations used during testing. This is necessary to show assessment accommodations are “Consistent with accommodations provided to the students during instruction and/or practice.”</li> <li>• Evidence that the monitoring plan for the NDSA is also applied to the ACT.</li> </ul> <p><input type="checkbox"/> No additional evidence is required for NDSA</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for NDSA:</p> <ul style="list-style-type: none"> <li>• Evidence of the forms used for monitoring, including the monitoring protocol.</li> <li>• Evidence of a plan and forms for collecting information (e.g., monitoring of classrooms, self-report by teachers) linking the accommodations actually used during classroom instruction with the accommodations in the IEP and the accommodations used during testing. This is necessary to show assessment accommodations are “Consistent with accommodations provided to the students during instruction and/or practice.”</li> </ul>		

## SECTION 6: ACADEMIC ACHIEVEMENT STANDARDS AND REPORTING

### Critical Element 6.1 – State Adoption of Academic Achievement Standards for All Students

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><b>For academic content standards:</b></p> <p>The State formally adopted <b>challenging academic achievement standards</b> in reading/language arts, mathematics, and science for all students, specifically:</p> <ul style="list-style-type: none"> <li>The State formally adopted academic achievement standards in the required tested grades and, at its option, alternate academic achievement standards for students with the most significant cognitive disabilities;</li> <li>The State applies its academic achievement standards to all public elementary and secondary school students enrolled in the grade to which they apply, with the exception of students with the most significant cognitive disabilities to whom alternate academic achievement standards may apply;</li> </ul> <p>The State’s academic achievement standards and, as applicable, alternate academic achievement standards, include: (1) at least three levels of achievement, with two for high achievement and a third for lower achievement; (2) descriptions of the competencies associated with each achievement level; and (3) achievement scores that differentiate among the achievement levels.</p>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li><i>NDSA 056 Technical Report Volume 3 (p. 25); Appendix E</i></li> <li><i>NDSA 083 Approval of NDSA Cut Scores</i></li> <li><i>NDSA 084 Website Screenshots of NDSA Proficiency Levels</i></li> <li><i>NDSA 085 2018 North Dakota Fall Educators Conference Program (p. 14)</i></li> <li><i>NDSA 086 2018 North Dakota Fall Educators Conference Presentation - Slides 5-7</i></li> <li><i>NDSA 087 TEAM News, September 2018,(p. 5)</i></li> <li><i>NDSA 088 ESSA Review Committee Presentation, Sept 2018</i></li> <li><i>NDSA 089 Combined ELA ALD Document</i></li> <li><i>NDSA 90 Combined Math ALD Document</i></li> <li><i>NDSA 013 NDCC 15.1-21 Curriculum and Testing (p.8)</i></li> <li><i>NDSA 009 North Dakota ESSA State Plan (p. 50)</i></li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li><i>NDACT 024 ACT Proficiency Levels</i></li> <li><i>NDACT 025 Approval of ACT Cut Scores – Superintendent Baesler Letter</i></li> <li><i>NDACT 027 – NC ACT Empirical Standard Setting (p.iii &amp; Appendix I, p. 116)</i></li> <li><i>NDACT 028 a &amp; b ND ACT ELA ALDs and Math ALDs</i></li> <li><i>NDSA 087 TEAM News, September 2018,(p. 5)</i></li> <li><i>NDSA 085 2018 North Dakota Fall Educators Conference Program_(p. 14)</i></li> <li><i>NDSA 086 2018 North Dakota Fall Educators Conference Presentation - Slides 18-19</i></li> <li><i>NDSA 088 ESSA Review Committee Presentation, Sept 2018 - (slides 2, 7-8, 8-9)</i></li> <li><i>NDACT 003 ACTOptionMemo03062018</i></li> <li><i>NDSA 013 NDCC 15.1-21 Curriculum and Testing</i></li> </ul>	<p><b><u>NDSA</u></b></p> <p>ND used a bookmarking procedure to adopt academic achievement standards with four levels of achievement, described the competencies associated with each achievement level, and set scores differentiating among these levels [NDSA056].</p> <p>The standards are applied to all students in appropriate grades [NDSA009, NDSA013].</p> <p>No additional evidence is required.</p> <p><b><u>ACT</u></b></p> <p>Academic achievement standards and cut scores for the ACT in ND were set using an empirical standard setting methodology [NDACT025]. There are four levels of achievement, descriptions of competencies associated with the levels, and scores that differentiate among the levels (i.e., cut scores) [NDACT027].</p> <p>Cut scores were based on NDSA cut scores, ACT cut scores, and North Dakota University System placement scores [NDACT024]. This process was done by a group of secondary and postsecondary educators [NDACT027].</p> <p>The standards are applied to all students in appropriate grades [NDSA009, NDSA013].</p> <p>NDDPI formally approved cut scores for the North Dakota administration of the ACT in</p>

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	<p>(p. 8)</p> <ul style="list-style-type: none"> <li>• <i>NDSA 009 North Dakota ESSA State Plan</i> (pp. 31, 50)</li> <li>• <i>NDAST 026 ESSA ACT Survey Memo 2019</i></li> </ul>	<p>Mathematics and ELA on August 18, 2018. Approval was granted by the State’s Superintendent and communicated to stakeholders via NDDPI’s website, as well as through conferences, memos and newsletters.</p> <p>No further evidence is required.</p>
<b>Section 6.1 Summary Statement</b>		
<p><input checked="" type="checkbox"/> No additional evidence is required for ACT</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>• [list additional evidence needed w/brief rationale]</li> </ul> <p><input checked="" type="checkbox"/> No additional evidence is required for NDSA</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for NDSA:</p>		

**Critical Element 6.2 – Achievement Standards Setting**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State used a technically sound method and process that involved panelists with appropriate experience and expertise for setting:</p> <ul style="list-style-type: none"> <li>• <b><u>Academic achievement standards and, as applicable, alternate academic achievement standards.</u></b></li> </ul>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 056 Technical Report Volume 3, (pp. 7-9, 11-13, 14-28, 28-32, 32-33, and Appendix E)</i></li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDACT 027 ND ACT Empirical Standard Setting Report (pp. 6, 9-11, 14, 15-23, 24-28, 30-31, and Appendix I p. 116)</i></li> </ul>	<p><b><u>NDSA</u></b></p> <p>ND used a bookmarking procedure to adopt academic achievement standards. Panelists had the appropriate experience and expertise for the setting [NDSA056].</p> <p>No additional evidence is required.</p> <p><b><u>ACT</u></b></p> <p>Academic achievement standards and cut scores for the ACT in ND were set using an empirical standard setting methodology. Cut scores were based on NDSA cut scores, ACT cut scores, and North Dakota University System placement scores. This process was conducted by a group of secondary and postsecondary educators. Panelists had the appropriate experience and expertise for the setting [NDACT027].</p> <p>No additional evidence is required.</p>
<p><b>Section 6.2 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> No additional evidence is required for ACT</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>• [list additional evidence needed w/brief rationale]</li> </ul> <p><input checked="" type="checkbox"/> No additional evidence is required for NDSA</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for NDSA:</p>		

### Critical Element 6.3 – Challenging and Aligned Academic Achievement Standards

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><b><u>For academic achievement standards:</u></b></p> <p>The State’s academic achievement standards are challenging and aligned with the State’s academic content standards and with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards such that a student who scores at the proficient or above level has mastered what students are expected to know and be able to do by the time they graduate from high school in order to succeed in college and the workforce.</p> <p>If the State has adopted alternate academic achievement standards for students with the most significant cognitive disabilities, the alternate academic achievement standards (1) are aligned with the State’s challenging academic content standards for the grade in which a student is enrolled; (2) promote access to the general curriculum consistent with the IDEA; (3) reflect professional judgment as to the highest possible standards achievable for such students; (4) are designated in the IEP for each student for whom alternate academic achievement standards apply; and (5) are aligned to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education or competitive integrated employment.</p>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 089 Combined ELA ALD Document</i></li> <li>• <i>NSDA 090 Combined Math ALD Document</i></li> <li>• <i>NSDA 056 Technical Report Volume 3- Section 43.4 (pp. 12-13); Section 4.34.3 (pp. 14-16); Sections 4.5.4 &amp; 4.5.5 (pp. 17-18);( pp16, 18-19, 25)</i></li> </ul> <p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDACT 027 ND ACT Empirical Standard Setting Report (pp. 15-16, 12, 18, 18-19, 21-23)</i></li> <li>• <i>NDACT 029 NDUS Tables</i></li> </ul>	<p><b><u>NDSA</u></b></p> <p>ND used a bookmarking procedure to adopt academic achievement standards with four levels of achievement, described the competencies associated with each achievement level, and set scores differentiating among these levels [NDSA056].</p> <p>The chancellor of the North Dakota University System wrote a letter of support, based on faculty members reviewing standards in both Mathematics and English. The determined the standards met expectations for “college, career, or military pathway.” [NDSA006]</p> <p>No additional evidence is required.</p> <p><b><u>ACT</u></b></p> <p>Academic achievement standards and cut scores for the ACT in ND were set using an empirical standard setting methodology [NDACT025]. There are four levels of achievement, descriptions of competencies associated with the levels, and scores that differentiate among the levels (i.e., cut scores) [NDACT027].</p> <p>The NDACT 029 NDUS Tables do not include the ELA cut scores. ND selected a lower score for ELA compared to ACT’s benchmark. ND needs to provide an NDUS remedial table that shows how the ACT scores for ELA were derived (just like the tables provided for mathematics and reading). This evidence is needed to support that the State’s academic achievement standards are challenging and aligned with the State’s academic content standards and with entrance requirements for credit-bearing coursework in the system of public higher education.</p> <p>Cut scores are based on NDSA cut scores, ACT cut scores, and North Dakota University System placement scores [NDACT024]. This process was conducted by a group of secondary and postsecondary educators [NDACT027].</p> <p>ACT provided a table indicating the numbers of students at</p>

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
		<p>various scores who were in remediation following testing in 2017 [NDACT029]. Based on cut scores reported in NDACT027, less than 1% of students at any score beyond the cut score in math (22) were remediated. It was NOT possible to do this comparison for ELA, because the file only contained sheets for math, language, and reading.</p> <p>See 2.1, and 3.1</p>
<b>Section 6.3 Summary Statement</b>		
<p><input type="checkbox"/> No additional evidence is required for ACT</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>• ND needs to provide an NDUS remedial table for the ACT scores that shows the ELA scores and how they were derived (just like the ones provided to mathematics and reading).</li> </ul> <p><input checked="" type="checkbox"/> No additional evidence is required for NDSA</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for NDSA:</p>		

## Critical Element 6.4 – Reporting

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State reports its assessment results for all students assessed, and the reporting facilitates timely, appropriate, credible, and defensible interpretations and uses of those results by parents, educators, State officials, policymakers and other stakeholders, and the public.</p> <p>The State reports to the public its assessment results on <b><u>student academic achievement for all students and each student group at each achievement level</u></b><sup>3</sup></p> <p>For <b><u>academic content assessments</u></b>, the State reports assessment results, including itemized score analyses, to districts and schools so that parents, teachers, principals, and administrators can interpret the results and address the <b><u>specific academic needs of students</u></b>, and the State also provides interpretive guides to support appropriate uses of the assessment results.</p> <ul style="list-style-type: none"> <li>• The State provides for the production and delivery of individual student interpretive, descriptive, and diagnostic reports after each administration of its academic content assessments that: <ul style="list-style-type: none"> <li>○ Provide valid and reliable information regarding a <b><u>student’s academic achievement</u></b>;</li> </ul> </li> </ul>	<p><b><u>NDSA</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 056 Technical Report Volume 3, Section 2.2 (pp. 4-8)</i></li> <li>• <i>NDSA 033 Technical Report Volume 6, Sections 1.3 &amp; 1.4 (pp. 6-7); Section 1.6.6 (pp. 22-26); Section 1.6.7 (p. 27); Figure 13 (p. 27); pp. 9-29</i></li> <li>• <i>NDSA 032 Technical Report Volume 4 - Section 3 (pp. 7-31); Section 4 (pp. 32-33)</i></li> <li>• <i>NDSA 091 Sample Public Report 01-State Achievement Summary</i></li> <li>• <i>NDSA 092 Sample Public Report 02-District Achievement Summary</i></li> <li>• <i>NDSA 093 Sample Public Report 03-District Achievement Summary</i></li> <li>• <i>NDSA 094 Sample Public Report 04-School Achievement Summary</i></li> <li>• <i>NDSA 095 Sample Public Report 05-School Demographic Achievement Summary</i></li> <li>• <i>NDSA 096 Student Report Interpretive Guide ELA</i></li> <li>• <i>NDSA 097 Student Report Interpretive Guide Math</i></li> <li>• <i>NDSA 098 Resources for Educators</i></li> <li>• <i>NDSA 099 Online Reporting System User Guide</i></li> <li>• <i>NDSA 100 ISR Memo to Schools</i></li> <li>• <i>NDSA 101 Screenshot of Equity Provisions and Title I Policies</i></li> <li>• <i>NDSA 102 Home Language Survey</i></li> <li>• <i>NDSA 079 Federal Programs Monitoring Guide (p. 23)</i></li> </ul>	<p><b><u>NDSA</u></b></p> <p>Results of the assessment are reported publicly for all students and for student groups [NDSA091-095].</p> <p>Results and interpretive guides are provided, addressing specific academic needs of students [NDSA033, NDSA096-098].</p> <p>Student reports provide valid and reliable information to the extent the tests provide valid and reliable information, as addressed in critical elements 3.1 through 4.1. Information is reported based on grade level achievement standards, addressing individual needs, in an understandable and interpretable format [NDSA033, NDSA096-098].</p> <p>ND surveys parents about home language [NDSA102] and acknowledges the requirement to translate information for parents who do NOT speak English.</p> <p>It is unclear (a) whether alternate formats of reports are available for persons with disabilities, (b) how parents are made aware of and can request such formats, and (c) how parents are made aware of and can request translated reports as needed. Evidence is needed to demonstrate that parents are made aware of how to request and access alternate and translated formats of reports.</p> <p>A timetable for reporting results is NOT provided. ND indicates data are populated into the scoring system immediately. NDSA033 indicates “online score reports are produced after the tests are submitted by the students, hand-scored and machine-scored, and processed through ORS.” ORS stands for the online reporting system.</p>

<sup>3</sup> Although all students with disabilities must be included in a State’s assessment system, requirements for public reporting in ESEA section 1111(h)(1)(C)(ii) apply only to children with disabilities as defined in section 602(3) of the IDEA.

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<ul style="list-style-type: none"> <li>○ Report the <b><u>student’s academic achievement</u></b> in terms of the State’s grade-level academic achievement standards;</li> <li>○ Provide information to help parents, teachers, and principals interpret the test results and address the specific <b><u>academic needs of students</u></b>;</li> <li>○ Are provided in an understandable and uniform format;</li> <li>○ Are, to the extent practicable, written in a language that parents and guardians can understand or, if it is not practicable to provide written translations to a parent or guardian with limited English proficiency, are orally translated for such parent or guardian;</li> <li>○ Upon request by a parent who is an individual with a disability as defined by the ADA, as amended, are provided in an alternative format accessible to that parent.</li> <li>● The State follows a process and timeline for delivering individual student reports to parents, teachers, and principals as soon as practicable after each test administration.</li> </ul>	<p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>● ACT’s Peer Review for West Virginia <ul style="list-style-type: none"> <li>○ ACT Evidence #05 – Act Technical Manual</li> <li>○ ACT Evidence #06 – Using Your ACT Results 2017-2018</li> <li>○ ACT Evidence #24 – State and District Record Layout 16-17</li> <li>○ ACT Evidence #25 – Act Score Report Description</li> </ul> </li> <li>● ACT’s Peer Review Submission for North Dakota <ul style="list-style-type: none"> <li>○ ACT Evidence #23 – 2017 -2018 Profile Report for North Dakota</li> </ul> </li> <li>● NDACT 030 ACT State Reports</li> <li>● NDACT 031 ND ACT Composite Trend Data</li> <li>● NDACT 032 Accountability Reporting</li> <li>● NDACT 033 PANext Report Access</li> <li>● NDACT 034 PANext User Guide</li> <li>● NDACT 035 PANext School Reports</li> <li>● NDACT 036 PANext Student Reports</li> <li>● NDACT 024 ACT Proficiency Levels</li> <li>● NDACT 052 ACT Report Delivery Schedule</li> <li>● NDACT 053 Reports Available in PANext</li> <li>● NDACT 054 Using Your ACT Results - Spanish</li> <li>● NDACT 055 Student Web Account Log In</li> </ul> <p><b>I</b></p>	<p>Evidence of a more specific timeline with the dates student score reports will be available is needed.</p> <p><b><u>ACT</u></b></p> <p>The ACT reports to the State performance for all students and for groups based on ethnicity and gender. [ACT23]</p> <p>The reports for the ACT tests and the State include itemized score analyses specific to academic needs of students. The State provides valid and reliable information on each student <u>to the extent</u> the scores from the tests are reliable and lead to valid inferences. Limitations in reliability involve subscale scores and are addressed in critical element 4.1. These scores are reported without error bands; reporting such scores without error bands may not be helpful to students, given the lack of reliability. [ACT05]</p> <p>Evidence is needed supporting the reliability of each of the subscale scores on score reports, or the addition of confidence intervals reflecting the level of precision. This comment applies to English, reading, mathematics, and writing, because subscale scores for each are included on the score report. If writing subscale scores are included, evidence of both reliability (see critical element 4.1) and internal structure validity (see critical element 3.3) is needed.</p> <p>The ACT offers translation of reports as needed into multiple languages. [ACT05]</p> <p>It is unclear whether alternative formats are available for parents with disabilities. Evidence is needed to demonstrate that parents are made aware of how to request and access alternate formats of reports.</p> <p>The State and the ACT describe a process and a timeline for reporting. [ACT25]</p>

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
		<p>ND indicates teachers, parents, and educators can cross reference individual reports with cut scores published on the department of public instruction website to determine proficiency levels. This arrangement places an undue burden on the stakeholders, compared to a process of directly reporting the percentages at each proficiency level.</p> <p>Evidence is needed that describes how students' academic achievement is reported in terms of the State's grade-level academic achievement standards.</p> <p>The ND ACT provides public reports on overall student achievement and on the achievement of groups [ACT023].</p> <p>ND follows ACT's published timeline for the delivery of results [NCACT052-053].</p>
<b>Section 6.4 Summary Statement</b>		
<p><input type="checkbox"/> No additional evidence is required for ACT</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>• Evidence is needed to demonstrate that parents are made aware of how to request and access alternate formats of reports.</li> <li>• Evidence is needed supporting the reliability of each of the subscale scores on score reports, or the addition of confidence intervals reflecting the level of precision. This comment applies to English, reading, mathematics, and writing, because subscale scores for each are included on the score report. If writing subscale scores are included, evidence of both reliability (see critical element 4.1) and internal structure validity (see critical element 3.3) is needed.</li> <li>• Evidence is needed that describes how students' academic achievement is reported in terms of the State's grade-level academic achievement standards.</li> </ul> <p><input type="checkbox"/> No additional evidence is required for NDSA</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for NDSA:</p> <ul style="list-style-type: none"> <li>• Evidence is needed to demonstrate that parents are made aware of how to request and access alternate and translated formats of reports.</li> <li>• Evidence of a more specific timeline with the dates student score reports will be available is needed.</li> </ul>		

## SECTION 7: LOCALLY SELECTED NATIONALLY RECOGNIZED HIGH SCHOOL ACADEMIC ASSESSMENTS

(if applicable; evidence for this section would be submitted in ADDITION to evidence for sections 1 through 6)

### Critical Element 7.1 – State Procedures for the Use of Locally Selected, Nationally Recognized High School Academic Assessments

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has established technical criteria to use in its review of any submission of a locally selected, nationally recognized high school academic assessment. The State has completed this review using its established technical criteria and has found the assessment meets its criteria <b>prior to</b> submitting for the Department’s assessment peer review.</p> <p>The State’s technical criteria include a determination that the assessment:</p> <ul style="list-style-type: none"> <li>• Is aligned with the challenging State academic standards; and</li> <li>• Addresses the depth and breadth of those standards.</li> </ul> <p>AND</p> <p>The State has procedures in place to ensure that a district that chooses to use a nationally recognized high school academic assessment administers the same assessment to all high school students in the district except for students with the most significant cognitive disabilities who may be assessed with an AA-AAAS.</p> <p>AND</p> <p>The technical criteria established by the State in reviewing a locally selected,</p>	<p><b>ACT</b></p> <ul style="list-style-type: none"> <li>• <i>NDACT 001 ESSA ACT Memo</i></li> <li>• <i>NDACT 002 Transition Authority Letter</i></li> <li>• <i>NDACT 003 ACT Option Memo 0362018(p. 2), 007 (pp. 9-31)</i></li> <li>• <i>NDACT 007 ACT Alignment North Dakota 2018</i></li> <li>• <i>NDACT 008 Alignment of North Dakota English (pp. 1-2, 4-6, 6-9, 9-10, 11-15, 16, 17, 21, 32)</i></li> <li>• <i>NDACT 021 ND ACT Contract Scope of Work</i></li> <li>• <i>NDACT 037 Waiver Application Letter ACT Peer Review</i></li> <li>• <i>NDACT 038 ACT Waiver Supplement Letter - Figure 1 (p. 3); (pp. 4, 6-7)</i></li> <li>• <i>NDACT 039 Waiver Response</i></li> <li>• <i>NDACT 040 ACT Waiver Resubmission 02262018</i></li> <li>• <i>NDACT 041 Alignment of ND, WI, ACT ELA Standards</i></li> <li>• <i>NDACT 042 Alignment of ACT, WI, and ND Mathematics Standards</i></li> <li>• <i>NDACT 043 ACT Flexibility Option</i></li> <li>• <i>NDACT 044 ACT Accountability Webpage</i></li> <li>• ACT’s Peer Review Submission for North Dakota: <ul style="list-style-type: none"> <li>○ <i>ACT Evidence #02 – ACT Alignment Report</i></li> <li>○ <i>ACT Evidence #03 – ACT Alignment Updates_Nov18</i></li> <li>○ <i>ACT Evidence #04 – ACT Crosswalk</i></li> </ul> </li> </ul>	<p><b>ACT</b></p> <p>ND provides a series of letters exemplifying a request to use the ACT in some districts [NDACT037-NDACT040].</p> <p>ND does NOT provide established technical criteria nor the details of an established review process. Evidence is needed that the State has established technical criteria to use in its review of the locally selected ACT. The State’s technical criteria needs to include a determination that the assessment:</p> <ul style="list-style-type: none"> <li>• Is aligned with the challenging State academic standards; and</li> <li>• Addresses the depth and breadth of those standards.</li> </ul> <p>The State needs to provide evidence that the established technical criteria was used to review the locally selected, nationally recognized high school academic assessment (e.g., ACT).</p> <p>ND recognizes all students in a district choosing the ACT, with the exception of those students with the most significant cognitive disabilities, must take the same assessment [NDACT001].</p> <p>As described in CE 1.4 and CE 5.1, NDDPI has established and clearly communicates to LEAs that all students must participate in the statewide assessment system except those students with the most significant cognitive disabilities who may be assessed by an AA-AAAS.</p> <p>Concerns regarding critical elements 5.2 and 5.3 apply here. Specifically, ND should indicate how ELs, who do not speak English proficiently, can meaningfully complete</p>

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>nationally recognized high school academic assessment must ensure that the use of appropriate accommodations does not deny a student with a disability or an EL—</p> <ul style="list-style-type: none"> <li>The opportunity to participate in the assessment; and</li> </ul> <p>Any of the benefits from participation in the assessment that are afforded to students without disabilities or students who are not ELs.</p>		<p>the ACT in mathematics with only the instructions translated. Also, reliability and validity evidence should be provided for subgroups based on use and non-use of accommodations, in order to determine whether the construct is preserved and inferences are justifiable.</p> <p>With regard to equal benefits, ACT05 states on p. 4.8 “Allowed accommodations are available to users who have been qualified by the local governing school or employment authority to use them.” NDACT22 indicates some accommodations are allowable on the NDSA and not on the ACT. For example, it is unclear what happens when a local governing school in ND approves a thesaurus, which is allowable on NDSA and NOT allowable on ACT. ND indicates its contract with ACT does NOT allow scores that are NOT reportable to colleges. Clarification is needed regarding whether all accommodation decisions will be made by IEP teams and whether all accommodations approved by IEP teams are allowable for college-reportable scores. It is understood that ACT may verify whether school/IEP team approval has occurred. The extent of the involvement of ACT beyond that determination is unclear (ACT #5 versus NDACT 22). Evidence is needed that demonstrates how selecting a local option assessment (ACT) ensures that the use of appropriate accommodations does not deny any student with a disability or an EL the opportunity to participate in the assessment. Evidence is also needed to support how and if students who receive appropriate accommodations are afforded equal benefits as compared to those students who take the assessment without accommodations.</p>

**Section 7.1 Summary Statement**

No additional evidence is required for ACT

The following additional evidence is needed/provide brief rationale for ACT:

- Evidence the State has established technical criteria to use in its review of the locally selected ACT.
- Evidence the State’s established technical criteria was used to review the locally selected, nationally recognized high school academic assessment (e.g., ACT).

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
	<ul style="list-style-type: none"> <li>• Evidence that demonstrates how selecting a local option assessment (ACT) ensures that the use of appropriate accommodations does not deny any student with a disability or an EL the opportunity to participate in the assessment.</li> <li>• Evidence that students who receive appropriate accommodations are afforded equal benefits as compared to those students who take the assessment without accommodations.</li> </ul>	

**Element 7.2 –State Monitoring of Districts Regarding the Use of Locally Selected, Nationally Recognized High School Academic Assessments**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State must have procedures in place to ensure that:</p> <p><b>Before</b> a district requests approval from the State to use a nationally recognized high school academic assessment, the district notifies all parents of high school students it serves—</p> <ul style="list-style-type: none"> <li>• That the district intends to request approval from the State to use a nationally recognized high school academic assessment in place of the statewide academic assessment;</li> <li>• Of how parents and, as appropriate, students may provide meaningful input regarding the district’s request (includes students in public charter schools who would be included in such assessments); and</li> <li>• Of any effect of such request on the instructional program in the district.</li> </ul>	<p><b><u>ACT</u></b></p> <ul style="list-style-type: none"> <li>• <i>NDACT 003 ACT Option Memo 03062018 (pp. 1, 2)</i></li> <li>• <i>NDACT 026 ESSA ACT Survey Memo 2019 (p. 2)</i></li> <li>• <i>NDACT 045 2019 ESSA Survey</i></li> <li>• <i>NDACT 046 Summary of LEA Stakeholder Feedback</i></li> </ul> <p>ESSA ACT Survey Memo 2019</p> <p>NDACT 003 ACTOptionMemo03062018</p> <p>NDACT 045 2019 ESSA Survey</p>	<p><b><u>ACT</u></b></p> <p>ND describes the process of announcing intent to use a nationally recognized high school academic assessment and soliciting feedback from parents and students. ND describes any effect the request will have on the instructional programming in the district [NDACT026, NDACT046].</p> <p>As described in CE 7.1, North Dakota distributes a survey to LEAs to determine their intent to use the ACT in lieu of the Grade 10 NDSA for high school accountability purposes. Along with the survey, a memo provides guidance to schools regarding the timetable and procedures for notifying stakeholders of the intent to administer the ACT for high school accountability purposes. Within the survey, schools confirm they have notified stakeholders and provided an opportunity for input.</p> <p>No additional evidence is required.</p>
<p><b>Section 7.2 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> No additional evidence is required for ACT</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>• [list additional evidence needed w/brief rationale]</li> </ul>		

**Element 7.3 –Comparability of the Locally Selected Nationally Recognized High School Academic Assessments with the State Assessments**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The locally selected, nationally recognized high school academic assessment:</p> <ul style="list-style-type: none"> <li>• Is equivalent to or more rigorous than the statewide assessment, with respect to— <ul style="list-style-type: none"> <li>○ The coverage of academic content;</li> <li>○ The difficulty of the assessment;</li> <li>○ The overall quality of the assessment; and</li> <li>○ Any other aspects of the assessment that the State may establish in its technical criteria;</li> </ul> </li> <li>• Produces valid and reliable data on student academic achievement with respect to all high school students and each subgroup of high school students in the district that— <ul style="list-style-type: none"> <li>○ Are comparable to student academic achievement data for all high school students and each subgroup of high school students produced by the statewide assessment at each academic achievement level;</li> <li>○ Are expressed in terms consistent with the State’s academic achievement standards; and</li> <li>○ Provide unbiased, rational, and consistent differentiation among schools within the State for the purpose of the State determined accountability system including calculating the Academic Achievement indicator and annually meaningfully differentiating between schools.</li> </ul> </li> </ul>	<p><b>ACT</b></p> <ul style="list-style-type: none"> <li>• <i>NDSA 019 Technical Report Volume 1 – Section 4.3: Classical Analyses Results (pp. 22-23)</i></li> <li>• <i>NSDA 31 Technical Report Volume 2 – DRAFT (pp. 35-43)</i></li> <li>• <i>NDSA 32 Technical Report Volume 4</i></li> <li>• <i>NDSA 057 HumRRO Supplemental Alignment Report</i></li> <li>• <i>NDSA 058 EdMetric Memo to NDDPI</i></li> <li>• <i>NDSA 059 NDDPI Response to HumRRO Alignment Report</i></li> <li>• <i>NSDA 096 Student Report Interpretive Guide ELA</i></li> <li>• <i>NDSA 097 Student Report Interpretive Guide Math</i></li> <li>• <i>NDACT 008 Alignment of ND ELA and Math Standards to WI Standards (pp. 1-2, 4-6, 6-9, 9-10, 11-15, 16, 17)</i></li> <li>• <i>NDACT 032 Accountability Reporting</i></li> <li>• <i>NDACT 041 Alignment of ND, WI, ACT ELA Standards</i></li> <li>• <i>NDACT 042 Alignment of ACT, WI, and ND Mathematics Standards</i></li> <li>• <i>NDACT 056 Student Learning Index Calculation Methodology – Phase4</i></li> <li>• <i>NDACT 057 ND Guidance on Accountability</i></li> <li>• <i>NDACT 058 NDSA ACT Achievement Data</i></li> <li>• <i>ACT’s Peer Review Submission for West Virginia:</i> <ul style="list-style-type: none"> <li>○ <i>ACT Evidence #05 ACT Technical Manual – Section 2.2 &amp; Chapters 2,3,10, &amp; 11</i></li> </ul> </li> </ul>	<p><b>ACT</b></p> <p>Evidence is needed that describes how coverage of academic content of the NDSA and of the ACT is comparable. Evidence of the alignment of the ACT to ND standards must be provided. Also, according to the independent alignment review [NDSA057], ELA is weakly aligned for depth of knowledge consistency and mathematics is weakly aligned for range of knowledge correspondence. The EdMetric review agreed that the high school HDSA ELA assessment was weakly aligned.</p> <p>Difficulty of the assessments seems comparable based on numbers of students in each proficiency category [NDACT027].</p> <p>Evidence of comparability between the ACT tests and the NDSA tests (e.g., tables comparing reliability and validity coefficients for the tests) is needed. This evidence will address whether the ACT tests are equivalent to – or more rigorous than - the State tests, with respect to the overall quality of assessment.</p> <p>The overall quality of the assessments is addressed in critical elements 3.1 through 4.1. Content validity evidence (3.1) and evidence based on cognitive processes (3.2) are NOT well established for either assessment. Evidence based on internal structure (3.3) was strong for ELA and mathematics for both measures. Evidence based on relations with other variables (3.4) was NOT provided at the high school level for NDSA and NOT reviewed for ACT in this review. Reliability (4.1) was acceptable for both tests at the overall content area level. Reliability was low for some subscales on the ACT and was NOT reported for subscales of the NDSA. Overall, it is NOT possible to know based on the provided evidence whether the quality of the ACT is equivalent to or more rigorous than the quality of the NDSA.</p> <p>Both tests are expressed in terms consistent with the ND</p>

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		academic achievement standards.
<b>Section 7.3 Summary Statement</b>		
<p><input type="checkbox"/> No additional evidence is required for ACT</p> <p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale for ACT:</p> <ul style="list-style-type: none"> <li>• Evidence of comparability between the ACT tests and the NDSA tests (e.g., tables comparing reliability and validity coefficients for the tests). This evidence will address whether the ACT tests are equivalent to – or more rigorous than - the State tests, with respect to the overall quality of assessment.</li> <li>• Evidence is needed of coverage of ND academic content by the ACT compared to the NDSA. Evidence of the alignment of the ACT to ND standards must be provided.</li> </ul>		