



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

August 8, 2017

The Honorable Kirsten Baesler
Superintendent of Education
North Dakota Department of Education
600 East Blvd Ave, Department 201
Bismarck, ND 58505-0440

Dear Superintendent Baesler:

Thank you for submitting North Dakota's consolidated State plan to implement requirements of covered programs under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), and of the amended McKinney-Vento Homeless Assistance Act (McKinney-Vento Act).

I am writing to provide feedback based on the U.S. Department of Education's (Department's) review of your consolidated State plan. As you know, the Department also conducted, as required by the statute, a peer review of the portions of your State plan related to ESEA Title I, Part A, ESEA Title III, Part A, and the McKinney-Vento Act using the Department's *State Plan Peer Review Criteria* released on March 28, 2017. Peer reviewers examined these sections of the consolidated State plan in their totality, while respecting State and local judgments. The goal of the peer review was to support State- and local-led innovation by providing objective feedback on the technical, educational, and overall quality of a State plan and to advise the Department on the ultimate approval of the plan. I am enclosing a copy of the peer review notes for your consideration. Please note that the Department's feedback may differ from the peer notes.

Based on the Department's review of all programs submitted under North Dakota's consolidated State plan, including those programs subject to peer review, the Department is requesting clarifying or additional information to ensure the State's plan has met requisite statutory and regulatory requirements, as detailed in the enclosed table. Each State has flexibility in how it meets the statutory and regulatory requirements. I encourage you to read the full peer notes for additional suggestions and recommendations for improving your consolidated State plan.

ESEA section 8451 requires the Department to issue a written determination within 120 days of a State's submission of its consolidated State plan. Given this statutory requirement, I ask that you revise North Dakota's consolidated State plan and resubmit it through OMB Max within 15 days from August 7, 2017. If you need more time than this to resubmit your consolidated State plan, please contact your Office of State Support Program Officer, who will work with you in establishing a new submission date. Please recognize that if we accommodate your request for additional time, we may be unable to issue a written determination on your plan within the 120-day review period.

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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.

Department staff are available to support North Dakota in addressing the items enclosed with this letter. If you have any immediate questions or need additional information, I encourage you to contact your Program Officer for the specific Department program.

Please note that the Department only reviewed information provided in North Dakota's consolidated State plan that was responsive to the Revised Template for the Consolidated State Plan that was issued on March 13, 2017. Each State is responsible for administering all programs included in its consolidated State plan consistent with all applicable statutory and regulatory requirements. Additionally, the Department can only review and approve complete information. If North Dakota indicated that any aspect of its plan may change or is still under development, North Dakota may include updated or additional information in its resubmission. North Dakota may also propose an amendment to its approved plan when additional data or information are available consistent with ESEA section 1111(a)(6)(B). The Department cannot approve incomplete details within the State plan until the State provides sufficient information.

Thank you for the important work that you and your staff are doing to support the transition to the ESSA. The Department looks forward to working with you to ensure that all children have the opportunity to reach their full potential.

Sincerely,

/s/

Jason Botel
Acting Assistant Secretary

Enclosures

cc: Governor
State Title I Director
State Title II Director
State Title III Director
State Title IV Director
State Title V Director
State 21st Century Community Learning Center Director
State Director for McKinney-Vento Homeless Assistance Act: Education for Homeless Children and Youths Program

Items for Additional Information or Revision in North Dakota’s Consolidated State Plan

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools	The ESEA requires a State to describe an indicator for public elementary and secondary schools that are not high schools (i.e., the Other Academic indicator) that includes, at the State’s discretion, a measure of student growth or another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance. While NDDPI provides general information on what will comprise the indicator, it does not provide sufficient information regarding how the indicator is calculated, such as a description of the growth model and what constitutes a year’s worth of growth, in order to determine whether NDDPI meets the statutory requirements.
A.4.v.b: Weighting of Indicators	The ESEA requires a State to describe the weighting of each indicator in its system of annual meaningful differentiation, including how the Academic Achievement, Other Academic for elementary and secondary schools that are not high schools, Graduation Rate for high schools, and Progress in Achieving English Language Proficiency indicators receive, in the aggregate, much greater weight than the School Quality or Student Success indicator(s), in the aggregate. For high schools, NDDPI’s proposed weighting results in the Academic Achievement, Graduation Rate, and Progress in Achieving English Language Proficiency indicators, in the aggregate, receiving less weight compared to the School Quality or Student Success indicators, which for high schools are the “choice ready/growth,” GED completion, and climate/engagement indicators.
A.4.v.c: If Applicable, Different Methodology for Annual Meaningful Differentiation	NDDPI states that it will not hold certain types of schools accountable at the school level (i.e., small schools, P-2 schools). Because NDDPI does not describe the methodology used for annually meaningfully differentiating these schools, including how the methodology or methodologies will be used to identify schools for comprehensive or targeted support and improvement, it appears NDDPI does not meet the statutory requirements.
A.4.vi.b: Comprehensive Support and Improvement Schools—Low Graduation Rates	The ESEA requires that a State describe its methodology to identify all public high schools that fail to graduate one-third or more of their students. In its State plan, NDDPI does not specify whether it uses one or more extended-year adjusted cohort graduation rates in addition to the four-year adjusted cohort graduation rate to identify for comprehensive support and improvement all public schools that fail to graduate one-third or more of their students, nor does it describe how the State includes any extended-year graduation rate.

<p>A.4.vi.e: Targeted Support and Improvement Schools— “Consistently Underperforming” Subgroups</p>	<ul style="list-style-type: none"> • The ESEA requires a State to describe in its State plan its methodology for identifying schools with one or more consistently underperforming subgroups, if any, as determined by the State. In its State plan, NDDPI discusses the identification of schools with consistently underperforming subgroups but does not include a definition of “consistently underperforming.” • The ESEA also requires a State’s methodology for identifying these schools to consider all subgroups of students. NDDPI’s plan states that it will consider a “minority” subgroup in addition to the economically disadvantaged subgroup, English learners subgroups, and children with disabilities subgroup, but does not specify that it will consider each major racial and ethnic group.
<p>A.4.vi.f: Targeted Support and Improvement Schools— Additional Targeted Support</p>	<ul style="list-style-type: none"> • The ESEA requires that a State describe its methodology for identifying schools in which any subgroup of students, on its own, would lead to identification under ESEA section 1111(c)(4)(D)(i)(I) using the State’s methodology under ESEA section 1111(c)(4)(D) for additional targeted support and improvement. NDDPI’s proposed methodology, which caps the number of schools in this category, could result in the exclusion of some schools that meet this statutory definition that require additional targeted support and improvement. • NDDPI proposes to identify schools for additional targeted support and improvement based on all indicators in the spring of 2019; this does not meet the requirement, consistent with the Department’s April 2017 Dear Colleague letter, for a State to identify schools for additional targeted support and improvement based on all indicators by the beginning of the 2018-2019 school year. • The ESEA requires a State’s methodology for identifying these schools to consider all subgroups of students. NDDPI’s plan states that it will consider a “minority” subgroup in addition to the economically disadvantaged subgroup, English learners subgroups, and students with disabilities subgroup, but does not specify that it will consider each major racial and ethnic group.
<p>A.5: Disproportionate Rates of Access to Educators</p>	<p>Although NDDPI describes disproportionate rates of access to educators for all schools, NDDPI does not specifically address ineffective teachers or schools assisted under Title I, Part A. The ESEA requires a State to describe the extent, if any, that low-income and minority children enrolled in schools assisted under Title I, Part A are served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers.</p>