ESSA Paves Way For Deeper Access To K-12 Data

The Every Student Succeeds Act (ESSA) scales back the federal role when it comes to accountability and school improvement and grants states and districts new flexibility in using federal funds. At the same time, however, it bolsters federal requirements in the interest of transparency.

State Accountability Systems: Report cards will now have to give more detail on the state’s overall student achievement goal, how many students a school must have from a particular subgroup for those students to be included for accountability purposes, and the list of indicators used to measure a school’s performance.

Foster Children, Homeless Students, Students From Military Families: States will have to break out the student achievement data and graduation rates of these students, just as they do for other “subgroups” like racial minorities, those from low-income families, and students in special education.

Long-Term English-Language Learners: States and districts will have to report the number and percentage of students who have been identified as English-language learners and attended school in the district for five years or more without being reclassified as proficient in English.

Per-Student Expenditures: States will have to enumerate just how much they are spending per student in each district and each school, which could help highlight disparities.

Post-Secondary Enrollment:
States will be required to report these rates, if available, on their report cards.

Cross-tabulation: States will have to report data, including test scores and participation rates, performance on school quality indicators, and graduation rates, in a manner that can be cross-tabulated, to help researchers and advocates better understand certain groups of students.

One big hurdle that comes along with the new requirements will be ensuring the data will actually be high-quality, accurate, comparable, and easy for parents and advocates to understand.

Source: Alyson Klein, Education Week

Parents Sue U.S. Department Of Education Regarding Its Interpretation Of Title IX As Applied To Transgender Students

A group of students and parents from Palatine Township High School District 211, in Illinois, have filed suit against the U.S. Department of Education alleging that the department is illegally forcing local authorities to let children use facilities that correspond to their gender identity. The suit alleges that the federal government has violated the students' 'fundamental right to privacy and their parents' constitutional right to instill moral standards and values in their children. This lawsuit is based on an interpretation of Title IX, a federal anti-discrimination law, under which transgender students are given the right to use the bathroom that matches their gender identity instead.


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Recent Developments In Education

May has been an interesting month so far. State Superintendent Kirsten Baesler announced plans to rewrite North Dakota’s math and English language arts content standards this summer. She will appoint two committees, made up of North Dakota educators, to undertake this effort.

Once the two committees have completed their work, three committees made up of elected officials, business and industry leaders, and parents and citizens will be chosen to review the work and suggest changes.

Anyone interested in serving on the rewriting or review committees may apply. Application forms are posted on the Department of Public Instruction’s website. The application deadline is June 1, 2016. Draft documents created by these committees will be available for public comment. Superintendent Baesler expects to adopt the new math and English language arts standards in early 2017.

Another interesting conversation is taking place between the federal government, state departments of public instruction, and local school districts about competency-based education (CBE). The most important characteristic of CBE is that it measures learning rather than seat time. Students progress by demonstrating that they have mastered the material required for a particular course, regardless of how long it takes. So, rather than holding time requirements constant and letting learning vary, CBE holds learning constant and lets time vary. This system allows students to progress at their own pace.

Think about this: “I went to a four-year university” and “It’s a two-semester course” are expressions using time as a yardstick that measures not how much one has learned, but how long one spent trying to learn it. The credit hour, semester, and academic year were formalized in the early 1900s. Time forms the template for designing the K-12 curriculum.

While school districts and policy makers consider implementation of CBE, rules and regulations will be needed to support it. Fortunately, the new federal education law - the Every Student Succeeds Act - allows flexibility for the Department of Public Instruction to work with local school districts to try innovative strategies that will help students succeed. David Soo, a senior policy advisor at the U.S. Department of Education, said, “There are big changes going on out in the field of education and we want to encourage them to happen.”

Another article in this month’s Bulletin provides contact information at DPI for school districts interested in serving as a pilot to implement this CBE model.
Committees Created By School Boards and the Open Meetings Law

On May 2, 2016, the Attorney General issued an opinion pertaining to committees created by school boards and their notice obligations under North Dakota’s open meetings law.

FACTS: A school board had been exploring options for consolidation. During a meeting, the board created a two-member committee and charged it with gathering more information. Both committee members were members of the school board itself. At an ensuing meeting, the school board created another committee and charged it with looking at the financial components of a proposed merger. This second committee consisted of two school board members, the superintendent, and the school district business manager.

Both committees met several times. The meetings were not noticed and no minutes were taken.

Was This A Violation Of The Open Meetings Law? Yes.

ANALYSIS: All meetings of a public entity must be open to the public unless the law specifically provides otherwise. Under the North Dakota Century Code’s definition of a meeting, if a majority of school board members come together at a gathering that in any way involves school board business, that qualifies as a meeting.

The law does not, however, stop there. If a school board creates a committee and asks the committee to perform a function, that committee is deemed to be doing public business and it must abide by the same notice requirements as the school board. This is the case if the school board creates a committee that:

- Consists entirely of school board members;
- Consists of a majority of school board members;
- Consists of a minority of school board members; or
- Consists of individuals who are not school board members.

OUTCOME: In the case described above, the Attorney General directed that the members of both committees must prepare written statements detailing their recollection of any discussions that took place regarding their assigned topics and must prepare meeting minutes from those statements. The members were given seven days to comply. The Attorney General added that a failure to take the corrective measures within the required period will result in mandatory costs, disbursements, and reasonable attorney fees if the person who requested the Attorney General’s opinion prevails in a civil action and it might even result in personal liability.


KNOW THE LAW

You have just been presented with a subpoena for a student’s educational record. Can you immediately turn over the record?

You cannot immediately turn over the record in response to a subpoena. FERPA regulations require that you first make a reasonable effort to notify the parent or eligible student of the subpoena, so that the parent or eligible student can seek protective action. (34 C.F.R. 99.31)

You have completed your investigation into a complaint filed against a teacher. Does the investigation file remain confidential?

The investigation file is confidential only until the investigation is completed. Thereafter, it becomes part of the teacher’s personnel file and is considered an open record under North Dakota Century Code section 44-04-18.

If, however, the investigative file contains “personal information” regarding the teacher, that information may not be disclosed. Under North Dakota Century Code section 44-04-18.1(2), “personal information” means the teacher’s home address; home phone number; personal cell phone number; photograph; medical information; motor vehicle operator’s identification number; public employee identification number; payroll deduction information; the name, address, telephone number, and date of birth of a teacher’s dependent or emergency contact; any credit, debit, or electronic fund transfer card number; and any bank account number.

Parshall School District
Contact: Jon Martinson
Phone: 701-255-4127
Email: jon.martinson@ndsba.org
Position begins: July 1, 2016
Application: www.ndsba.org
Salary: $95,000-$117,000
Deadline: June 3, 2016

MAY 2016
The North Dakota Department of Public Instruction (DPI) sent an email to school administrators in early May after having conversations with districts about competency-based education (CBE). School board members also need to be informed of DPI’s recent initiative.

CBE is a system where students advance to higher levels of learning after demonstrating mastery of concepts and skills. Students pass from one level to the next based on mastery of skills rather than time spent in a classroom. This approach enables personalized learning and provides flexibility and support to ensure mastery of the highest standards possible.

The new federal law, the Every Student Succeeds Act, brings new opportunities for states and school districts to implement more flexible and innovative activities. There is no doubt that CBE will be part of future discussions. State Superintendent Baesler said, “With the upcoming changes in education, we’re excited to learn about the innovative ideas districts are planning to implement. Our department is ready to help make these changes happen.”

DPI would like to provide opportunities, resources, and avenues to reduce barriers in CBE implementation and is looking for districts interested in serving as a pilot to implement a CBE model. For more details about this opportunity, districts are encouraged to contact Ms. Gail Schauer, Director, Teacher and School Effectiveness, at gschauer@nd.gov or 701-328-2755.

DPI Looking For Districts To Pilot Competency-Based Education

With the upcoming changes in education, we’re excited to learn about the innovative ideas districts are planning to implement.

State Superintendent
Kirsten Baesler

mark your calendar

2016 NDSBA Annual Convention
October 27-28, 2016
Ramkota Hotel, Bismarck

2017 NSBA Annual Conference
March 25-27, 2017
Denver, CO

2017 NDSBA Annual Convention
October 26-27, 2017
Ramkota Hotel, Bismarck