



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 28, 2022

The Honorable Kirsten Baesler
Superintendent of Public Instruction
North Dakota Department of Public Instruction
600 East Boulevard Avenue
Bismarck, ND 58505-0440

Dear Superintendent Baesler:

I am writing in response to North Dakota's request on February 24, 2022, to the U.S. Department of Education (Department) to amend its approved consolidated State plan under the Elementary and Secondary Education Act of 1965 (ESEA), using the COVID-19 State Plan Addendum (Addendum). North Dakota requested these amendments to account for short-term changes to its system of annual meaningful differentiation for the 2021-2022 school year due to extraordinary circumstances related to the COVID-19 pandemic and in response to the waivers the Department granted North Dakota from the accountability requirements of the ESEA for the 2019-2020 and 2020-2021 school years and the assessment requirements for the 2019-2020 school year.

Specifically, North Dakota requested the amendments to:

- Shift forward long-term goals and measurements of progress for academic achievement by two years.
- Identify as Comprehensive Support and Improvement (CSI), any Additional Targeted Support and Improvement (ATSI) school that does not meet exit criteria using three non-consecutive years of data from the 2017-2018, 2018-2019, and 2021-2022 school years (rather than three consecutive years of data).
- Identify schools for Targeted Support and Improvement due to consistently underperforming subgroups (TSI) using one year of data from the 2021-2022 school year (rather than three consecutive years of data).
- Omit the 2019-2020 and 2020-2021 school years from the number of years in which a school must meet the statewide exit criteria for CSI and ATSI schools.

I am approving North Dakota's short-term changes to its ESEA consolidated State plan. This letter and North Dakota's approved Addendum for the 2021-2022 school year will be posted on the Department's website along with the currently approved version of North Dakota's ESEA consolidated State plan (available at: <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-consolidated-state-plans/>). Because I am approving changes through the Addendum that are not limited to the 2021-2022 school year (i.e., shifted long-term goals and measurements of interim progress) the State must submit an updated ESEA consolidated State plan that incorporates those approved changes at a later date.

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<http://www.ed.gov/>

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

Please be aware that approval of this amendment to North Dakota's consolidated State plan is not a determination that all the information and data included in the amended State plan comply with Federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act. It is North Dakota's responsibility to comply with these civil rights requirements.

I know that you are doing all in your power to support your districts and schools to ensure the health and well-being of students and educators. Thank you for your dedication to this effort. If you have any questions, please contact my staff at OESE.TitleI-a@ed.gov.

Sincerely,

/s/

James F. Lane, Ed.D.
Senior Advisor, Office of the Secretary
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Laurie Matzke, Assistant State Superintendent
Amanda Peterson, Director of Educational Improvement