

North Dakota Department of Education

April 25-27, 2005

Scope of Review: A team from the U.S. Department of Education's (ED) Office of English Language Acquisition, State Consolidated Grant Division reviewed the North Dakota Department of Education (NDDE) the week of April 25-27, 2005. This was a comprehensive review of NDDE's administration of the following program authorized by the No Child Left Behind Act (NCLB): Title III, Part A.

In conducting this comprehensive review, the ED team carried out a number of major activities. In its review of the Title III, Part A program, the ED team analyzed evidence of implementation of the State accountability system, reviewed the effectiveness of the language instruction educational programs and professional development processes established by the State to benefit local educational agencies (LEAs) as well as district level professional development implementation, and reviewed compliance with fiscal and administrative oversight activities required of the State educational agency (SEA). During the onsite review, the ED team visited the Bismarck and Fargo School Districts. In each of the school districts, the ED team interviewed administrative staff and teaching staff from the schools and the districts.

State representatives: Dr. Wayne Sanstead, Superintendent of Public Instruction; Dr. Gary Gronberg, Assistant Superintendent; Bonnie Miller, Director of Fiscal Management; Beverly Fisher, Grants Management; Greg Gallagher, Director of Standards and Achievement; Jean Newborg, Assistant Director of Standards & Assessment; Mari Rasmussen, Assistant Director of Bilingual Ed.; Pauline Bjorn, Coordinator of NAEP Testing; Chris Kalash, School Technology; Charlotte Kaseman, administrative assistant.

LEA representatives:

Bismarck PS: Myhre Elementary School: Bill Demaree, Principal & Director of ELL program; Rick Peek, ELL teacher; Alissa Bucholz, ELL teacher; Sue Kramer, Coordinator for Title VII.

Fargo PS: Dr. David Flowers, Superintendent of Fargo P.S.; Dr. Charles DeRemer, Assistant Superintendent of Instructional Services; Michelle Vanotte, Director of ELL Programs; Verlene Dvoracek, Curriculum Manager of ELL programs; Nancy Jorheim, Assistant Superintendent for Human Resources; Jerry Maczkowicz, Director of Accounting; Dr. Sue Uggen, Coordinator for Assessment, and Lisa Leabo, ELL teacher, Jefferson Elementary School. Teachers and staff at Discovery Junior High School and Aggassiz Middle School.

USED representatives: Dr. Sue Kenworthy (Education Program Specialist) and Ana Garcia (Education Program Specialist)

Previous Audit Findings: not reviewed.

Previous Monitoring Findings: see Element 1.1 informational only.

Summary of Title III, Part A

Monitoring Indicators

Title III, Part A: Submission Indicators			
Element Number	Critical element	Status	Page
Element 1.1	State Submissions: Follow-up on areas identified through desk audit and document reviews.	Reviewed Comments	7
Title III, Part A: Fiduciary Indicators			
Element 2.1	Audits The SEA ensures that its LEA/Subgrantees are audited annually in accordance with the Single Audit Act, and that all corrective actions required through this process are fully implemented	Reviewed No Comments	7
Element 2.2	<p>Allocations, Reallocations, and Carryover</p> <p>The SEA complies with—</p> <ul style="list-style-type: none"> • The procedures for Title III allocations outlined in Sec. 3114. • The procedures for allocating funds for immigrant children and youth programs as outlined in Sec. 3114(d). <p>The reallocation provisions in Sec. 3114(c)</p>	Commendation Findings 2.2 a-d Further Action Required	7-9
Element 2.3	<p>Reservation of funds:</p> <p>The SEA has a system in place that enables it to account for:</p> <p>(1) funds reserved for State administration, (2) funds reserved to provide technical assistance and other State level activities (3) the reservation of funds for immigrant activities, and (4) funds that become available for reallocation.</p>	Finding Further Action Recommendation	9-10
Element 2.4	Supplement Not Supplant: The SEA ensures that Title III funds are used only to supplement or increase non-Federal sources used for the education of participating children and not to supplant funds from non-Federal sources.	Finding Further Action Required	10
Element 2.5	Equipment and Real Property: The SEA ensures that equipment is procured at a reasonable cost and is necessary for the performance of the Federal award. Title III funds cannot be used to acquire real property.	Reviewed No Comments	10

Title III, Part A: ELP Standards, Assessments and Accountability Indicators

Element Number	Critical element	Status	Page
Element 3.1	English language proficiency Standards: State English language proficiency standards have been developed, adopted, disseminated, and implemented	Recommendation	11
Element 3.2	ELP Assessments: ELP assessments have been administered to all LEP students in the State in grades K-12. Accountability through data collection has been implemented.	Commendations Findings 3.2 a & b Further Action Required	11-12
Element 3.3	Data Collection The State established and implemented clear criteria for the administration, scoring, analysis, and reporting components of its ELP assessments, and has a system for monitoring and improving the on-going quality of its assessment systems	Reviewed-No Further Action Required	12-13
Element 3.4	New English language proficiency Assessment: Transition to new ELP assessment or revising the current State ELP assessment	Recommendation	12
Element 3.5	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs	Findings Further Action Required	13-14
Element 3.6	Data system in place to meet all Title III data requirements including capacity to follow Title III served students for two years after exiting; State approach to follow ELP progress and attainment over time, using cohort model	Reviewed No Further Action Required	14

Title III, Part A: State Level Activities; LEA Authorized and Required Activities, Immigrant Children and Youth Indicators

Element Number	Description	Status	Page
Element 4.1	<p>State Level Activities</p> <p>Using funds the State reserved for State-level activities, the State carries out one or more activities that may include:</p> <ul style="list-style-type: none"> • Professional development • Planning, evaluation, administration and interagency coordination • Promoting parental and community participation • Providing recognition 	Recommendation	14
Element 4.2	<p>Required Subgrantee Activities</p> <p>The LEA/Subgrantee is responsible to increase the English proficiency of LEP students by providing high quality language instructional programs and to provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instructional programs), principals, administrators, and other school or CBO personnel</p>	Finding Further Action Required	14-15
Element 4.3	<p>Authorized Subgrantee Activities:</p> <p>The LEA may use the funds by undertaking one or more authorized activities</p>	Not formally Reviewed	15
Element 4.4	<p>Activities by Agencies experiencing substantial increases in immigrant children and youth</p> <p>The subgrantee receiving funds under section 3114 (d) (1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth</p>	Commendations	15

Title III, Part A: State Review of Local Plans			
Element Number	Critical element	Status	Page
Element 5.1	SEA ensures that its LEAs comply with the provision for submitting an application to the SEA (Section 3116 (a))	Reviewed No Further Action Required	15
Element 5.2	Private School Participation: LEAs are complying with NCLB requirements regarding participation of LEP students and teachers in private schools under Title III	Recommendation	16
Element 5.3	Teacher English fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116 (c))	Reviewed No Further Action Required	16
Title III, Part A: State Monitoring of Subgrantees			
Element 6.1	Monitoring The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements	Recommendation	16
Element 6.2	Consortia: Any governance issues in the State; policy of fiscal agents	Commendation	17
Title III, Part A: Parental Notification			
Element 7.1	Parental Notification: Provisions for identification and placement and for not meeting the AMAOs; notification in an understandable format (Section 3302)	Finding Further Action Required	17

**Title III, Part A
State Submission Indicators**

Element 1.1- State Submissions

Review Comments: North Dakota has submitted all required reports under Title III, Part A, and the Consolidated State Application to the US Department of Education. Review of the Consolidated State Performance Report (Jan. '05) indicated the following: North Dakota is a member of the Mountain West Assessment Consortium (MWAC) of States. Its English language proficiency standards were developed with assistance from Dr. Smallwood from the Center for Applied Linguistics and, according to the State, have not been formally linked but have “evolved” from the State’s content standards. The ND Task Force needs to review and approve the standards.

North Dakota currently uses the Woodcock Munoz and the LAS to assess English language proficiency (ELP). The State has been pilot testing the MWAC ELP assessment to use on an on-going basis to track progress of ELP students. Implementation is slated for 2005-6.

**Title III, Part A
Fiduciary Indicators**

Element 2.1 - Audits

Reviewed No Comments.

Citation: Circular A-133

Element 2.2 – Allocations, Reallocations, and Carryover

Commendations: North Dakota has provided extensive written documentation demonstrating the information and plan that the State requires of eligible entities (LEAs or consortia of LEAs) as a prerequisite to receiving a Title III subgrant. Integrated State monitoring reviews of the LEAs by the State have been conducted and have included Title III.

Review Comments: State monitoring and technical assistance of fiscal elements at the LEA level are conducted by ten individuals from the State office, including the State Title III grants manager. This team reviews sample invoices, randomly selected fiscal print-outs, the most current compliance issues, and previous audit reports. North Dakota law provides that the State must monitor funds.

As a result of preparing for the Title III federal monitoring visit, the State Title III Assistant Director and the State grants manager for Title III have decided that it will be beneficial to meet together monthly to review how funds are spent.

Recommendation:

The State Title I and Title III staff need to continue to collaborate on related LEP issues regarding dissemination of information and monitoring. Also, the planned meetings between Title III and the State grants manager should continue to discuss fiscal issues related to the use of Title III funds.

Finding 2.2a:

Funds are not distributed to LEAs in compliance with the Title III provisions for distribution of funds for immigrant children and youth. Funds are distributed to LEAs in North Dakota through a “combination of formula and competition”. North Dakota indicated that Title III funds for Immigrant children and youth (\$25,000/yr initially) and \$50,000 last year, were taken from the State Administrative set-aside rather than reserved under Section 3114(a). Five districts were awarded immigrant funds from the administrative set-aside. The State distributes the Title III immigrant funds on a per pupil head count basis to all immigrants. Due to the fact that the State uses funds from the administrative set-aside, the State indicated that they did not believe that the State must conform to the statutory requirement regarding a “significant increase” in immigrant students.

Citation: Sec. 3114 (d) (1).

Further Action Required: The State must distribute Title III immigrant funds only to those LEAs that have shown a “significant” increase in immigrant students (Sec. 3114 (d) (1)). The State has discretion to determine what constitutes a significant increase.

Under Section 3114(d)(1), States are required to reserve a portion, no more than 15%, of their Title III grants to subgrant to school districts that have experienced a significant increase in the number of immigrant students within the last two years. These funds must be given only to the LEAs that have shown a “significant” increase within the last two years. North Dakota cannot satisfy its obligation under section 3114(d)(1) by utilizing funds it set aside under section 3111 for State-level activities that involve serving immigrant students. While it can use State-level activities to benefit immigrant students, North Dakota’s responsibility under section 3114(d)(1) must also be fulfilled in a manner that is consistent with this provision.

Finding 2.2b:

In North Dakota funds are not distributed to LEAs in compliance with the provisions of Title III State Formula allocation to LEAs. The formula allocation funded by Title III of \$350,000 is distributed to LEAs through three-year grants for which the LEAs apply. The State indicated that it has required all districts to apply in consortia for funding. Not all the proposals are awarded at the level that the LEAs propose. A criteria for award has been determined, giving 100 points overall: a review group ranks the proposals. The State determines if a subgrant is to be awarded. Thus far, each proposal has received some level of funding. If a new LEA wants to apply, it must join one of the consortia. Funding

amounts range from \$10,000 to \$80,000, including immigrant funds. A total of \$325,000 was distributed this year from the regular Title III formula funds, at apportioned levels. This method does not result in funds subgranted or being allocated in accordance with Section 3114 (a).

Citation: Sec. 3114(a).

Further Action Required: The State must comply with Section 3114(a) and distribute Title III formula funds on an annual basis to consortia (since the State has chosen this vehicle), based entirely on the annual LEP student count.

The funds covered by Section 3114(a) must be allocated on the basis of the number of LEP students in each LEA only. While LEA applications/plans can be approved for a three-year period, the amount of funds allocated must be done on an annual basis, based on the number of LEP students in the eligible entities in North Dakota receiving those funds.

Title III funds subgranted under section 3114(a), based on the number of LEP students, and Title III funds subgranted under section 3114(d), for immigrant students, must be “tracked” separately at both the State and the LEA level.

Finding 2.2c

During the discussions, the issue of what fiscal reports the State could request of the LEAs was raised. The ED team explained to the State that under CFR 34 76.722, an SEA is authorized to require the LEA to submit financial and other reports that the State needs to fulfill its responsibilities under Title III.

Citation: 34 CFR 76. 722 & 76.720 & 80.40; and OMB A-87.

Further Action Required: The State, as part of a prudent exercise of its financial monitoring responsibility, should request from its LEAs fiscal reports which would include information on the expenditure of funds, including the extent to which each consortia member benefited from those expenditures, timely expenditures, amount of carryover, and reallocation (EDGAR 76.722 & 76.720).

In general, the State must develop procedures showing how the State allocates Title III responsibilities among consortia members, timely expenditures, and monitoring of Title III funds to eligible entities.

Element 2.3 – Reservation of funds:

Finding: The question was raised during the visit whether it is allowable for the State to pay for both the Title III SEA’s salary and a portion of salary of the individual conducting data collection (Technology) from the State’s Title III administrative funds. Later, the question of whether Title III federal funds could be used to pay for work that was focused on State bilingual/ESL work was raised.

Citation: OMB Circular A-87 (Attachment A).

Further action required: Regarding charging personnel costs to Federal grants: these costs, like any other costs charged to a Federal grant, must be reasonable, necessary, and allocable. Thus, if an employee of a State only works part time on a grant, for example 50%, then no more than 50% of his/her salary can be charged to that grant. The provisions from OMB Circular A-87 (Attachment A) address this requirement. Only employees that work full time on Title III activities can have their full salary charged to the Title III program.

Recommendation: The State needs to carefully document all personnel time allocations to insure that time charges for Title III are directly related to Title III work only.

Element 2.4 – Supplement Not Supplant

Finding: The state must ensure that the LEAs are complying with the supplement and non-supplant requirement under Title III. Although the State has a clause in its written materials on supplanting, one district reported that they make no distinction, in terms of how funds are used, between State, local, and Federal funds. The failure to make these distinctions, in light of the fact that Title III funds can only be used to supplement State, local, and Federal funding to serve LEP children, could result in a supplanting violation. The LEA reported both funding approximately ten teachers with Title III funds and also “apportioning a percentage of the funds over all salaries.”

Citation: Sec. 3115 (g),

Further action required: The State needs to monitor LEAs in regards to the supplement/supplant clause for use of Title III funds, providing clear guidelines, repeated informational up-dates and judicious review during on-site monitoring visitations so that LEA personnel are fully aware of the supplanting issue at the district and school level.

Element 2.5 – Equipment and Real Property

Reviewed-No Comments.

Citation: OMB A-87; 34 CFR 76.533, 80.32

Title III, Part A
ELP Standards, Assessments, and Accountability Indicators

Element 3.1 - ELP Standards

Review Comments: Review of the Consolidated State Performance Review (Jan. '05) indicated the following: North Dakota has been working with the Mountain West Assessment Consortium (MWAC). The ELP standards are based on the MWAC foundation standards and the North Dakota content standards. There is a State level Task Force that has assisted in the development of the ELP standards/assessment process. North Dakota has not linked the ELP standards as yet to the content standards and feels that this undertaking may have to be postponed due to the lack of Federal funding for the MWAC ELP assessment and the demands required of a State with minimum level funding from Title III. (A June-October 2005 timeline was provided by the State in response to Attachment "T" to North Dakota's July 1, 2003 federal grant award.)

Citation: Section 3113 (b)(2)

Further action required: North Dakota needs to provide evidence and a revised timeline for the linking of ELP standards to the State's academic content standards. The State needs to indicate the procedure used for linking, the process that will be used for dissemination of the ELP standards, and the timeline for submission of approval by the State Board or legislature.

Element 3.2 - ELP Assessments

Commendations: Both the North Dakota Title III Director of Assessment and the SEA Assistant Director have played important roles in the MWAC regarding the field testing of that group's ELP assessment.

Review Comments: The "first level blue-print" of the State assessment has been completed and the second phase is being planned for next year. Montana and ND will be conducting the scoring together, and the new assessment will be ready for implementation in 2006. The State intends to use the Woodcock Munoz for possible identification. The "economies of scale" of a small State make partnering with other States attractive. A shortened version of the MWAC assessment will possibly be developed in the future for identification of new students, with the MWAC being used to track progress of other students.

Finding:

3.2 a Although the State has developed extensive written guidance on the ELP assessment process for LEP students, the State has indicated that LEAs are not assessing all LEP students for English language proficiency. The November 29, 2004 North Dakota Biennial Evaluation Report to Title III indicated that "School districts in North Dakota reported 4445 students as limited in English language proficiency for the 2003-2004 school year. It is estimated that the actual figure is closer to 7000 since many school

districts are not identifying and assessing the language skills of students from linguistically diverse backgrounds.”

Finding 3.2b In one school it was mentioned that parents had the option of requesting that their child not be assessed as potential LEP and the school honored the request.

Citation: Sections 3113(b)(2) and (D) 1111 (b) (7). While the Elementary Secondary Education Act (ESEA) allows the parents of LEP children to have their child removed from a language instruction educational program, it does not contain any provision that gives parents the right to have their children “opt out” of any assessments required by that statute.

Further action required: The State must submit a plan for informing district officials about the requirements of Sections 1111(b) (7) and 3113(b)(2)(D) concerning the assessment of the English language proficiency of “all” LEP students in the State. The plan needs to include the methods the State will use to assess potential LEP students in the State. The State’s plan must indicate the steps that will be taken to ensure that all LEP students are assessed for English language proficiency as required by NCLB.

Recommendation: The State is encouraged to continue its efforts with the MWAC and partner with Montana and any other states to insure that the assessment is fully aligned to the ELP standards.

Element 3.3 – Data Collection (Reporting components of ELP assessments)

Review Comments: The new North Dakota on-line reporting system will be implemented in 2005-6 and further refinement of the system will occur during this year.

Citation: Section 3121(a)(4) and Performance Indicator 2.1 of the Consolidated State Application.

Element 3.4 – Transition to new ELP assessment

Review Comments: Since the MWAC no longer has Federal funding (under Title VI), the recommendation is made that the State partner with as many other States as possible to address issues of alignment, comparability, etc. with the new ELP assessment. The State can also use a portion of the funds from the State’s Title III and Title I administrative set-aside to assist with costs.

Citation: Section 1111 (b)(7); Section 3113 (b)(3)(D)

Element 3.5 – Annual Measurable Achievement Objectives (AMAOs)

Review Comments:

Review of the Consolidated State Performance Review (Jan. ’05) indicated the following: The State has indicated that due to the lack of an individualized student identifying/tracking system within the State and the lack of student achievement data

(content scores), the State did not meet its AMAOs. Also, the State indicated that schools are not identifying all LEP students in the State.

Review Comments from the Monitoring Visit: The State felt that last year there was insufficient data, due to the lack of an individual student identification system, to make accurate LEA determinations for the first two components of the AMAOs, the number of percentage of students making progress in, or attaining proficiency, in English. To make a determination regarding AYP, the third component of AMAOs, the State used all available AYP reports from the LEAs (consortia), using the Title I reported AYP determinations.

During the site visit interviews with the district, there were indications that the district personnel were unfamiliar with the AMAOs, as well as the specific targets that the State had set. Also, during the visit there appeared to be a lack of coordination with Title I, except for the joint monitoring visits.

Finding: 3.5 North Dakota did not submit complete data and calculations for Title III AMAO determinations, and did not report accurate numbers of LEAs that met or did not meet these AMAOs. Complete data must be submitted and/or a plan to have complete data for AMAO calculations must be put into place.

Citation: Sec. 3122 (a)(3)(A)(i-iii)

Further action required: North Dakota must make accurate Title III AMAO determinations for Title III-served LEAs throughout the State and report accurate numbers of students from LEAs that meet or do not meet these objectives. A plan to accurately determine Title III Annual Measurable Achievement Objectives must be developed and submitted to the US Department of Education. The State must submit a plan in response to the Attachment "T" to the 2005-6 State Formula Grant award reflecting this change. This plan must also include proper parental notification for eligible entities that do not meet the AMAOs.

Recommendation: ED recommends that more efforts are made by the State to apprise the districts of the AMAO targets that the State has established, the requirement of assisting all LEP students to participate in achievement tests, and the tracking of LEP student progress. In addition, Title III should work more closely with Title I staff regarding assessment of all LEP students in the State, as well as on AYP issues, for the success and achievement of all LEP students in North Dakota.

The LEAs have requested that the State develop a standardized form for all districts to use regarding notice of failure to parents for failure of eligible entities to meet the AMAOs. (Because LEAs in North Dakota exercise a high degree of local control, the SEA needed the approval of the State legislature, which was recently granted, to develop the parental notification forms required by Section 3302.)

Element 3.6 – Data Collection (Data collection system)

Review Comments: The new on-line data reporting system that the State is implementing for 2005-6 will assist in tracking all LEP students and should help insure that the State will be able to follow students' progress for the required two-year period.

Citation: Section 1111 (b) (7) & Section 3113(b)(3)(D)

Title III, Part A State Level Activities; LEA Authorized and Required Activities; Immigrant Children and Youth

Element 4.1 – State Level Activities

Review Comments: The State has developed extensive guidance regarding ELP assessment and requirements of LEAs for funding. Emphasizing different elements such as the AMAOs, AYP, etc. during trainings should help to keep LEAs better informed of requirements. Records should be maintained of individualized “Technical assistance” efforts towards specific LEAs versus presentations given at group meetings or conferences.

Citation: Section 3111(b)(2)

Element 4.2 – Required Subgrantee Activities

Review Comment: In the two LEAs visited, both districts exhibited high quality language instruction programs with a variety of instructional approaches including sheltered content instruction.

Finding: The monitoring team was concerned about the possibility that one of the districts was not using a portion of its Title III subgrant for professional development.

Citation: Section 3115(c)

Further action required: LEAs need to be informed that providing both professional development and high-quality language instructional programs are required under Title III . Moreover, the SEA needs to ensure that Title III subgrantees are meeting this requirement.

Element 4.3 – Authorized Subgrantee Activities

Reviewed No comments.

Citation: Section 3115 (d)

Element 4.4 – Activities by Agencies experiencing substantial increases in immigrant children and youth

Commendations: The district most heavily impacted by increases in immigrant children and youth have been meeting with other agencies to discuss community-wide issues regarding new immigrants. District staff has visited another Newcomer Center in another state with the intent of building a Newcomer Center in North Dakota. This district exhibits a high level of commitment among all district ELL staff and administrative personnel responsible for addressing the needs of their refugee/immigrant population.

Citation: Section 3114 (d)(1)

**Title III, Part A
State Review of Local Plans**

Element 5.1 – State Review of Local Plans

Review Comments: The State provides feedback to LEAs through a letter regarding initial funding, compliance issues and Title III program requirements.

Citation: Section 3116 (a)

Element 5.2 – Private School Participation

Review Comments: The State indicated that Private School involvement is guaranteed through the “general assurances” that LEAs sign in the initial grant application. The State also indicated that private schools were to notify the LEA of students in need of services and the LEA assessment process. The State was apprised that consultation was meant to also include private school representatives in the “design” of the program for LEP students.

Citation: Sections 9501-9506

Element 5.3 – Teacher English Fluency

Reviewed-Comments: North Dakota has an endorsement policy for teachers of ESL for limited English proficient students.

Citation: Section 3116 (c)

**Title III, Part A
State Monitoring of Subgrantees**

Element 6.1 – State Monitoring of Subgrantees

Review Comments: The State monitors the LEAs on the basis of a five-year rotation cycle. Monitoring elements are accessible on-line. In addition, the larger districts get monitored more closely. The State is encouraged to continue to coordinate with Title I regarding monitoring.

Both Bismarck and Fargo, two of the largest districts in the State, have been monitored since the start of the Title III program.

Citation: Section 3116; 34 CFR 80.40

Element 6.2 – Consortia

Review Comments: The State indicated that there is an Intermediate Unit law that has just passed within the State, and that these Units will be eligible to apply for Title III funds. So far, however, none have applied for Title III funds. All the LEAs, however, have elected to apply only as part of a consortium.

Citation: Section 3114 (b)

Title III, Part A Parental Notification

Element 7.1– Parental Notification

Finding: The State, and its LEAs, have not complied with all Title III parental notification provisions.

Although State instructions to the LEAs include guidance on parental notification, it appears that not all districts are notifying parents of placement and/or failure of a program to meet the AMAOs.

The State has recently received approval from the legislature to develop a uniform parental notification form that LEAs can use to comply with Section 3302.

Citation: Section 3302 (a) & (b)

Further action required: North Dakota must develop written guidance on complying with Section 3302 of the ESEA and develop uniform parental notification forms for notification of placement and notification of failure to meet AMAOs.