

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

EDUCATION COMMITTEE

Tuesday, June 10, 2008
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative RaeAnn G. Kelsch, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives RaeAnn G. Kelsch, C. B. Haas, Lyle Hanson, Gil Herbel, Lisa Meier, David Monson, Phillip Mueller, Gary Sukut, John D. Wall; Senators John M. Andrist, Layton W. Freborg, Gary A. Lee, Carolyn Nelson

Members absent: Representatives Bob Hunskor, Karen Karls, Francis J. Wald; Senator Tim Flakoll

Others present: See [Appendix A](#)

It was moved by Representative Meier, seconded by Senator Nelson, and carried on a voice vote that the minutes of the previous meeting be approved as distributed.

COMMISSION ON EDUCATION IMPROVEMENT - UPDATE

At the request of Chairman Kelsch, Lt. Governor Jack Dalrymple presented testimony ([Appendix B](#)) regarding the work of the Commission on Education Improvement. He said the appendix includes elements that Dr. Allan Odden and Dr. Lawrence O. Picus will include in determining the cost per student of an adequate education.

In response to a question from Representative Kelsch, Lt. Governor Dalrymple said Drs. Odden and Picus suggested there be an equivalent of one full-time instructional coach in every school district of 185 students. He said the term "instructional coach" includes curriculum and pedagogical coaches and the term also includes mentors helping teachers in their first five years of teaching.

Lt. Governor Dalrymple said Drs. Odden and Picus also are recommending that there be one full-time equivalent tutor for every 100 at-risk students. He said, in North Dakota, approximately 41 percent of all students are at-risk students.

Lt. Governor Dalrymple said Drs. Odden and Picus are recommending that professional development days be expanded from 2 to 10. He said there is concern about extending the school calendar, about using summer days for professional development, and there is a lack of respect for the current two days of professional development required by the North Dakota Century Code.

Lt. Governor Dalrymple said an adequate education is one in which a certain percentage of students are able to enter college or enter the workforce without additional remediation efforts.

In response to a question from Representative Mueller, Lt. Governor Dalrymple said it is the recommendation of Drs. Odden and Picus that every elementary school should have an average class size of no more than 18 students. He said the statewide average is approximately 18 students per class.

In response to a question from Representative Haas, Lt. Governor Dalrymple said 41 percent of North Dakota students are deemed to be at risk. He said this is determined by the number of students who are eligible to receive free or reduced lunches. While many of these students might do very well, he said, the number of students receiving free or reduced lunches correlates very closely to those students who are at risk and in need of additional assistance. He said it may be recommended that the percentage determination for at-risk students be a three-year average. He said this would eliminate dramatic changes in numbers from year to year.

In response to a question from Representative Herbel, Lt. Governor Dalrymple said it would be possible to support instructional approaches with an additional statutory factor. He said there is a concern with respect to verification of activities by instructional coaches. He said this is especially true of tutoring activities.

In response to a question from Representative Mueller, Lt. Governor Dalrymple said 85 percent of North Dakota students already take the American College Test (ACT). He said the difficulty encountered is that the ACT score normally is not available to students until their senior year. He said this allows no time for the students to make adjustments in their chosen curriculum or in their study habits.

Lt. Governor Dalrymple said the Commission on Education Improvement has looked at requiring the ACT's PLAN test. He said this test is given in the 9th grade or the 10th grade. He said it is a good indication of how a student will perform on the actual ACT. He said the advantage of the PLAN test is that the student has time to make adjustments before taking the ACT. He said there is a significant constituency that believes there already are too many tests and does not want to have one more. He said the commission has also looked at the use of the Northwest Evaluation Association assessment and whether it could be used as a predictor of how a student will perform on the ACT.

In response to a question from Representative Kelsch, Lt. Governor Dalrymple said Drs. Odden and Picus probably would suggest that training for administrators should be addressed as well. He said, given the goal of doubling student performance, Drs. Odden and Picus would very likely assume that administrator training is not an area to be pursued initially. However, he said, the Commission on Education Improvement is free to address administrative training if the members elect to do so.

Representative Kelsch said by using assessments, one can determine how a freshman in high school is likely to do in the coming years. She said given the dollars that are being appropriated to education, legislators need to be assured that the dollars are getting to these students and they are learning.

Lt. Governor Dalrymple said the political will in other states has not been supportive of a final high school exit examination.

In response to a question from Representative Hanson, Lt. Governor Dalrymple said Drs. Odden and Picus have indicated the proposed formula will include sufficient dollars for maintenance of an 18-student average class size.

In response to a question from Senator Lee, Lt. Governor Dalrymple said Drs. Odden and Picus will appear before the interim Education Committee in mid-September. He said this will allow an opportunity for feedback and further discussion by the Commission on Education Improvement in October. He said a final report is expected in November 2008.

Lt. Governor Dalrymple distributed a document entitled *North Dakota Achieve - High School Graduation Requirements - Draft* ([Appendix C](#)). He said the Commission on Education Improvement is giving serious consideration to proposing that there be more than one high school diploma. He said in place of the current statutory North Dakota graduation diploma, this proposal would allow for a North Dakota Achieve Diploma, which is based on completion of at least 21 units, a North Dakota Achieve Diploma with technical honors, which is based on completion of at least 22 units, a North Dakota Achieve Diploma with academic honors, which is based on completion of at least 23 units, and a North Dakota general high school diploma, which is based on completion of at least 21 units. He said the North Dakota Century Code already requires school districts to provide four units of English language arts, four units of mathematics, and four units of science, among other courses. He said a proposal such as multiple North Dakota Achieve Diplomas would increase student participation in many of these courses.

ADEQUATE YEARLY PROGRESS

At the request of Chairman Kelsch, Mr. Greg Gallagher, Director, Standards and Achievement, Department of Public Instruction, presented testimony ([Appendix D](#)) regarding adequate yearly progress. He said he is unable to release the statewide adequate yearly progress reports. He said the Department of

Public Instruction is not permitted to release the reports until the United States Department of Education certifies the state's accountability rules. He said the United States Department of Education has provided verbal assurance that the state's rules are acceptable but has not yet provided written confirmation.

Mr. Gallagher said the state assessment consists of 51 separate tests. He said 50,444 students were assessed this year. He said North Dakota has a very high participation rate--well in excess of the anticipated 95 percent.

In response to a question from Representative Kelsch, Mr. Gallagher said 32.2 percent of the students who were tested this year were identified as being eligible for free or reduced lunches. He said Lt. Governor Dalrymple's reference to 41 percent of students being identified as eligible for free or reduced lunches could be based on different data or it could be based on all the students in North Dakota, as opposed to only the 50,000 students who were tested for purposes of adequate yearly progress.

Mr. Gallagher said the state has seen an improvement in reading scores since 2002. However, he said, this past testing cycle showed that there was a regression in reading scores. He said this regression was picked up in the national assessment of educational progress as well.

Mr. Gallagher said across the state, school districts perform very differently. He said culture, instruction, curriculum, and community all affect student performance. He said a district that does very well in one area might have issues in another area.

Mr. Gallagher said it is incumbent upon the state to have clear and challenging grade-level requirements governing what a student should know and be able to do. He said the state then must be able to measure a student's performance in a reliable and accurate fashion and report the results of this measurement in a sufficiently transparent manner.

In response to a question from Senator Nelson, Mr. Gallagher said a large number of nonpublic school students participate in the state assessment.

In response to a question from Representative Kelsch, Mr. Gallagher said the national assessment of educational progress is based on nationally defined standards. He said the national assessment of educational progress governing board determines what it believes to be proficient performance. He said this is not a transparent process. He said the national assessment of educational progress results are generally paralleled by the assessments of approximately 70 percent of the states. He said North Dakota ranks in the top 25 percent of those states.

In response to a question from Representative Kelsch, Mr. Gallagher said there is no correlation between how well students do and the size of the school they attend. He said there is a correlation between how well students do and the content to which they have been exposed. He said exposure to

specific content is the greatest predictor of success and proficiency.

At the request of Chairman Kelsch, Mr. Dale Patrick, Program Administrator, 21st Century Community Learning Centers, Department of Public Instruction, presented testimony ([Appendix E](#)) regarding afterschool programs. He said 21st Century Community Learning Centers serve at-risk students at approximately 25 percent of North Dakota schools. He said funding under the current federal grant amounts to \$309 per at-risk student. He said by channeling grant dollars through regional education associations, administrative savings have been noted. He said the federal grant funds are provided in the form of a reimbursement. He said as a condition of receiving a grant, a center must have a viable plan for sustainability in the event that federal dollars disappear.

In response to a question from Representative Mueller, Mr. Patrick said personnel from the afterschool programs are to contact the students' daytime teachers and work with those teachers in a collaborative and coordinated fashion to assist students who are struggling academically.

In response to a question from Representative Kelsch, Mr. Patrick said the federal dollars did not disappear this year. In fact, he said, the state received an additional \$100,000. However, he said, the federal government has requested a \$400 million cut in this program.

Representative Monson said he is concerned about sustainability. In addition, he said, he is concerned about equity. He said there are a lot of rural families that would benefit from this program but cannot take advantage of the program because of transportation issues. Mr. Patrick said the grant does allow dollars to be used for the provision of a "late" bus to transport students home.

REGIONAL EDUCATION ASSOCIATIONS

At the request of Chairman Kelsch, Mr. Tom Decker, Director, School Finance and Organization, Department of Public Instruction, presented testimony regarding regional education associations. He presented several documents ([Appendix F](#)) regarding regional education associations. He said approximately 98 percent of North Dakota students attend a school district that is a member of a regional education association. He said as of February 2008 nonparticipating school districts included Yellowstone, Horse Creek, Earl, Linton, Strasburg, Bakker, Wing, Robinson, Pettibone-Tuttle, Gackle-Streeter, Carrington, Oberon, Kulm, and New Rockford-Sheyenne.

Mr. Decker said as of July 1 there will be a merger between the South East Education Cooperative, which includes Fargo, West Fargo, and Wahpeton, and the South Central Education Cooperative, which includes Jamestown and Valley City. He said the new entity will cover approximately 12,500 square miles

and provide services to approximately 29,000 students.

Mr. Decker said the Legislative Assembly needs to determine what the future role of regional education associations will be in education delivery. He said if regional education associations are to have a significant role, the Legislative Assembly should fund them. He said the lack of contingency dollars, which many had assumed would be present in June 2009, stifled progress by the regional education associations. He said participating school districts do not wish to commit resources unless the districts are certain of reimbursement.

Mr. Decker said demographics show that in 7 years to 10 years, North Dakota school districts will have approximately one-third fewer students. He said the committee is talking about doubling student performance in school districts that do not have the size to deliver the necessary services.

Mr. Decker said the Legislative Assembly needs to determine what students need to know and be able to do. He said the Legislative Assembly needs to clearly define what is expected from a school district to hold the district accountable. He said regional education associations can cost-effectively ensure that every student has access to an adequate education. He said no school district is independent. He said even school districts as large as Bismarck cannot afford to do everything they need to do by themselves. He said as student populations continue to decline, districts will need more help. He said a lot of time and money can be spent pulling together new organizations to address issues as they arise or basic service agencies that have an appropriate administrative structure to assist school districts with an array of issues can be supported, as needed.

Mr. Decker said the Legislative Assembly needs to look at appropriate executive leadership for regional education associations, mandate that regional education associations provide certain services immediately and establish a timeline for incorporating teacher learning centers, the functions still assigned to county superintendents, the provision of professional development services, and the provision of special education services. He said there are 31 special education districts and that is too many.

In response to a question from Representative Mueller, Mr. Decker said certain school district superintendents are not convinced that they lack the ability to be totally independent. He said they simply do not see the value of belonging to a regional education association.

Representative Kelsch said the \$2 million were contingent funds. She said if the funds were not distributed through the school funding formula, the funds were to be set aside for use by the regional education associations. She said regional education associations could certainly have asked their participating school districts to use some of the inordinately large appropriation they received during

the 2007 legislative session to fund the activities of the regional education associations.

In response to a question from Representative Kelsch, Mr. Decker said the Legislative Assembly could mandate that every school district belong to a regional education association. He said the Legislative Assembly ultimately is responsible for elementary and secondary education. He said maintaining regional education associations as voluntary, self-directed organizations will not permit each school district to ensure an adequate education for its students.

In response to a question from Senator Andrist, Mr. Decker said all education service agencies in Minnesota are self-sufficient. He said dollars for administration are being spent now. He said instead of using a centralized service agency, school districts are participating in a variety of organizational entities created to address separate issues.

Representative Haas said if regional education associations are going to be viable, it is incumbent upon the Legislative Assembly to revise the structure of education and specifically determine how special education, vocational education, professional development, and counseling will be delivered. He said a master plan is needed for the efficient delivery of services. He said some people will feel threatened. He said some positions will be eliminated and others will be created. Nevertheless, he said, the Legislative Assembly should embark on the task.

At the request of Chairman Kelsch, Mr. Jon Martinson, Executive Director, North Dakota School Boards Association, presented testimony regarding regional education associations. He said North Dakota has the lowest percentage of students enrolled in advanced placement courses of any state in the nation. He said North Dakota has a significant achievement gap between Caucasian students and American Indian students. He said the North Dakota School Boards Association received a grant from the Otto Bremer Foundation to look at ways in which the regional education associations can participate in the provision of an adequate education for our students. He said the report should be available in September or early October 2008.

ADULT EDUCATION

At the request of Chairman Kelsch, Dr. G. David Massey, Assistant State Superintendent, Department of Public Instruction, presented testimony ([Appendix G](#)) regarding the history of funding for adult education. He said adult education has been provided since 1967. Based on federal guidelines, he said, North Dakota citizens 16 years of age or older can participate. He said when the economy is good the number of people involved in adult education decreases and when the economy is bad the number of people in adult education increases.

Dr. Massey distributed a document entitled *The High Cost of High School Dropouts* ([Appendix H](#)). He said if North Dakota's dropouts had graduated from

high school, their total lifetime additional income would have exceeded \$425 million.

In response to a question from Representative Kelsch, Dr. Massey said if a student leaves high school before graduation, that student is counted toward the state's dropout rate. He said if a student later obtains a general educational development (GED) diploma, that student does not count toward the state's graduation rate.

OTHER PRESENTATIONS

At the request of Chairman Kelsch, Mr. Robert Schafer, Elementary Principal, Trenton Public School, presented testimony regarding the availability of funding under the Tribally Controlled Schools Act of 1988. Mr. Schafer distributed a document entitled *June 10th Financial Report* ([Appendix I](#)). He said the Trenton Public School has an elementary enrollment of 141 students and a high school enrollment of 72 students. He said the school district was notified in November 2007 that it might not qualify for \$1.3 million in Indian School Equalization Program funding. He said this was made definitive in March 2008. He said the school district has had to cut several positions and find alternate funding sources for others. He said the school district has also used some of its ending fund balance and this year will carry over only \$240,000.

In response to a question from Representative Herbel, Mr. Schafer said the district levies 185 mills.

In response to a question from Senator Andrist, Mr. Schafer said, because the district did not find out definitively that it would not receive Indian School Equalization Program funds, the district missed the application deadline for federal Impact Aid.

In response to a question from Senator Lee, Mr. Schafer said the activity in the oil sector and the construction of the new ethanol plant will bring people. However, he said, there is no housing for the people. He said he expects that families will move to Minot or Williston and not into the Eight Mile School District.

With the permission of Chairman Kelsch, Mr. John Leininger, East Central Dakota Education Consortium, Binford, presented testimony regarding 21st Century Community Learning Centers. He said he directs the program in eight school districts. He said the afterschool program should be thought of as an extended schoolday program. He said as schooldays get longer, rural districts will have more and greater challenges. He said parents in his area are very supportive of the program. He said they know where their children are and they appreciate the fact that the children are receiving help with their homework. He said four of the eight school districts he serves are not eligible for grants because they do not meet the requirement for 40 percent free or reduced lunches. He said it is an excellent program and he asked the legislators to support the program during the 2009 legislative session.

Chairman Kelsch adjourned the meeting at 3:30 p.m.

L. Anita Thomas
Committee Counsel

ATTACH:9