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## EDUCATION POLICY COMMITTEE

Monday, December 13, 2021  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Senator Erin Oban, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Senators Erin Oban, David A. Clemens, Cole Conley, Jay R. Elkin, Doug Larsen, Diane Larson, Richard Marcellais, Michael A. Wobbema; Representatives LaurieBeth Hager, Patrick Hatlestad, Pat D. Heinert, Jeff A. Hoverson, Donald Longmuir, Andrew Marschall, David Monson, David Richter, Cynthia Schreiber-Beck

**Members absent:** None

**Others present:** Senator Donald Schaible, Mott, member of the Legislative Management  
See [Appendix A](#) for additional persons present.

**It was moved by Representative Hatlestad, seconded by Representative Schreiber-Beck, and carried on a voice vote that the minutes of the July 20, 2021, meeting be approved as distributed.**

### INNOVATIVE EDUCATION AND COMPETENCY-BASED LEARNING STUDY

Ms. Ann Ellefson, Director, Office of Academic Support, Department of Public Instruction, provided information (Appendices [B](#) and [C](#)) regarding waiver applications under North Dakota Century Code Section 15.1-06-08.1 and schools participating in innovative education programs under Section 15.1-06-08.2. She noted:

- Innovative education waivers provide flexibility in how schools provide education by allowing waivers from various statutory education requirements;
- Innovative education waivers require a school first to submit a comprehensive plan detailing how the school will provide innovative education;
- The plan is reviewed by the Department of Public Instruction before approval to determine if statutory waivers are necessary to accomplish the innovative education goals; and
- Seven schools received approval and have waivers in place for innovative education.

In response to a question from a committee member, Ms. Ellefson noted an innovative education waiver only is required if there is a statutory provision that prevents a school from providing the innovation desired.

The committee viewed a video of a presentation on innovative education delivered by Mr. Ron Berger at the Governor's Summit on Innovative Education in Bismarck on June 7, 2021.

Dr. Aimee Copas, Executive Director, North Dakota Council of Educational Leaders, provided information ([Appendix D](#)) regarding the North Dakota Innovation Academy. She noted the Innovation Academy provides an opportunity for school district personnel to learn about innovative education and ways to overcome obstacles to implementing innovative practices.

In response to a question from a committee member, Dr. Copas noted the fee for an individual to attend the Innovation Academy is \$100 per day. She noted participating districts usually send five people to the 5-day academy for a total of \$2,500 per district.

Dr. Cory Steiner, Superintendent, and Mr. Tom Klapp, Director of Personalized Learning, Northern Cass School District, provided information ([Appendix E](#)) regarding the competency-based learning and innovative education program being implemented in the school district. Dr. Steiner noted:

- The district no longer uses letter grades or percentages to evaluate learners and instead uses a four-point evaluation scale in which a score of three means a learner is proficient;
- If learners can demonstrate they know a standard during an assessment or project, they are deemed proficient;
- A score of four means learners know the standard and can apply it in relation to their learning;
- The program focuses on pillars of personalized learning and the district has implemented flexible curriculum with unique pacing for each learner based on what is best for each individual learner; and
- The district engages in innovative practices to empower learners to be choice ready and have the essential skills necessary to be successful in college or a career.

Mr. Klapp noted learning can occur outside a formal classroom and any location in which learning occurs is a learning center.

In response to questions from a committee member, Dr. Steiner noted new educators require more preparation time to become comfortable with the innovative education practices. He noted the district provides paid professional development for educators to assist with the training and transition period.

Mr. Dale Hoerauf, Director; Mr. Pat Phillips, System Innovator; and Mr. David St. Peter, Personalized Learning Facilitator, Bismarck Public Schools Career Academy, provided information (Appendices [E](#) and [G](#)) regarding the competency-based learning and innovative education program being implemented at the Career Academy. Mr. Hoerauf noted 1,600 high school students attend the Career Academy daily and there are currently 38 students enrolled in the innovative education program at the academy. He noted the students come from many different area high schools and are required to collaborate in their learning.

Mr. Phillips noted the innovative education program at the Career Academy is called "Empower[Ed]." He noted Empower[Ed]:

- Is a personalized, competency-based program that measures whether a learner is engaged and proficient in a required content standard;
- Does not measure how much time a student has spent in the classroom; and
- Allows students to earn core subject credits toward graduation through career and technical education courses and projects at the Career Academy.

Mr. St. Peter noted in all courses offered through the Empower[Ed] program, students and teachers collaborate on personalizing the pathway for the student to learn the standards and demonstrate proficiency to receive credit.

In response to questions from a committee member, Mr. Phillips noted the Empower[Ed] program is stakeholder driven and students come to the Career Academy from other high schools looking for a nontraditional education pathway. He noted the standards and levels of proficiency within the Empower[Ed] program are the same as in a traditional education setting, but the methods of achieving the standards are different.

Dr. Nick Klemisch, Superintendent, Garrison Public Schools, provided information ([Appendix H](#)) regarding the competency-based learning and innovative education program being implemented in the school district. He noted:

- The district provides Chromebooks to all students in K-12;
- The district implemented a flexible modular schedule in which classes have varying lengths and seat-time requirements;
- Students spend different amounts of time on curriculum each day depending on individual progression toward proficiency of a standard; and
- The district provides paid internships for students with area businesses to allow students to receive valuable, real-world experience and further develop necessary skills.

Mr. Andrew Jordan, Superintendent, Wilton Public Schools, provided information ([Appendix I](#)) regarding the competency-based learning and innovative education program being implemented in the school district. He noted

the district has 280 enrolled students. He noted the district has implemented a systemic change in how the district provides education to incorporate:

- Multitiered systems of support for students to provide both academic and behavioral support for students;
- Full-service community schools to provide education through a consortium of education providers and partners providing a variety of collaborative services; and
- A profile of a graduate, which was developed to determine the skills each student needs to develop through the provided curriculum to be successful outside of the school setting after graduation.

In response to questions from a committee member, Mr. Jordan noted the innovative changes were implemented through collaboration with the entire staff of the schools within the district. He noted the district uses experienced teachers as mentors for new teachers in the district to help new teachers learn how to teach effectively within the innovative education program.

Mr. Jim Upgren, Assistant Director, Office of School Approval and Opportunity, Department of Public Instruction, provided information (Appendices [J](#) and [K](#)) regarding an update on the learn everywhere program enacted by House Bill No. 1478 (2021). Mr. Upgren noted the learn everywhere program allows schools to offer course credit toward graduation requirements to students in grades 6 through 12 for educational opportunities taking place outside the school building through a sponsoring entity. He noted the administrative rules for the program have been completed. He reviewed the similarities and differences between the learn everywhere program and innovative education programs under Section 15.1-06-08.2.

In response to a question from a committee member, Mr. Upgren noted the learn everywhere program is an optional program and no additional state funding is provided for schools to participate in the program.

Ms. Ellefson provided information (Appendices [L](#), [M](#), and [N](#)) regarding the North Dakota learning continuum requirements enacted by Senate Bill No. 2196 (2021). She noted:

- A learning continuum is a document listing the skills and competencies North Dakota learners need to acquire and be able to demonstrate to be considered college and career ready;
- A learning continuum defines how students will be assessed while demonstrating they have acquired the required skills;
- A learning continuum advances students based on their readiness and ability to demonstrate they have achieved necessary skills and knowledge, not based on the age or grade of the student; and
- The learning continuum and mastery framework policy adopted by school districts provides districts flexibility on how skills and knowledge may be demonstrated through the district curriculum to receive credit toward graduation requirements.

Ms. Ellefson reviewed the components of the learning continuum, how the components are determined, and explained the differences between state content standards and a learning continuum.

In response to a question from a committee member, Ms. Ellefson noted once the State Board of Public School Education certifies the North Dakota learning continuum, a district must approve a mastery framework policy if choosing to award course credit to students in accordance with the learning continuum. She noted a district policy must detail how students may demonstrate proficiency and mastery of the necessary content and skills on the learning continuum to receive course credit.

### **Comments by Interested Persons**

Ms. Kirsten Baesler, Superintendent of Public Instruction, noted the learning continuum and mastery framework provides school districts with an opportunity to provide innovative education pathways for students, but districts are not required to adopt a mastery framework policy and may continue to provide education using more traditional methods.

In response to a question from a committee member, Ms. Lisa Johnson, Vice Chancellor, Academic and Student Affairs, North Dakota University System, noted North Dakota University System institutions receive and accept transcripts for students based on competency and proficiency-based learning.

### **Committee Discussion and Staff Directives**

The committee requested Mr. Dustin Assel, Counsel, Legislative Council, to reach out to the North Dakota Council of Educational Leaders and the Kindergarten Through Grade Twelve Education Coordination Council to

receive feedback and determine if there is a need to amend language enacted by House Bill No. 1478 to adjust the timeline for when proposals for a learn everywhere program must be submitted by a school district and approved by the Superintendent of Public Instruction.

No further business appearing, Chairman Oban adjourned the meeting at 3:05 p.m.

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Dustin Assel  
Counsel

ATTACH:14