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## EDUCATION COMMITTEE

Wednesday, December 20, 2023  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Senator Michelle Axtman, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Senators Michelle Axtman, Todd Beard, Cole Conley, Jay Elkin, Judy Estenson, Justin Gerhardt, Kent Weston; Representatives LaurieBeth Hager, Patrick Hatlestad, Dori Hauck, Pat D. Heinert, Donald W. Longmuir, Andrew Marschall, David Monson, Eric James Murphy, Mitch Ostlie, David Richter, Cynthia Schreiber-Beck, Kelby Timmons

**Member absent:** Representative Jim Jonas

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

**It was moved by Representative Marschall, seconded by Representative Schreiber-Beck, and carried on a voice vote that the minutes of the August 29, 2023, meeting be approved as distributed.**

### REQUIRED REPORTS Education Standards and Practices Board

#### Satisfaction Survey Results

Dr. Rebecca Pitkin, Executive Director, Education Standards and Practices Board, provided a report ([Appendix B](#)) as required under North Dakota Century Code Section 15.1-13-36 regarding satisfaction survey results of individuals seeking information or services from the board. In response to questions from committee members, she noted:

- 546 teachers applied for an initial teaching license in 2023.
- There are approximately 11,000 to 13,000 total licensed teachers in the state. The issuance of lifetime teaching licenses would undermine the board's support of continuing education and periodic background checks.

### Department of Public Instruction

#### School Safety and Security Spending

Mr. Adam Tescher, School Finance Officer, Department of Public Instruction, provided a report ([Appendix C](#)) as required under Section 15.1-07-36 regarding the amount spent on school safety and security measures during the previous school year. He noted:

- As introduced, House Bill No. 1337 (2023), which was amended to require this report, would have required schools to allocate a percentage of funding for safety and security.
- The purpose of the report is to determine the appropriate percentage of funding to allocate to school safety and security.
- Due to the recent enactment of this reporting requirement, spending for the 2022-23 school year might be under-reported because schools were already in session and not tracking the spending separately.
- Statewide safety and security spending for 2022-23 was \$23.4 million.

In response to questions from committee members, Mr. Tescher noted:

- School districts did not report a lack of funds for safety and security.

- School districts reported significant amounts of federal Elementary and Secondary School Emergency Relief Fund grants being spent on safety and security before the 2022-23 school year.
- For a more accurate representation of a school's safety and security readiness, it might be beneficial to include past expenditures, adjustments to remodeling and maintenance costs based on building age, and expenditure trends over a longer timespan.

### **Professional Development and Improved Educational Outcomes Related to Direct Literacy Instruction**

Ms. Ann Ellefson, Director, Office of Academic Support, Department of Public Instruction, provided a report regarding reading curriculum and professional development ([Appendix D](#)) and a summary of Science of Reading activities ([Appendix E](#)) to demonstrate the implementation and effectiveness of the appropriation provided to the department for professional learning and educational outcome improvement as required under Section 18 of Senate Bill No. 2284 (2023). She noted:

- Reading curriculum professional development is known as the Science of Reading.
- Section 15.1-21-12.1, enacted in 2021, requires professional development for all Kindergarten through grade 3 principals and teachers, curriculum supported by science, and assessments to diagnose and monitor student needs. The requirement applies to special content area teachers and classroom teachers.
- Public and nonpublic school districts educating Kindergarten through grade 3 students are required to demonstrate to the Superintendent of Public Instruction they are in compliance with Section 15.1-21-12.1. Districts receive approvals in 1- to 3-year intervals based on how well they implement the requirements.
- The Department of Public Instruction and North Dakota Regional Education Associations (REAs) are collaborating to provide North Dakota Science of Reading, a low-cost and no-cost professional development and curriculum for educators.

In response to a question from a committee member, Ms. Ellefson noted some larger school districts obtain initial reading curriculum training from an REA while many rural school districts rely permanently on REAs for training.

Ms. Ellefson provided testimony regarding dyslexia screening requirements under Section 15.1-32-26, which was enacted in 2023. She noted:

- Professional development is available to school districts at no cost.
- School districts screen for but do not diagnose dyslexia.
- A dyslexia credential is available for educators specializing in dyslexia.

Ms. Ellefson provided testimony regarding Language Essentials for Teachers of Reading and Spelling (LETRS) training. She noted 226 public elementary schools received funding for LETRS training and the department also is offering LETRS training for higher education faculty. She also presented testimony regarding Amira Learning, an artificial intelligence reading tool for use on an electronic device for tutoring students to read aloud. She noted 102 districts have committed to using Amira Learning.

### **SCHOOL CHOICE MODELS STUDY**

Mr. Russ Simnick, Senior Director of State Advocacy, National Alliance for Public Charter Schools, provided testimony ([Appendix F](#)) supporting public charter schools. He noted:

- Charter schools are tuition free, available to all students, accountable to education standards, and innovative.
- North Dakota is one of four states without charter school laws.
- Model laws should ensure strong authorizers exist, provide autonomy, require schools to demonstrate high student achievement, provide equitable funding for new and existing charter schools, and ensure student accessibility to facilities.

In response to questions from committee members, Mr. Simnick noted:

- State funds are not impacted by charter schools because the state's per pupil payment transfers with the student from a public school to a charter school.
- Charter schools traditionally are organized as a 501(c)(3) with a founding board and a governing board. Most boards are self-perpetuating although board members in some states are elected by the teachers and parents of the school.

- Charter schools are responsible for providing education facilities for the schools.
- The facilities may be established in vacant buildings, in church basements, or as new construction funded with private loans.
- Depending on how the funding formula directs funds to charter schools, state funding might not include revenue from local property taxes.

In response to a question from a committee member, Ms. Kirstin Baesler, Superintendent of Public Instruction, noted:

- Available waivers allow public schools to operate with the same autonomy as charter schools while maintaining a high level of accountability.
- Charter schools have the same accountability standards as public schools. One advantage of charter schools is the ability to implement innovative instructional methods, unlike modifying a traditional instructional system, which has the challenge of requiring support of an entire community.

Dr. Aimee Copas, Executive Director, North Dakota Council of Educational Leaders, provided survey results ([Appendix G](#)) and data ([Appendix H](#)) related to the Center for Distance Education (CDE). She noted:

- Survey results indicate 2,106 students enrolled in CDE for a course also offered by participating schools. Because schools must pay a student's CDE course fee, schools have expended an estimated \$482,000 to \$545,000 in enrollment costs.
- Students enrolled in CDE courses for a variety of reasons: 391 to avoid a teacher, 325 due to mental health factors, 317 due to scheduling conflicts, 189 for an alternative setting, 105 due to physical health limitations, and 58 due to peer issues.
- Parental approval is not required for schedule changes, including enrolling in CDE.

In response to a question from a committee member, Dr. Jeff Fastnacht, Superintendent, Bismarck Public Schools, noted:

- Some students are enrolling in CDE to avoid traditional classroom teacher expectations, bypassing the social and emotional development that comes from learning to meet expectations or handle related consequences.
- Students should pay for CDE courses if they enroll to avoid teacher expectations or disciplinary action.

Mr. Mike Heilman, Small Organized Schools, provided testimony regarding open enrollment. He noted, when students attend CDE to opt-out of a teacher's rigorous class, it places a school in a difficult position because the school is required to pay for CDE courses.

In response to a question from a committee member, Mr. Tescher noted some communities, such as communities with abundant oil, solely rely on local contributions for school funding. Therefore, charter schools would create a cost to the state if the state allocates a per pupil amount for each student attending a charter school regardless of local contributions for public school students.

### **SCHOOL DISTRICT ENDING FUND BALANCE STUDY**

Mr. Brandt Dick, President, North Dakota Small Organized Schools, provided testimony ([Appendix I](#)) regarding the school district ending fund balance limitation. He noted small schools appreciate the moratorium on the ending fund balance and hope to see the limitation on a school's ending fund balance repealed permanently.

In response to a question from a committee member, Mr. Dick noted hasty spending decisions are made in June before the ending fund balance limitations go into effect.

### **REPLACEMENT OF STORM MAKE UP DAYS WITH VIRTUAL INSTRUCTION DAYS STUDY**

Mr. Dewitt Mack, chemistry teacher, Mandan High School, provided testimony ([Appendix J](#)) regarding his use of Mandan Public Schools' virtual learning model, Canvas, on virtual days. He noted:

- Lesson plans for a typical virtual instruction day closely follow lesson plans for a typical classroom day.
- A typical virtual day begins with reviewing the day's agenda in Canvas, transitions to student instruction, and ends with an assessment, which is completed on the student's school-issued iPad and submitted using Canvas.

In response to questions from committee members, Mr. Mack noted:

- Administrators can view in Canvas if a student is using a module.
- Like a classroom, some students are reluctant to engage in student participation opportunities.
- Students can access the module at any time at an individualized pace throughout the day.
- Students are encouraged to complete and remit assignments.
- Students can review instructional materials on Canvas for learning reinforcement.

Ms. Lauren Lingen, Kindergarten teacher, Red Trail Elementary School, provided testimony regarding her use of Canvas on virtual days. She noted she teaches Kindergarten students to use an iPad and Canvas, beginning with basic iPad instructions at the start of the school year.

In response to questions from committee members, Ms. Lingen noted:

- She monitors the weather and issues iPads to students if she anticipates a virtual learning day is possible the next day. The classroom iPad training enables students to complete their lessons at home on virtual learning days.
- During the Coronavirus (COVID-19) pandemic, she created reusable virtual learning content consisting of lessons and instructional videos.
- Classroom and virtual instruction provide equivalent learning experiences. For example, she instructs students to read for 10 to 15 minutes in the classroom and instructs students to read for 10 minutes virtually.

In response to questions from committee members, Mr. Mike Bitz, Superintendent, Mandan Public Schools, noted:

- Students can access Canvas without Internet access and from any electronic device.
- The district pays for Canvas from its budget.
- Teachers can share instructional videos with each other.
- Students can connect with their teacher on virtual learning days.

Dr. Perry Just, Director of Curriculum and Assessment, Mandan Public Schools, provided testimony regarding educator use of Canvas. He noted:

- Specialists and interventionists provide 15-minute one-on-one online services on virtual days.
- A learning management system like Canvas provides more study resources than traditional textbooks and student notes.
- 59 percent of students in higher education nationwide are enrolled in online learning.

Dr. Copas provided testimony ([Appendix K](#)) regarding virtual instruction survey results. She noted:

- 75 of 89 reporting school districts have a policy to use make up days before implementing virtual instruction days.
- The North Dakota Council of Educational Leaders is working with the Department of Transportation to better define "No Travel Advised" as it pertains to school attendance.

In response to a question from a committee member, Dr. Copas noted:

- School districts are continuously gaining experience to improve learning management systems.
- 98 percent of school leaders support a virtual instruction option.
- School districts agree a statewide learning management system would be beneficial.

Ms. Alexis Baxley, Executive Director, North Dakota School Boards Association, provided testimony ([Appendix L](#)) regarding school board policymaking and involvement in virtual instruction and make up days.

She noted school board policies should not change often, but should allow flexibility in implementation; and North Dakota School Boards Association provides a model policy for virtual learning.

Mr. Joe Kolosky, Director of the Office of School Approval and Opportunity, Department of Public Instruction, and Ms. Baesler provided testimony ([Appendix M](#)) regarding constituent feedback related to virtual instruction and make up days. Ms. Baesler noted:

- Communication from schools to the parents and students, educator training, teacher accountability, and student feedback are vital to successful virtual instruction.
- Schools should limit the number of virtual instruction days by using make up days first.

No further business appearing, Chairman Axtman adjourned the meeting at 3:12 p.m.

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Liz Fordahl  
Counsel

ATTACH:13