



EDUCATION COMMITTEE

Tuesday, September 15, 2026
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Jim Jonas, Chairman, called the meeting to order at 9:04 a.m.

Members present: Representatives Jim Jonas, Collette Brown, Jay Fisher, Matthew Heilman, Mike Motschenbacher, Eric J. Murphy,* SuAnn Olson, David Richter, Mike Schatz*; Senators Jeff Barta, Jose L. Castaneda, Paul J. Thomas

Members absent: Representative Scott Louser; Senators Michelle Axtman, Ronald Sorvaag

Others present: Representative LaurieBeth Hager, member of the Legislative Management
See [Appendix A](#) for additional persons present.

**Attended remotely*

It was moved by Representative Heilman, seconded by Senator Castaneda, and carried on a voice vote that the minutes of the April 1, 2026, meeting be approved as distributed.

OTHER COMMITTEE RESPONSIBILITIES

Ms. Kay Larson, Director, Early Childhood, Department of Health and Human Services, provided information ([Appendix B](#)) regarding the Waterford Upstart Program. She noted:

- For the 2025-27 biennium, the Department of Health and Human Services was appropriated \$1.5 million from the General Fund, which was transferred to the Department of Public Instruction (DPI), to contract with Waterford Upstart for an early learning prekindergarten program.
- To maximize the effect of the program, the Waterford Upstart Program is marketed to families of 4-year old children living in school districts with consistently low reading scores.

Ms. Ann Ellefson, Assistant Superintendent, Department of Public Instruction, provided information regarding the Waterford Upstart Program. She noted:

- For the 2025-26 school year, DPI used assessment data to target students in 39 communities with a third grade reading proficiency of less than 30 percent; however, due to low program enrollment in the initial communities, the department expanded the program to 64 communities.
- The department entered into a performance-based contract with Waterford Upstart, which includes a base fee for each family that enrolls in the program. Additional bonus funding is provided for families that use the program for more than 400 minutes.
- For the 2025-26 school year, the program enrolled 193 families, of which 108 families met the bonus payment level of 400 minutes, and provided 29 devices to families demonstrating need. Of the \$750,000 allocated for the 1st year of the biennium, DPI spent \$192,755.

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

- The department used elementary school-level assessment data and urban elementary schools may be included in the list of communities served by Waterford Upstart.
- When the funding was approved, DPI agreed to target services to certain communities and would need Legislative Assembly approval to offer the program to all families.

Ms. Becky Eberhardt, Director of School Relations, Waterford, provided information ([Appendix C](#)) regarding the Waterford Upstart Program ([Appendix D](#)). She noted:

- The program is based on research and aligned with the science of reading, early learning guidelines, and the department's content standards.
- The program is individualized and proficiency based and includes measured skills, offline activities, and access to a digital library and a family coach.
- The program has been partnering with the state for 7 years and the first cohort of participants is entering the sixth grade.
- By the end of third grade, a higher percentage of Waterford Upstart participants achieved proficient or above levels in reading and mathematics than students in a matched comparison group. In addition, students receiving free or reduced lunch and students of color earned higher reading scores than students in the control group and narrowed the gap with their peers.

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

- Waterford Upstart has secured \$2.56 million in donations to provide services to families outside of targeted communities.
- Dual-language resources are available in the program; however, it is designed to teach in English.

Mr. Kernard Jones, Senior Vice President of Government Relations, Waterford, noted it is important to invest in early childhood education to prepare students for success in their education and in life.

Mr. Jim Upgren, Assistant Director, Office of School Approval and Opportunity, Department of Public Instruction, and Ms. Ellefson provided information ([Appendix E](#)) regarding school accreditation rule waivers pursuant to North Dakota Century Code Section 15.1-06-08, education statute waivers pursuant to Section 15.1-06-08.1, and the Innovative Education Program pursuant to Section 15.1-06-08.2. They noted:

- For the 2026-27 school year, 18 schools or school districts are operating on waiver of high school instructional unit time requirements.
- Section 15.1-06-04 provides that any school that chooses to implement a 4-day school week must submit a waiver to DPI and rules regarding the waiver are provided in North Dakota Administrative Code.
- Recent revisions to the Administrative Code regarding the 4-day school week were made to base approval of 4-day school week waivers on student outcomes. Cost-savings and greater flexibility in the use of school facilities are no longer allowable reasons.
- All school districts whose initial 4-day school week waiver was during the 2025-26 school year or later will automatically move to a 3-year initial waiver, after which the school district may apply for a 5-year extension under the new criteria.
- If a school district is unable to demonstrate it is meeting the requirements to extend the waiver, DPI will notify the school district by October 31. If the department's expectations are not met by January 31, the department may provide a 1-year extension to receive more data or require the school district to return to a 5-day school week the following school year.

- For the 2026-27 school year, there are 19 school districts that are operating with a 4-day school week.
- During the 2025-26 school year, in addition to the Center for Distance Education (CDE) and Marmot High School at the Youth Correctional Center, 5 school districts participated in the Innovative Education Program pursuant to Section 15.1-06-08.2. Waivers were approved for certain sections of Chapters 15.1-06, 15.1-18, and 15.1-21, related to school calendar hours, teacher qualifications, graduation, and scholarships.
- Section 15.1-06-08.2 requires districts to complete a comprehensive, multiyear planning and development process, documenting support from teachers, school staff, parents, and community members. School districts operating under the Innovative Education Program submit annual reports regarding progress and outcomes, which were made available to the committee and summarized in the department's presentation.

In response to questions from committee members, Mr. Upgren and Ms. Ellefson noted:

- Academic opportunities and educational outcomes, required in the 4-day school week waiver, are defined in Administrative Code and school district goals are included in the waiver application.
- Some schools are excelling on a 4-day school week while others are struggling academically.
- Funding to promote innovative education was used to support a state intermediary for innovative education. The Department of Public Instruction established the North Dakota Network for Personalized Learning through a contract with Valley City State University.

Dr. Luke Schaefer, Legislative Subcommittee Chair, Kindergarten Through Grade Twelve Education Coordination Council, provided information ([Appendix F](#)) regarding an annual report ([Appendix G](#)) on the activities of the council pursuant to Section 15.1-01-04(9), including a briefing ([Appendix H](#)) regarding student attendance in the state. He noted:

- Attendance in the state has been declining and with support from the Legislative Assembly, the council partnered with the University of North Dakota Bureau of Evaluation and Research Services to study schools and districts that had improved attendance outcomes. The study reinforced that absenteeism rarely has a single cause and student, family, school, community, transportation, behavioral health, and system-level factors often overlap.
- The council will be preparing recommendations related to early intervention, cross-agency roles, student and family supports, culture of attendance, and data, policy, and further study.
- The new student information system will provide more data on reasons for absences.

In response to questions from committee members, Dr. Schaefer noted:

- Schools with high attendance rates had individual successes, such as attendance review boards, credit recovery, student relationship programs, professional learning, and family events.
- Quantitative data used in the council's student attendance study is publicly available and will be provided to the committee.

In response to questions from committee members, Mr. Stanley Schauer, Jr., Assistant State Superintendent, Data and Assessment Office, Department of Public Instruction, noted in an email that chronic absenteeism rates ranged from 11 to 15 percent from the 2017-18 school year through the 2020-21 school year. The chronic absenteeism rate peaked at 22 percent in the 2021-22 school year and remained at 20 percent the next 3 school years.

Mr. Levi Bachmeier, Superintendent, Department of Public Instruction, provided information ([Appendix I](#)) regarding the status of public charter schools in the state pursuant to Section 15.1-40-06. He noted the department:

- Received approval for administrative rules related to charter schools.
- Anticipates releasing application materials in fall of 2026 and executing charter performance agreements with approved developers in the summer or fall of 2027.
- Received a 5-year federal grant totaling \$7,988,000 to assist with implementation, support, and monitoring of charter schools.

Mr. Bachmeier provided information ([Appendix J](#)) regarding updates to the strategic vision and a collaborative report of the strategic plans of each steering committee member entity receiving state education funds pursuant to Section 15.1-02-04. He noted:

- To inform revisions to the statewide strategic vision framework, stakeholders across the state were invited to provide information regarding their priorities for improvements to the K-12 education system using online surveys.
- Survey results ranked choice ready rates, interpersonal skills, and basic life skills as the most important student outcomes.
- The survey ranked funding, student behavior, and teacher recruitment and retention as major issues facing K-12 education.
- The committee anticipates adding long-term outcomes and metrics related to wellness, career experiences, and teacher recruitment and retention to the strategic vision framework.

Mr. Bachmeier provided information ([Appendix K](#)) regarding proposed changes to the state accountability plan pursuant to Section 15.1-02-17. He noted:

- The state currently has two sets of measures with varying weights, one for kindergarten through grade 8 and one for high school students grades 9 through 12. For accountability purposes, except for large districts with an approved middle school, grades 7 and 8 are included in the elementary report.
- Proposed changes to the state accountability plan include:
 - General updates to modernize language and broaden definitions;
 - Improved measures of school performance, including what should be measured and the assignment of weights;
 - A strengthened accountability system, including a separate set of measures for middle school accountability to incorporate the creation of a middle school choice ready framework; and
 - Clear and fair public understanding of relative performance, including definitive rankings for both schools and districts in place of unclear letter grades.
- Public comments will be accepted from December 2026 through January 2027 and the amendments will be submitted to the United States Department of Education in March 2027.

Mr. Schauer provided information ([Appendix L](#)) regarding a comparison of academic performance of students participating in virtual instruction to those not participating in virtual instruction and the use of the statewide prekindergarten through grade twelve strategic vision framework goals pursuant to Section 15.1-07-25.4. He noted:

- Because the size of some virtual academies and student privacy do not allow for district-level outcome comparisons, the department's report provides statewide information.
- Virtual school enrollment grew from 308 students during the 2022-23 school year to 916 students during the 2025-26 school year; however, over 115,000 students are enrolled in nonvirtual schools.
- For the 2024-25 school year, less than 50 percent of virtual students participated in state assessments for mathematics and reading, compared to over 95 percent of nonvirtual students.

- Because the number of students enrolled in virtual instruction is much smaller than the number of students enrolled in nonvirtual instruction, and an even smaller number of virtual students participate in the state assessment, the department does not have sufficient information to make a valid comparison.
- Considering data limitations, in most cases, nonvirtual students scored better than virtual students.

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

- Geography and student demographics may be reasons students enrolled in virtual instruction do not participate in state assessments.
- Noncontinuity in state assessments from the 2023-24 school year to the 2024-25 school year relates to a change in standards and a new state assessment. The break in continuity from the 2024-25 school year to the 2025-26 school year is related to additional standard setting necessary for the 2025-26 test.
- The only way to determine the effectiveness of virtual instruction is to encourage virtual academies to participate in the state's measuring tools, which could be part of virtual school approval. The department is exploring establishing a unique school accountability measure.

It was moved by Representative Heilman, seconded by Senator Thomas, and carried on a voice vote that the Chairman and the Legislative Council staff be requested to prepare a report and to present the report to the Legislative Management.

It was moved by Senator Thomas, seconded by Representative Fisher, and carried on a voice vote that the committee be adjourned sine die.

No further business appearing, Chairman Jonas adjourned the committee sine die at 1:52 p.m.

Sheila M. Sandness
Senior Fiscal Analyst

ATTACH:12