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Chairman Heinert, Vice Chairman Schreiber-Beck, and Members of the Education Committee,

Greetings, and thank you for the opportunity to provide testimony in opposition to House Bill 1172. My name is Andrew Gilbertson, and I am the Dean of Students for the North Dakota Center for Distance Education (NDCDE). My career has spanned various roles in school districts across North Dakota, including teaching, counseling, and serving as a building principal. These experiences have provided me with a deep understanding of the critical role virtual learning plays in complementing traditional brick-and-mortar education. I have seen first hand the benefits virtual learning offers to school districts, parents, and, most importantly, students.

In rural schools, where I have spent much of my career, virtual learning is essential. Research shows that teacher talent is one of the most significant factors in student success. While students are central to education, having highly skilled teachers is a very close second. Many rural school districts face increasing challenges in attracting and retaining top-tier teaching talent, which has led them to rely on NDCDE to provide full-classroom programming in required courses as well as electives. Other districts use NDCDE to supplement their curricula. As a building counselor I guided students into NDCDE's programming often to support student needs including graduation requirements, career goals, choice ready and scholarship requirements. For example I have encouraged many students into NDCDE's nursing pathway, recognizing their aptitude for nursing over less relevant to them, in-house options. Decisions like these enhance students' educational experiences and prepare them for graduation, critical careers and opportunities for scholarships.

Proponents of HB 1172 argue that parents would only need to pay for courses not offered or not allowed within a student's schedule. However, this proposal raises serious concerns about both unintended and potentially intended consequences. For instance, who determines master schedules, and is there parent oversight to ensure that schools prioritize the best interests of students when creating them? Without such oversight,

school districts may design schedules based on budgetary considerations rather than student needs, reducing access to engaging and rigorous coursework. I know most school administrators are of high integrity, but I also know that school schedules and class offerings, especially in small schools is a delicate process and requires flexibility and creativity. Sometimes students need to take a course that is not offered that semester in the brick and mortar schedule. I would also argue, this bill disproportionately impacts students in large school districts with extensive course offerings in a negative way. This would limit students' ability to take online courses. Such limitations conflict with the Choice Ready Framework and the ND Scholarship, potentially preventing low-income students in large districts from becoming Choice Ready or qualifying for the state scholarship. By requiring students to fund their online course requirements independently if the course is offered in-house, the ND Scholarship could become accessible only to those who can afford virtual learning out of pocket. Additionally, equating high grades with learning is misleading. From my experience, the most impactful courses and educators do not always produce students with perfect grades. Letter grades alone are an inconsistent and inadequate measure of success, varying greatly between teachers and districts. What is passing in one district could be failing in another. I would caution you to take evidence based only on student grade and pass fail achievement.

I acknowledge that some educational restrictions are necessary. I stand with my Director, Dr. Martin, in partial support of HB 1105, which provides school districts with statutory grounds to address many of challenges school districts face with virtual learning. However, I strongly oppose provisions requiring students or their parents to pay for courses if they fail. This approach would discourage families from enrolling in virtual courses altogether, particularly those who cannot afford the financial risk. My experience as a Principal in a school district with a majority of low income students has taught me that quite simply fees are a deterrent. As Dean of Students, I work closely with school leaders statewide. I really enjoy this part of my work. They seek clear guidelines for virtual learning. I empathize with them, but placing financial barriers for families is not the answer. Policies should ensure equitable access to education, enabling students to explore learning opportunities without fear of undue financial burden.

Some students struggle in virtual classrooms, and school districts must retain the authority to make collaborative, informed decisions with parents and other stakeholders to provide the best possible education. I have seen students leave traditional classrooms to enroll in NDCDE courses, only to disengage entirely. This benefits no one—not the school, not NDCDE, and certainly not the student. Safeguards are necessary to support students who are unengaged or making poor choices. Rather than creating financial obstacles,

school districts and NDCDE must collaborate as partners to deliver high-quality education tailored to individual student needs.

Students are not charged for failing brick-and-mortar courses, and it would be inequitable to impose such fees for virtual learning. Instead, local policies should focus on ensuring students are appropriately placed and fully supported. School districts can implement measures to monitor and guide student engagement and behavior in virtual classrooms, aligning these efforts with district standards and NDCDE's Learning Coach policies. The most effective way to safeguard taxpayer dollars is by fostering student success across all modalities, rather than simply enrolling students in virtual courses and then leaving them without adequate support.

From my experience as Dean, the most significant issues in virtual learning stem from insufficient supervision. Like every school district in the state, NDCDE continually strives to identify and address areas for improvement. However, what sets NDCDE apart is our adaptability and the speed at which we can implement meaningful changes. Recent collaborations with school districts have enabled us to make substantial enhancements to both our curriculum and processes. Strengthening partnerships between NDCDE and school districts will ensure that students benefit from the most robust educational opportunities while upholding shared community values.

NDCDE's mission is to support K-12 education in North Dakota, not to compete with it. Criticizing NDCDE for staffing challenges within school districts is both inaccurate and counterproductive. The expiration of ESSER dollars—temporary federal COVID relief funds—was an anticipated event. Difficult staffing decisions were inevitable and felt by districts across the state, including the one I worked in. These decisions were not caused by NDCDE's pricing or programming. These challenges highlight broader issues of planning and resource allocation.

Thank you for considering my testimony. I urge you to oppose HB 1172 and support policies that empower school districts to develop guidelines for virtual learning that prioritize educational equity and student success. I am committed to working with school leaders across the state to support student learning and success.