

1999 HOUSE EDUCATION
HB 1063

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1063

House Education Committee

Conference Committee

Hearing Date January 6, 1999

Tape Number	Side A	Side B	Meoter #
One	x		0.1 to 38.9
Committee Clerk Signature <i>Larry Wagner by Jed</i>			

Minutes:

Rep. Hanson introduced the bill to the committee as prime sponsor at the request of the superintendent from Jamestown High School. It is a bill which will extend the period a teacher can teach without being certified or having a background check. Stated that there are a number of people who wish to testify and have amendments.

Larry Klundt, Executive Director, North Dakota Council of Education Leaders: Works for School Administrators in the state. His group is interested in the bill for two reasons because teachers have been prevented from teaching because they could not be certified until the fingerprint check was done. This has resulted in schools having to hire substitute teachers. Bill is also positive because it allows for existing teacher to teach if for some reason they fail to get their certificate renewed. He feels this bill will solve these problems. Mr. Klundt has one

amendment See copy of the amendment with minutes (Amendment- Page one , line 7, after the word certificate "and who's background investigation has been completed by the Bureau of Criminal Investigation". With this amendment a teacher could teach until a certificate is issued.

Rep Hanson: Did Superintendent Haney contact you about adding features this list? Do you want to make that amendment.

Larry Klundt: Sup. Haney did call me about student teachers but didn't realize he was talking about this bill. I thought he was talking about another bill. A problem could be eliminated if student teachers were require to have the background check before they started to teach.

Rep Brusegaard: How many teachers were affected by this problem?

Klundt: Don't really know. I heard that there were 12 from Fargo and 15 in Grand Forks.

Rep Nelson: Is 30 days enough time to hire a teacher at the end of a school year?

Klundt: Some feel it should be longer but we do not have an amendment to offer on that.

Rep Nottestad: Looking at #4. Is there problem with paying teachers who sign a contract and then have their certificate revoked. Is any thought of the contract also being revoked.

Klundt: That is a point to think about. Seems to me that current law allows for the contract to be revoked immediately.

Rep Thoreson: How many people are rejected when there is background check and for what reason.

Klundt: There are numbers and reason kept. Reasons range from DUI and sexual imposition.

Janet Placek, Ex. Dir. Education Standards and Practices Board: Board is in favor of bill but have some amendments. See attached with amendments. See Written testimony.

Rep Thoreson: It seems could have a child molester teaching for 60 days.

Placek: If do background check we could find out about criminal activities, and the National Clearing House where could find out if had certificate revoked by another state. Bill Blore, BCI, informed her that a child molester usually takes from 3 to 4 months to build a relationship with a victim.

Rep Brandenburg: Question about 3rd amendment. Please explain the two year waiting period to meet requirements for certification.

Placek: It deals with teachers already certified. If have not met the requirements for certification they could be issued a probationary certificate until completed the requirements. They have two years to do that.

Rep Brandenburg: Does this bill cover teachers that move to our State that do not meet the requirements for certification?

Placek: Have an interim certificate that can be used. This will allow teacher time to meet the requirements.

Rep Thoreson: Does this bill apply to people coming from out of state.

Placek: This bill will apply to both those new graduates coming from in state and out of state.

Rep Thoreson: Is there a problem finding qualified applicants to replace a person who fails a background check.

Placek: Yes this has been a problem especially in more rural areas of the state.

Rep Brusegaard: Has the problem decreased due the fingerprint check. Will this problem take care of itself.

Placek: There has been a decrease. Never be rid of the issue of late hiring.

Rep Hanson: Has the bill you were talking about been drafted yet.

Placek: It is in draft.

Rep Hanson: We will have to see that before we delete this out.

Rep Kelsch: How does the background check apply to those coming in from outside of the state. We could not get information on them.

Placek: That is correct. The only information we could get is from the National Clearing House

Rep Kelsch: I would request as did Rep Hanson that we see the bill that relate to deleting lines 11 through 13.

Helen Bush Staff with the North Dakota Education Association: Supports the bill. We do know there have been problems with the required background check. If decide to add the amendments it will not eliminate the problem. During the last two days before school begins some schools noticed that they were going to have an increase in enrollment and needed to hire staff. If have to do that in short time waiting for a BCI check it will create problems. Bill will not help when teacher needs surface just before school starts. No problems with amendments that have been submitted.

Rep. Nelson: Ms. Placek stated that can get BCI check completed in 24 hours. Are you finding that is not the case.

Bush: One of the problems has been smudged fingerprints and they need to be done over. This causes a delay. Even though only a few of these the problem does exist.

Rep Mueller: If that happens will it add another 24 hours to the process.

Bush: No it will take longer.

Rep Nowatzki: Could you use a probationary certificate when a school needs to hire additional staff. If there is a problem the person could quickly be dismissed.

Bush: Probationary certificates are only issued to people who already had a certificate. Would need a North Dakota certificate before could receive a probationary certificate.

Rep Haas: Where do people have to go to get their fingerprints taken.

Bush: Police department.

Rep Nottestad: Isn't the BCI investigation and fingerprinting separate issues. Couldn't you complete the investigation without the fingerprinting.

Bush: That is correct.

Rep Nottestad: Then what you are saying wouldn't necessarily be the case.

Bush: It was my understanding that the fingerprints needed to be available when they received the investigation report.

Rep Kelsch: Janet would you come forward please.

Placek: Two points to be made. One is BCI check is done on name, social security number, DOB. That information is taken from the fingerprint card.

Rep Solberg: The background check from other states would be part of the on the BCI report.

Placek: No. The BCI check is only state records.

Rep Solberg: How would we do an out of state check.

Placek: As I mentioned earlier we have the National Clearing House on teachers. We also have application form and we hope they would be honest. We also have the reference check.

Rep Nottestad: If there was blurred fingerprint would they refuse to the other criminal investigation.

Placek: No.

Rep Nelson: 24 hour period should be adequate time for BCI check. Is that correct.

Placek: That is correct.

Bev Nielson Assistant Director of the North Dakota School Boards Association: We support the bill and the amendments. We have two points to make. One is that share concerns about putting children in classroom with a teacher whose background has not been checked. Fact of matter is 95% people in schools are not fingerprinted. Only new teachers are. Bus drivers, food people. We could make the point that all people in contact with children should be fingerprinted like coaches etc. That is for another time. The bill will work but needs to be feasible for a school. What has happened in past that put aides in school and they are not checked or fingerprinted. Fingerprinting for all staff is skyrocketing nationwide. The other thing school boards have mentioned is if school board has a question about someone they would like to assume that it would not be discriminatory to not hire that person. We don't want anyone coming back to boards saying that you did not issue me provisional certificate when you could have. We just want to make sure that a person who has not had the fingerprint check back does not have to be considered by law equally for employment as someone who has had the fingerprint check.

Rep Kelsch: Are you offering an amendment.

Bush: No. It just raises the question about the 95% who have contact with kids who are not fingerprinted.

Rep Drovdal: I was under impression that school board was required to have a certified teacher and could not hire use an aide in a classroom if they were short.

Bush: Or they have certified teacher going between classes. That would be what the law says. If you are short you do what you can.

Rep Kelsch: We will open testimony for those who are neutral on HB 1063.

Christopher Dodson Executive Director of the North Dakota Catholic Conferences: Our concern is with the scope of the bill. As is drafted now and with amendments it only applies to teachers hired by superintendent. All our teachers need to go through the same process but they are not hired by a school district. As matter of fairness because we have the same problem I would suggest an amendment in line 8 after the word "District" add " or a superintendent or principal of a non public school". Some of the non public schools have a principal that does the hiring some have superintendent. We ask that keep in mind all teachers in this bill, public and non public.

Rep Kelsch: Hearing that there is no further testimony we will close the hearing on HB1063.

COMMITTEE ACTION 1-11-99 HB 1063

CHAIRMAN KELSCH: Relating to the provisional teaching certificate. There were amendments for this bill be prepared for tomorrow.

COMMITTEE ACTION 1-13-99 HB 1063

CHAIRMAN KELSCH: We have a proposed amendment by the North Dakota Education Council Leaders and we have a proposed amendment by Ms Placek.

REP HANSON: There was an amendment offered by the non public schools, on line 8 after district or superintendent or principal of a non public school. And I will make that motion.

REP HAAS: Second

CHAIRMAN KELSCH: It has been moved and 2nd to add an amendment on line 8 after district that would say or a principal or a designated representative of a non-public school.

REP MUELLER: Why do we need principal?

CHAIRMAN KELSCH: There are some schools that do have a principal and this would cover both. Voice vote motion carried. We have two other amendments.

REP HANSON: Move to oppose change 30 days to 60 days. I will oppose that

REP DROVDAL: I'll 2nd that.

CHAIRMAN KELSCH: We have the amendment proposed by the North Dakota Council of Education Leaders, do we want to do anything with that amendment. We have amendment that was proposed by Janet Placek, what are the wishes of the committee.

NOWATZKI: Why did the Education Leaders want that.

REP BRUSEGAARD: The background check by the bureau. I move that we accept the amendment by the North Dakota council of Education Leaders.

REP NOTTESTAD: second

CHAIRMAN KELSCH: It has been moved and seconded to further amend HB 1063 with the amendments of the North Dakota Council of Education Leaders Discussion

REP THORESON: Then that would only give us protection with those people residing in North Dakota., because the North Dakota Bureau does not check out of state people.

REP BRUSEGAARD: That background check would kick out any crimes committed in the state.

REP THORESON: Would that cover out of state?

CHAIRMAN KELSCH: Janet would you explain how that works?

PLACEK: The National Clearing House on teachers an on going data base. We would check that clearing house as well as the bureau. I is a national check.

REP THORESON: We would need that.

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REP SOLBERG: Any violations would appear.

PLACEK: Only those certificates that have been suspended or revoked in other states.

REP DROVDAL: If the part about National Clearing House be done by rules why can't the background check by the Bureau also.

PLACEK: IN working with other agencies, they thought it would be a problem and they wanted it in there.

REP THORESON: Why can't we put the National Clearing House in there?

PLACEK: We can do that.

REP NOWATZKI: Made reference to provisional certificate.

PLACEK: Example from Langdon, the FBI held the finger print card for two months and then returned it because it was smudged. Started process in August and they just cleared.

REP NOWATZKI: In that situation 30 or 60 days wouldn't make any difference.

CHAIRMAN KELSCH: We have an amendment to add to HB 1063 voice vote. Motion carried.

REP DROVDAL: I would like to add an amendment that would put in writing that they must clear the National Clearing House.

REP MUELLER: second

CHAIRMAN KELSCH: Your amendment would say after the Bureau of Criminal Investigation and The National Clearing House. Discussion

REP BRANDENBURG: What time frame are we looking at?

PLACEK: The clearing house is updated daily.

REP BRANDENBURG: No different than the North Dakota background check.

PLACEK: The National Clearing House just says if their certificate is suspended or revoked not why.

CHAIRMAN KELSCH: We have the amendment before us, voice vote. Motion carried. What are the wishes of the committee?

REP BRANDENBURG: I'd like to make a motion on the fourth amendment that was presented by Janice Placek.

REP NELSON: second.

REP BRANDENBURG: Janet, what are the problems?

PLACEK: We ask to change to 60 days, to get FBI check.

REP BRANDENBURG: IF check doesn't come back , what problems do we have?

PLACEK: That teacher would not get a certificate.

REP DROVDAL: The finger print of the FBI how come they get the Brady Bill gun control check so fast.

REP NOTTESTAD: It is not a finger print check. Based on SSN and such.

REP HANSON: As prime sponsor for this bill, I talked to superintendents and they wanted the 30 days.

REP BRANDENBURG: Concerned about teachers who could not be cleared.

REP JOHNSON: Superintendent would like 60 days.

REP HAAS: Responding Rep Brandenburg, if person is not certified you would have to put a sub in the room until they become certified.

REP DROVDAL: Some schools could not find a certified teacher.

REP NOWATZKI: Can the department issue more than one certificate.

PLACEK: We have no law.

CHAIRMAN KELSCH: If this law was in effect, could you issue another provisional certificate?

PLACEK: We would have to do it through administrative rule.

CHAIRMAN KELSCH: I thought that would be your answer, if the intent of this law is to leave it at 30 days, by administrative rule would circumvent the law. How many cases have you had this year?

PLACEK: I don't have an exact number.

REP HANSON: At the present time you don't even have the 30 days.

REP MUELLER: Talking about time problem. Why not the quick check.

REP NOTTESTAD: This is tied in to a federal law. How are other states handling the problem?

PLACEK: States are handling it in a variety of ways.

REP NOTTESTAD: Are all states facing this finger print problem?

PLACEK: Only 39 states.

REP HAAS: Make it 40 days instead of 30. 40 days of instructional days. Moved that we have a substitute motion that we have 40 instead of 60.

REP HANSON: second

CHAIRMAN KELSCH: It has been moved and seconded on a substitute motion instead of 60 days we have 40.

REP THORESON: Can we put any number we want, but the people that work with it have the days they want. I would think we would give them the days to get the job done they want to do.

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House Education Committee
Bill/Resolution Number hb 1063
Hearing Date January 6, 1999

CHAIRMAN KELSCH: We don't have this currently, we should give a little and if we have to come back next session and amend. We have a substitute motion to amend HB 1063 on line 16 for 40 instructional days. voice vote. Motion carried. We have substitution amendment on line 16 would be 40 instead of 30. Voice vote. Motion carried. HB 106 are there any other amendments.? We have not address 2 or 3. We need to address 2nd amendment. Moved by Rep Nottestad and seconded by Rep Thoreson , discussion, voice vote. Motion carried. Hb 1063, what are the wishes of the committee?

REP HANSON: Move DO PASS as amended.

REP HAAS: SECOND

CHAIRMAN KELSCH: It's been moved and seconded for a DO PASS as amended on HB 1063 Discussion, clerk call the roll. 14 yes 1 No 0 absent passed. Floor assignment Rep Thoreson.

FISCAL NOTE

Return original and 10 copies)

Bill/Resolution No.: HB 1063 Amendment to: _____

Requested by Legislative Council Date of Request: December 23, 1998

- 1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

A provisional license fee will be charged to each applicant and there will be no fiscal impact for state general or special funds, counties, cities, and school districts.

- 2. State fiscal effect in dollar amounts:

Table with 6 columns: 1997-99 Biennium (General Fund, Special Funds), 1999-2001 Biennium (General Fund, Special Funds), 2001-03 Biennium (General Fund, Special Funds)

Revenues:

Expenditures:

- 3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: _____
b. For the 1999-2001 biennium: _____
c. For the 2001-03 biennium: _____

- 4. County, City, and School District fiscal effect in dollar amounts:

Table with 9 columns: 1997-99 Biennium (Counties, Cities, School Districts), 1999-2001 Biennium (Counties, Cities, School Districts), 2001-03 Biennium (Counties, Cities, School Districts)

If additional space is needed, attach a supplemental sheet.

Signed Janet L. Placek

Typed Name Janet L. Placek

Department Education Standards and Practices Board

Phone Number 328-1659

Date Prepared: 12 28 1998

Date: 1-13
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1063

House Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Hansen Seconded By Haas

Representatives	Yes	No	Representatives	Yes	No
Rep. ReaAnn Kelsch-Chairperson	✓		Rep. Dorvan Solberg	✓	
Rep. David Drovdal-Vice Chair	✓				
Rep. Michael D. Brandenburg	✓				
Rep. Thomas T. Brusegaard		✓			
Rep. C. B. Haas	✓				
Rep. Dennis E. Johnson	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				
Rep. Howard Grumbo	✓				
Rep. Lyle Hanson	✓				
Rep. Deb Lundgren	✓				
Rep. Phillip Mueller	✓				
Rep. Robert E. Nowatzki	✓				

Total (Yes) 14 No 1

Absent 0

Floor Assignment Thoreson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1063: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1063 was placed on the Sixth order on the calendar.

Page 1, line 7, after "has" insert "met all other certification requirements, has" and after "certificate" insert ", and whose background investigation has been completed by the state bureau of criminal investigation and the national certification clearinghouse"

Page 1, line 8, after "district" insert "or a principal or designated representative of a nonpublic school"

Page 1, line 16, replace "thirty" with "forty"

Renumber accordingly

1999 SENATE EDUCATION

HB 1063


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1063

Senate Education Committee

Conference Committee

Hearing Date March 3, 1999

Tape Number	Side A	Side B	Meter #
1	x		1863-4218
3/16/99		x	2100-2468
Committee Clerk Signature 			

Minutes:

SENATOR FREBORG opened the hearing on HB1063. All senators were present.

REPRESENTATIVE HANSON, DISTRICT 48, TESTIFIED IN FAVOR OF HB1063.

No written testimony. HB1063 is a bill to provide a provisional certificate for a teacher coming into the state or someone who has had a certificate lapse. Some cases in the fall of the year right before the school year starts if they are short a teacher and a teacher is not certified in North Dakota, this would give a school district 40 days to hire somebody with a provisional certificate. This would be good for 40 days. This was amended in the House from 30 days to 40, which would actually be two months of the school year, 40 working days. This was put in at the request of several superintendents.

SENATOR FREBORG : Can they receive a second provisional certificate for some unknown reason.

SENATOR O'CONNELL : Why 40 days. Does this apply to retired teachers, too.

Rep. Hanson: The original bill was 30 days which would give you a month and a half if a teacher happened to resign the day before school started. That would give them a month and a half to hire somebody new who doesn't have a certificate and as far as being a retired teacher that doesn't have a certificate, I imagine it would apply to them too,

SENATOR WANZEK : They would be able to get the provisional certificate after they went through the background checks? Isn't that one of the reasons it takes so long to get a teacher certification. I wonder if they went through that whole process what is to prevent them from getting a teacher's certification and not a provisional certification.

Rep. Hanson: Maybe someone else can answer that question when she gets up here. I just put the bill in for somebody else, they know the details.

SENATOR KELSH : If that teacher is working on their certification would this give them a provisional certification if they hadn't gotten it yet, because of the background check.

Rep. Hanson: I think it would.

Testimony in Favor: Janet Placek, Executive Director of the Education Standards and Practices Board. Written testimony attached.

SENATOR FREBORG : Did you testify on the House approved bill changing the 30 days to 40 days.

Janet: I asked for 60 days on the House side and they agreed at 40.

SENATOR FREBORG : On other question, the language on line 8 & 9 speaking to the background investigation indicating it has been completed, that would not prevent them from issuing a certificate if not completed.

Janet: Lines 8 & 9 said it has to be completed by the State Bureau of Criminal Investigation.

We have closer contact with DPI and I can jump in my car, run up the hill and get the background checks back for that person if we need it. Once it is sent in to the FBI it is out of our control.

SENATOR FREBORG : So you're talking about the criminal investigation rather than both.

Janet: Correct

SENATOR COOK : Continuing on that same line, it also says and the national certification-clearing house. What is that.

Janet: I am on line with the national teacher's certification clearing house. Nationally I can go online and find any teacher that has had a license denied, rescinded or revoked. I would do that prior to issuing a provisional certificate to someone from out of state. I do that now.

SENATOR COOK : What does 1063 do that 2075 does not do.

Janet: It limits us to 40 days versus 60 days. We would rather see 60 days because at this point depending upon the intent. There was a question earlier can two provisional be issued. I would say the intent of the law would be no that we would only be able to issue one provisional. So if someone's fingerprints have not come back within the forty days we would then have to remove them from the classroom and put in a certified sub which is going to cost the school dollars. Sixty days would allow the FBI enough time to get those prints in.

SENATOR COOK : Then if I'm listening to you correctly if you really had your wishes we would kill 1063 and let 2075 live.

Janet: That is exactly right. 2075 also has our minor equivalency in it.

SENATOR O'CONNELL : Would we have to remove all the house amendments if we were to put yours on.

Janet: I'm not sure I understand the question.

SENATOR O'CONNELL : Was wondering if we had to take all of the house amendments off instead of just 40 days.

Janet: No, just the 40 days.

SENATOR WANZEK : Before a provisional certificate can be extended the background investigation has to be completed by the State Bureau of Investigation. I was confusing that the whole background had to be completed before you could get a provisional certificate and the I was wondering why they didn't get a teaching certificate. It is the FBI part of the investigation that is holding you up.

Janet: That is correct.

Testimony in Favor: Rick Fussum, Bismarck. Good bill but doesn't go far enough. My wife Nancy, applied for her certification back in October, 1998, when she started practice teaching with the idea that it takes 6-8 weeks to get the certification process finished. We were counting on her to start substitute teaching in December. Nancy finished practice teaching in Dec. and no certificate. We waited all of December and nothing happened. Finally the first week in January Nancy call Sen. Dorgan's office and he tracked her prints to an office here in Bismarck where they had been sitting as unreadable. Since that time until Feb. 22 we had prints taken 4 more times and each time she had two sets taken. The last time she went to the sheriff's office and the police department to get her prints taken thinking they would be readable. They all kept coming back unreadable, ten sets of them. Finally through a friend of ours she had someone come over

who is an expert in this area and she took Nancy's fingerprints several different times and the last she discovered that Nancy doesn't have any deltas. Which means the prints would never be readable. This is fairly common among housewives who work around ammonia, bleach, et. So he took the prints and sent a letter to the FBI saying do the background check some other way. I would like to see the 60 days but I would also like to see a renewal just in case the fingerprints can't be read for whatever reason. The second amendment I would like to see is if they come back unreadable to whoever two times maximum then they should be sent to an expert where they can take a look and determine what the problem is.

Testimony in Favor: Joe Westby, NDEA. I support HB1063, the engrossed version. I support the amendment that Janet has proposed.

Testimony in Favor: Bev Nielson, North Dakota School Board Association. We also prefer 2075 but we don't want them to get cross killed. We like the 60 days better than the 40 days.

SENATOR FREBORG : Janet, if we were to leave the 40 instructional days and provide for at least two provisional certificates back to back, would 80 days not be better.

Janet: Yes, that would work.

SENATOR FREBORG : That should even be better than 60 days if they have a problem.

Janet: Right, I guess I don't understand the process now of what we would do with 60 days that is in 2075. I don't want to lose that one cause our schools need that one for the minor equivalency.

SENATOR COOK : The story we heard from the gentleman about his wife. Once we get into these situations where they are unreadable the FBI assigns basically an expert to get the correct prints that can be read. Are you involved with that in any way when someone has theirs denied

twice as unreadable. Who initiates this process to see that individual attention is given to those sensitive things.

Janet: One thing, our board has a policy that once the FBI has denied twice as unreadable then they will go through and okay so we can accept. We will accept the BICI check which is done on the social security number birth date and name. The problem that we had with Nancy is BCI got behind in Nov. with fingerprint checks, we are considered not an emergency department with regard to fingerprint background because the criminals are considered first, so Nancy's fingerprints went to the bottom of the pile. We weren't aware as we thought they had been sent on to the FBI. BCI's policy is that they will not do a check into the FBI background unless the fingerprints have been out of this office and with the FBI for 8 weeks. So they won't even make their contacts with the FBI until 8 weeks have lapsed. So we are in limbo at that point that they won't make any checks and if we don't know that they are behind. Once we find out they are unreadable, we would keep this from happening.

SENATOR WANZEK : Are there other types of problems that result in a delay.

Janet: Biggest problem that I have experienced is that the students don't fill out their cards completely. The FBI will not accept a card that is not fully completed with correct information. We send out a sheet of instructions with the card and information and I would say about 50% do not complete it correctly. So that causes a little delay. BCI check can be done, I can request a BCI check with the fingerprint cards. You pay BCI \$20, give them the birth date, social security number and their name and they will do a background check.

SENATOR WANZEK : Have these background checks resulted in rejections for certificates.

Have they drawn attention to some potential people who shouldn't be teachers.

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Senate Education Committee
Bill/Resolution Number HB1063
Hearing Date March 3, 1999

Janet : Yes

Closed hearing on HB1063

3/16/99

SENATOR FREBORG opened discussion on HB1063.

SENATOR COOK : I move a DO NOT PASS.

SENATOR FLAKOLL : 2nd

Vote: 5 Yes 0 No 2 Absent

CARRIER: SENATOR COOK

Date: 3/16/99
Roll Call Vote #: _____

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1663

Senate EDUCATION Committee

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Cook Seconded By Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	✓				
Senator Cook, Vice Chairman	✓				
Senator Flakoll	✓				
Senator Wanzek					
Senator Kelsh					
Senator O'Connell	✓				
Senator Redlin	✓				

Total (Yes) 5 No 0

Absent 2 Absent

Floor Assignment Cook

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 16, 1999 3:46 p.m.

Module No: SR-47-4935
Carrier: Cook
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1063, as engrossed: **Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1063 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

HB 1063

TESTIMONY OF JANET L. PLACEK
ON
HOUSE BILL NO. 1063

Proposed Amendments to House Bill No. 1063

Madam Chairman, members of the committee, I am Janet L. Placek, Executive Director of the Education Standards and Practices Board and wish to comment on Section 1 of HB 1063.

The Education Standards and Practices Board supports HB1063 but proposes the following amendments:

The first amendment is suggested to safeguard students to the best of our ability during the provisional certificate process. We have a very good working relationship with the BCI and would be able to get a background check done within approximately 24 hours if needed. We feel this process would not hold up putting teachers into classrooms.

The amendment would be on line 6 after "certification" insert "after a state criminal history check is completed with the bureau of criminal investigation and prior to the national criminal history check is completed with the federal bureau of investigation." It would then read 1. "The education standards and practices board may issue provisional certification after a state criminal history check is completed with the bureau of criminal investigation and prior to the national criminal history check is completed with the federal bureau of investigation."

The second amendment would be on line 7, after "has" insert

"met all other certification requirements and has". The new language would be: a. "To an individual who has met all other certification requirements and has applied for a teaching certificate if, on or after August fifteenth, the superintendent of a school district that intends to hire the individual as a teacher files a petition for provisional certification with the education standards and practices board.

The third amendment would be to delete lines 11 through 13: (b). To an individual whose teaching certificate expires during the school year, if the individual is not covered by those provisions of section 15-36-12 which relate to the expiration of a teaching certificate. We have already in place a "probationary" certificate which can be issued to those individuals. This probationary certificate allows the educator two years to complete the necessary requirements for certification.

The fourth amendment would be on line 16, replace "thirty" with "sixty". The new lines 16 and 17 would read "Provisional certification is valid for sixty instructional days, beginning with the first instructional day after the date of issuance." We have found that thirty instructional days is not enough time to allow the Bureau of Criminal Investigation and FBI to complete the back ground check.

Thank you for supporting quality education in North Dakota and the consideration given these proposed amendments.

NORTH DAKOTA COUNCIL OF EDUCATIONAL LEADERS

1720 Burnt Boat Drive
Bismarck, North Dakota 58501

Proposed Amendment to HB 1063

On page 1, line 7, insert after the word certificate, “and whose background investigation has been completed by the North Dakota Bureau of Criminal Investigation” if, . . .

The bill would then read,

1. The education standards and practices board may issue provisional certification:
 - a. To an individual who has applied for a teaching certificate and whose background investigation has been completed by the North Dakota Bureau of Criminal Investigation if, on or after August Fifteenth, the superintendent

TESTIMONY OF JANET L. PLACEK
ON
ENGROSSED HOUSE BILL NO. 1063

Proposed Amendments to House Bill No. 1063

M.Chairman, members of the committee, I am Janet L. Placek, Executive Director of the Education Standards and Practices Board and wish to comment on Engrossed HB 1063.

Engrossed HB 1063 provides the Education Standards and Practices Board the opportunity to issue a "provisional" certificate to teachers who have not completed the FBI portion of the criminal background check. You have already passed SB 2075 which also had language of a "provisional" certificate" in Section 3. You did agree to the "sixty" day timeframe.

The Education Standards and Practices Board supports Engrossed HB1063 but proposes the following amendments:

The first amendment would be to delete lines 14 through 16: (b). To an individual whose teaching certificate expires during the school year, if the individual is not covered by those provisions of section 15-36-12 which relate to the expiration of a teaching certificate. We have already in place a "probationary" certificate which can be issued to those individuals. This probationary certificate allows the educator two years to complete the necessary requirements for certification in place of the "forty" days outlined in this bill.

The second amendment would be on line 19, replace "forty" with

"sixty". The new lines 16 and 17 would read "Provisional certification is valid for sixty instructional days, beginning with the first instructional day after the date of issuance." We have found that forty instructional days is not enough time to allow the Bureau of Criminal Investigation and FBI to complete the back ground check.

Thank you for supporting quality education in North Dakota and the consideration given these proposed amendments. I would be available for questions at this time. I can be reached for further information at 328-1659 or jplacek@state.nd.us.