

1999 SENATE EDUCATION

SB 2075

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2075

Senate Education Committee

Conference Committee

Hearing Date January 12, 1999

Tape Number	Side A	Side B	Meter #
1	x		10-1821
	x		4637-6231
Committee Clerk Signature <i>Jinda Christman</i>			

Minutes:

The meeting was called to order by SENATOR FREBORG. All Senators present.

SENATOR FREBORG opened the hearing on SB 2075.

Janet Placek, Executive Director of the Education Standards and Practices Board asked for an amendment on SB 2075 (see attached testimony).

SENATOR FREBORG: Are there any questions?

SENATOR KELSH: Doesn't provisional give a whole different meaning to the bill than temporary? Temporary would give the indication that it is for a short period of time where provisional means under a certain provision of time but no length involved.

Janet: In the HB 1063, there is a limit put on the provisional. The wording could be changed to temporary in the HB and this bill. The goal is to issue a certificate, during background checks, so teachers could go into schools and teach while they are waiting for the FBI check which can

take from eight weeks to a longer period of time. There would be no problem with either the provisional or temporary wording. We would just like them to be consistent in the two laws.

SENATOR FREBORG: Was HB 1063 introduced by a legislator?

Janet: Yes

SENATOR O'CONNELL: What is the fee that will be charged?

Janet: The board hasn't addressed it. We would probably charge the same fee as the initial certificate and then when the FBI check is cleared they wouldn't have to pay an additional fee; they would have already paid.

SENATOR O'CONNELL: What is that fee?

Janet: Right now it is \$50.00.

SENATOR KELSH: This doesn't only provide for the situation you were talking about. It provides for any circumstances, right or wrong?

JANET PLACEK: It applies for just the background check. They need to meet all other requirements that normal teachers meet before they are certified. We are unable to get teachers into the opening day of school because they are waiting for background checks. This would give us the ability to do everything else except the background check.

SENATOR KELSH: Could it be used beyond that and used for other instances where temporary certification would be needed?

Janet: One could have certification in place for other reasons. For example, for teachers who haven't finished their hours, there is a probationary bill. It works to help people from out of state who come in to teach and have to meet our standards. We could issue a certificate during the

process but that has not been introduced yet. The intent for this amendment is just for the background check.

SENATOR FREBORG: What percentage of people are from out of state?

Janet: I don't have the numbers but I can get them. Last year, in 1997-1998, we issued 167 out of state certificates. Out of 8,000 certificates, 900-1000 are first time teachers.

SENATOR O'CONNELL: Do new teachers have to have this background check or only those from out of state?

Janet: All new teachers and those from out of state.

SENATOR FREBORG: How many people don't pass the background check?

Janet: That depends on what you call pass. I don't have the numbers but there are a lot of positive background checks. Checks with anything from non-sufficient funds, theft, and other federal charges must go before the board.

SENATOR WANZEK: For those cases, that would prevent them from being employed?

Janet: It is usually a case by case instance. Naturally anything that has to do with sexual abuse and sexual imposition would not pass. It also depends on the time of the crime. If one took an unlawful drug in 1972 or the case is five years old and a one time deal. The Board looks at how long ago it happened and if it only happened once. The law says that any board issuing a certificate or a license must take into account that five years have lapsed since the crime. Anyone who hasn't committed a crime in the last five years is considered rehabilitated and it does not affect the work one is going into.

SENATOR FREBORG: Was anyone denied employment in the last year?

Janet: Yes, there have been some denied a certificate for those employed since August.

SENATOR WANZEK: What is a minor equivalency endorsement and what does an applicant have to do to receive that endorsement?

Janet: A minor equivalency endorsement is an equivalent of classes taken toward a content area. For example, I do not have a math minor from an institution in North Dakota but during my education as a teacher I have been taking math classes. In this case, they would send in to the Department of Public Instruction a plan or list of classes. We would evaluate that towards a minor. If they have enough classes needed then we would issue a minor equivalency endorsement. Many times they have taken the required classes from different institutions but the classes do not show up on their transcript. With this change we would be allowed to review the course work and allow them to teach.

SENATOR FREBORG: Any other questions? Thank you. Any other testimony in favor of SB2075?

Roger Rieger, Director of the Approval and Accreditation Unit for the Department of Public Instruction. He spoke in favor of SB 2075 (see attached testimony).

SENATOR FREBORG: Any questions?

SENATOR REDLIN Who makes the decision again? SB has a right to say whether he/she is qualified to teach?

Roger: No. The Board needs to supervise and review the need to evaluate the course work for that area. A minor can be approved at 16 hours. At most colleges, the minimum is set at 20 hours or more.

SENATOR REDLIN: Could a person on a small school staff be told that they would need this many hours in order to teach a subject? Would that be this area?

Roger: It happens very much like that.

SENATOR FREBORG: Is there any other testimony?

RON TORNES-EDUCATION ASSOCIATION We support this bill (see attached testimony).

Helen Busche, NDEA: I stand in support of this bill. I look forward to the idea that there may be a shortage of teachers in certain areas. I do not believe that this would lower the standards for teacher certification. This would make it possible for school districts to have teachers that are certified in certain areas.

SENATOR FREBORG: Is there any other testimony in favor of SB 2075? Any opposition? We will close the hearing on SB 2075.

SENATOR FREBORG : Any discussion of SB 2075? Would you prefer to have Will put the amendments into bill form. Retype it so you can read the amendments as the bill. Or are you ready to discuss it as it is?

SENATOR WANZEK : From my perspective the amendments appear to be simple and clear. I don't know that it is necessary. Therefore I move we adopt the amendments that were proposed by Ms. Placek in her testimony.

SENATOR COOK : I second the motion.

SENATOR FREBORG : Motion is to adopt the amendment on SB2075. Any discussion on the motion.

SENATOR REDLIN : It is my understanding that there is a HB with the same language. That's the reason for the amendments. What does the HB do?

Janet: The HB gives us the authority to issue these provisional and it also sets a date. We're asking for an amendment of 60 days.

SENATOR REDLIN : I'm wondering why they aren't all on the same bill.

SENATOR KELSH : Why didn't we put the time lines in this bill, why that wasn't recommended as an amendment at the same time. I think provisional has a whole different meaning than temporary. without that time line you could give a provisional certificate for a year. Temporary means it is for a short period of time.

SENATOR FREBORG : Discussing the motion to adopt the amendment.

SENATOR WANZEK : A different meaning in the 2 words but those that it would be somewhat objectionable to I think would have said something when they were here. I'm trusting that it is falling in line with the other bill. We're going to have other language that defines provisional. If you aren't comfortable with it maybe we shouldn't adopt it.

SENATOR COOK : Be in our best interest to take a look at HB1063.

SENATOR FREBORG : I believe we can look at HB1063. I believe we should act really on this bill. If you want we will wait and look at HB1063. We should discuss this bill on its merits and accept or reject.

SENATOR KELSH : Would you accept a motion to amend the amendment?

SENATOR FREBORG : Could we act on this motion first and then accept another motion and if it is to amend what we adopted as the amendment we'll certainly do that. It becomes cumbersome when you amend an amendment.

SENATOR REDLIN : I oppose the amendment not because there is any difficulty here at all but perhaps we'd better leave our bill as it is until we look at the two together. I think SENATOR COOK's suggestion of combining the two together is a very good suggestion. Provisional isn't exactly the same as temporary. What's the provision?

SENATOR FREBORG : Anyone else? I prefer that we act on the amendment first and we will accept a substitute motion.

SENATOR WANZEK : Different meaning. Are you worried about there being an abuse by the Standards and Practice Board if we allow them to have provisional instead of temporary. somewhat convinced that the Standards and Practice Board and teachers are not going to allow abuse. Should put a little trust in them.

SENATOR FREBORG : Use both words temporary provisional certificate. Would the clerk please read the roll on a motion to adopt the amendment on SB2075. Motion failed. Vote was 3 Yes and 4 No.

SENATOR KELSH : I make a motion that we change the word accept for "provisional certificate" for "a period of up to 60 days."

SENATOR O'CONNELL : I second the motion. Page 2 line 27 needs to change that to match the first change.

SENATOR KELSH : Line 9 language would read except for provisional certificates for a period of up to 60 days issued pursuant to the rules adopted by the Board. Same on page 2.

SENATOR FREBORG : We understand you want that inserted wherever necessary.

SENATOR REDLIN : Is that what the HB does?

SENATOR FREBORG : Do we have a 2nd to the motion.

SENATOR O'CONNELL : Yes I second.

SENATOR FREBORG : SENATOR KELSH made a motion to make changes in the provisional wording of the amendment.

SENATOR FREBORG : Clerk please take the roll. Motion carried 7 Yes 0 No. All present.

Motion to amend! Should we now view the amendment prior to adoption of the bill?

SENATOR KELSH : Move for a DO PASS.

SENATOR WANZEK : Second on the motion as amended.

SENATOR FREBORG : Motion for DO PASS on SB2075 as amended. 7 Yes 0 No

Motion carried. Carrier is SENATOR COOK .

SENATOR FREBORG : Meeting is closed.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: SB 2075 Amendment to: _____

Requested by Legislative Council Date of Request: 12-30-98

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:

There will be no fiscal impact of the above measure for state general or special funds, counties, cities, and school districts. A fee will be charged to each applicant for each endorsement or certificate.

2. **State** fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	0	0	0	0	0	0
Expenditures:	0	0	0	0	0	0

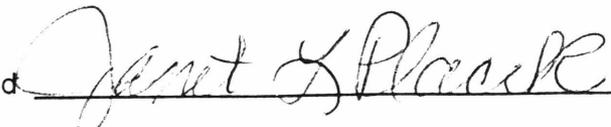
3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: no appropriation
- b. For the 1999-2001 biennium: no appropriation
- c. For the 2001-03 biennium: _____

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

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
0	0	0	0	0	0	0	0	0

If additional space is needed, attach a supplemental sheet.

Signed 

Typed Name Janet L. Placek

Date Prepared: December 31 1998

Department Education Standards and Practices Board

Phone Number 328-1659

Date: 1/12/99
 Roll Call Vote #: 1

**1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2075**

Senate EDUCATION Committee

- Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Motion to adopt Amendment

Motion Made By Sen. Wanzek Seconded By Sen. Cook

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) 3 No 4

Absent _____

Floor Assignment _____

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

Date: 1/12/99
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2075

Senate EDUCATION Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Further amend prepared amendment

Motion Made By Sen. Kelsh Seconded By Sen. O'Connell

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) 7 No 0

Absent _____

Floor Assignment _____

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

Date: 1/12/99
Roll Call Vote #: 3

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2075

Senate EDUCATION Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass on bill as further amended

Motion Made By Sen. Kelsh Seconded By Sen. Wanzek

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) 7 No 0

Absent _____

Floor Assignment Sen. Cook

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

REPORT OF STANDING COMMITTEE

SB 2075: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2075 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "temporary educator's licenses" with "provisional teaching certificates"

Page 1, line 9, replace "temporary" with "provisional teaching"

Page 1, line 10, after "certificates" insert "which are valid for sixty days and"

Page 2, line 27, replace "temporary licenses" with "sixty-day provisional teaching certificates"

Page 2, line 28, replace "temporary license" with "provisional teaching certificate"

Renumber accordingly

1999 HOUSE EDUCATION

SB 2075

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2075

House Education Committee

Conference Committee

Hearing Date 3-9-99

Tape Number	Side A	Side B	Meter #
Tape # 1	x		18.2 to 42.0
Committee Clerk Signature <i>Joan Diers</i>			

Minutes:

Chairman R Kelsch , Vice Chair Drovdal , Rep Brandenburg , Rep Brusegaard , Rep Haas , Rep Johnson , Rep Nelson , Rep Nottestad , Rep L Thoreson , Rep Grumbo , Rep. Hanson , Rep. Lundgren , Rep. Mueller , Rep. Nowatzki , Rep. Solberg.

Chairman R Kelsch : We will open the hearing on SB 2075 and ask the clerk to read the title.

Janet Placek: Executive Director of ESPB (See attached testimony)

Vice Chair Drovdal : HB 1063 dealt with some of the same issues, do you need both bills?

Placek: My question back to you, we need to get rid of one of the bills Possibly put some of the amendments of 1063 into this one. We need to have either 40 days or 60 days for the FBI check.

Vice Chair Drovdal : Other than the 40 or 60 days, what other provisions does 1063 have that this doesn't have?

Placek: 1063 has in it that we would clear the VCI background checks and would also do a national clearing house background check.

Chairman R Kelsch : 1063 is the more comprehensive bill.

Rep. Nowatzki : 40 days or 60 days, these are working days and not calendar days?

Placek: That would be the intent, instructional days.

Rep L Thoreson : Does 1063 have anything in there to do with minor equivalencies

Placek: No, 1063 just speaks to the provisional.

Rep Haas : We have a separate bill that dealt with minor equivalencies

Chairman R Kelsch : There are two house bills that are in the senate.

Placek: 2142 was the other bill, but that grandfathered in all those people that had minor equivalencies done by DPI. This bill would allow us to move and grant new ones. We need both 2142 and 2075.

Chairman R Kelsch : Anyone who wishes to appear in support of SB 2075? Anyone who wishes to appear in opposition of SB 2075. We will close the hearing on SB 2075.

Further discussion was held on SB 2075 and some of the provisions of the bill.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2075-3-9-99

House Education Committee

Conference Committee

Hearing Date 3-9-99

Tape Number	Side A	Side B	Meter #
Tape # 1	x		39.5 to 42.0
Committee Clerk Signature <i>Joan Diers</i>			

Minutes:

Chairman R Kelsch , Vice Chair Drovdal , Rep Brandenburg , Rep Brusegaard , Rep Haas , Rep Johnson , Rep Nelson , Rep Nottestad , Rep L Thoreson , Rep Grumbo , Rep. Hanson , Rep. Mueller , Rep. Nowatzki , Rep. Solberg .

Chairman R Kelsch : We will take up SB 2075. Rep. Lundgren has amendments that she would like to propose on SB 2075.

Rep. Lundgren : Starting on line 10 the which and eliminate all the rest of the line and the word board on line 11 and then eliminate all the underline portion beginning on line 26 through 29.

Chairman R Kelsch : On page 1 line 10 overstrike which are valid for sixty days and issued pursuant to rules adopted by the board. So what it would say is EXCEPT for provisional teaching certificates, a certificate may not be issued for a period of less than one school year. Then on page 2 delete lines on line 26 beginning with The board may adopt by rule, and delete lines 27, 28,

Page 2
House Education Committee
Bill/Resolution Number SB 2075-3-16-99
Hearing Date 3-9-99

and 29. Rep Lundgren moved the amendments and Rep. Hanson seconded the motion.

Discussion on the amendments. Voice vote on the amendments, motion carried.

Rep. Lundgren : Move DO PASS as amended.

Rep Haas : seconded the motion. .

Chairman R Kelsch : We have a DO PASS motion as amended and ask the clerk to read the roll.

The motion passes 15 YES 0 NO 0 Absent Floor Assignment Rep. Lundgren .

Date: 3-9-99
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB-2075

House Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 98054,0201 .0300

Action Taken Do Pass as amended

Motion Made By Sundgren 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) 15 No 0

Absent 0

Floor Assignment Sundgren

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

REPORT OF STANDING COMMITTEE

SB 2075, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2075 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "which are valid for sixty days and issued pursuant to rules adopted by the"

Page 1, line 11, remove "board"

Page 2, line 26, remove "The board may adopt by rule,"

Page 2, remove lines 27 through 29

Renumber accordingly

1999 SENATE EDUCATION

CONFERENCE COMMITTEE

SB 2075

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2075CC

Senate Education Committee

Conference Committee

Hearing Date March 29, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-2100
Committee Clerk Signature <i>Jinda Christman</i>			

Minutes:

CONFERENCE COMMITTEE

SENATOR COOK

REP. H.L. THORESON

SENATOR WANZEK

REP. NOTTESTAD

SENATOR O'CONNELL

REP. SOLBERG

SENATOR COOK called the Conference Committee to order. All members were present.

SENATOR COOK: The Senate put into SB2075 a 60 day limit for provisional teacher certificates and the House basically removed them. I assume your intent was because of 1063 you had a 40 day time frame on it. 1063 was killed and so we have now no time frame on provisional teacher certificates and our main objective is to find out what that time frame is going to be. Is that correct. Would someone from the House explain their thought process on 40 days.

REP. THORESON: We felt that the length of time that it takes to get a provisional certificate is approximately 6 weeks. We wanted time in there that was long enough to be able to provide that but hopefully not too short so that we would end up having to take a teacher out of the classroom because of the length of time that it took. We felt that the 60 days was too long because it kept a teacher in the classroom who would have no FBI background check in a situation where if there is a teacher in there that has a problem, for example sexual misconduct, that would be a long period of time to have that person in with a vulnerable group of students. The shorter period of time could work yet still have it long enough for them to get the certificate or get the FBI check, this is what we were trying to come up with. That is why the forty days, we felt 60 days was probably longer than it needed to be. We started out with 30 days and put it up to 40 days. Janet was somewhat in agreement with that, her indication was that it could work in that period of time.

REP. SOLBERG: We had a lot of discussion. Forty was what we were striving for.

SENATOR O'CONNELL : Was there any discussion about when fingerprints aren't readable and sent in on time so you have a chance to get the 2nd one.

REP. THORESON: We talked about that and I think there is always an outside chance that it could happen and it wouldn't be in that length of time, but I think that if things run smoothly it's a lot less than the 40 days to get the check done. Now that they have the system up and running, I think at the beginning they had more problems.

SENATOR WANZEK : Just for my clarification, someone who applies for a provisional certificate is someone who has intentions of applying for a permanent certificate, has met the criteria except they haven't had the time to get through all of the background checks or FBI

fingerprinting check. But we are going to issue them this temporary certificate for 40 days or 60 days. I'm trying to understand. If it turns out that the teacher is a convict isn't one day too many.

SENATOR COOK : My understanding of this is that there are plenty of other checks that have already taken place. BCI has done their background check and it is pretty well determined that the teacher is going to pass. The problem is getting the fingerprints.

SENATOR WANZEK : So what would be the problem to allow them to have a few extra days to be assured that we allowed them enough time so it doesn't create a problem for that class or that school district. Having to ask that teacher to leave in case they do run into complications with not being able to read fingerprints or some other extenuating circumstances.

REP. NOTTESTAD: There is one step more to this, there is also a clearinghouse, a national clearinghouse. These people would be people coming in from out of state. They would not necessarily be local unless someone screws up, graduates and doesn't apply on time. But they would have the opportunity during the summer. These are people coming from out of state, usually teachers that are recruited by school districts. In most cases it is someone that they made contact with and there is also a national screening that if someone had gotten into trouble in another state with their certification, then Janet Placek would have instant priority to any of these provisional we listed. So there is really a 3 point type thing that we have 1) initial criminal investigation 2) National Clearinghouse 3) FBI fingerprint check.

SENATOR COOK : If I recall two years ago when this bill passed, one of the biggest selling points of it was teachers from out of state that would have a criminal record would not even come to North Dakota because of the fingerprint test.

REP. NOTTESTAD: National screening has become more and more important. Most of the states now are involved in that totally.

REP. THORESON: Basically what we're talking about are people from out of state and a lot of times it doesn't start until school starts as far as the number of days. A lot of times those teachers will be hired and background checks will be started before the first day of school. The 40 days could be 40 days plus a month when they first applied for their certificate. There would be some rare instances where they would come in the first day of school or after school has started and apply for a job.

SENATOR COOK : What this really applied to was young teachers coming out of college. That was where we were getting most of our problems. I had a constituent who could not be fingerprinted and could not teach without the check. She was fingerprinted about 3 times and it took over 8 weeks. Couldn't work in the meantime. If we left it at 40 days would you object to being able to allow a 2nd provisional if the fingerprinting was still not done in that first 40 day period and everything else looked okay.

REP. THORESON: I don't think we would have a problem with that.

REP. NOTTESTAD: We're talking about working days here we're not talking calendar days. That puts it at actually 2 months.

SENATOR WANZEK : There was some discussion about granting some authority to the ESPB if there are circumstances that are holding it up that are really beyond the control of the teacher and the ESPB. It would give them the authority to issue a second provisional certificate to address that. Why don't we give them a couple more weeks and then we don't have to go

through the hassle of the extra work of administering that and 60 days would probably pretty much cover everybody.

REP. THORESON: I think on the two 40 day provisionals, it would highlight the fact that we haven't completed this yet, we're going to review this and make sure you're the teacher we want to keep in this classroom as opposed to 60 days and just kind of putting in there and forget about it until we get it or don't get it. That would be one advantage of having two 40 day periods so it would be reviewed at the end of 40 days to see what was going on.

SENATOR COOK : Would they have to pay another \$50 fee. BCI does prioritize what they do and fingerprints for teachers are very low priority. Teachers shouldn't be penalized for that.

REP. NOTTESTAD: Past year things have gone a lot smoother than before.

SENATOR WANZEK : The amendments the House adopted took the 60 days off, then we're left really with no days specific in the bill. Was it by rules the ESPB sets 40 days or do we have another bill.

SENATOR COOK : We had 1063 but we killed it so right now we're at zero days. The House will have to recede from their amendments and further amend.

REP. THORESON: We would basically just add an additional amendment on. We wouldn't have to take any out cause we already did.

SENATOR WANZEK : Appears to me we could go either route. We could recede from your amendments and further amend and add an amendment to that which would allow for a 2nd provisional certificate to be issued.

SENATOR WANZEK : I move that the House recede from their amendments to SB2075 and further amend.

Page 6
Senate Education Committee
Bill/Resolution Number Sb2075cc
Hearing Date March 29, 1999

REP. THORESON: 2nd

VOTE: 6 Yes 0 No

SENATOR WANZEK : I move to further amend 60-40 and a provisional certificates may be renewed upon approval by ESPB. Get proper language from Legislative Council.

REP. SOLBERG: 2nd

SENATOR COOK : Your intent, one additional renewal.

SENATOR O'CONNELL : I have no problem, I don't think they'll get out of line. No problem with giving them the authority for renewal.

SENATOR COOK : Make sure it is clear that they are not charging \$50 for everyone of these.

SENATOR O'CONNELL : Renewal would be an extend. Extend would be a better word.

SENATOR COOK : The main thing about extension, its being reviewed every 40 days.

VOTE: 6 Yes 0 No

SENATOR COOK adjourned the conference committee.

(Bill Number) SB 2075 (, as (re)engrossed):

Your Conference Committee

For the Senate:

For the House:

Sen. Cook
Sen. Wanzel
Sen. O'Connell

Rep. H.L. Thoreson
Rep. Nottestad
Rep. Solberg

recommends that the (~~SENATE~~^{723/724} ~~HOUSE~~^{725/726}) (ACCEDE to) (~~RECEDE from~~^{S724/H726} ^{S723/H725})
the (~~Senate~~^{House}) amendments on (~~SJ~~^{HJ}) page(s) 698 - _____

and place _____ on the Seventh order.
727

, adopt (further) amendments as follows, and place
SB2075 on the Seventh order:

having been unable to agree, recommends that the committee be discharged
and a new committee be appointed. 690/515

((Re)Engrossed) _____ was placed on the Seventh order of business on the
calendar.

=====
DATE: 3 129 199

CARRIER: Cook

LC NO. 98054. 0202 of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____
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(1) LC (2) LC (3) DESK (4) COMM.

REPORT OF CONFERENCE COMMITTEE

SB 2075, as engrossed: Your conference committee (Sens. Cook, Wanzek, O'Connell and Reps. L. Thoreson, Nottestad, Solberg) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 698, adopt amendments as follows, and place SB 2075 on the Seventh order:

That the House recede from its amendments as printed on page 698 of the Senate Journal and page 784 of the House Journal and that Engrossed House Bill No. 2075 be amended as follows:

Page 1, line 10, replace "sixty" with "forty"

Page 2, line 27, replace "sixty-day" with "forty-day"

Page 2, line 28, after the underscored period insert "A provisional teaching certificate may be renewed upon approval of the board."

Page 2, line 29, after "rule" insert ", but no fee may be imposed for the renewal of a provisional teaching certificate"

Renumber accordingly

Engrossed SB 2075 was placed on the Seventh order of business on the calendar.

1999 TESTIMONY

SB 2075

1/12/99

TESTIMONY OF JANET L. PLACEK

ON

SENATE BILL 2075

Mr. Chairman, members of the committee, I am Janet L. Placek, Executive Director of the Education Standards and Practices Board and wish to comment on Senate Bill 2075.

Section 1 of the bill gives the Education Standards and Practices Board the authority to issue a temporary/provisional certificate for less than one year. There is a companion bill which has been introduced as House Bill 1063 which gives the Education Standards and Practices Board authority for these provisional certificates.

Vote #1

Page 1, Line 9 after "except for" delete "temporary" and insert "provisional". The new language would then read: "The education standards and practices board must determine a fee for each certificate issued by this state. Except for provisional certificates issued pursuant to rules adopted by the board, a.....

Section 2 of the bill adds to the duties of the Education Standards and Practices Board the issuance of minor equivalency endorsements. Until September 1, 1998, the Department of Public Instruction issued minor equivalencies but found no authority in statute. At that time, the Department of Public Instruction asked the Education Standards and Practices Board to seek a solution where we

would be able to provide the service of issuing minor equivalencies for our schools and educators in North Dakota.

Section 3 of the bill provides the Education Standards and Practices Board the authority to charge an application fee to new and out-of-state applicants. Since the Education Standards and Practices Board operators only on educator's certification fees, we ask for the authority to charge this one-time application fee. We ask for this authority so that we are able to keep the cost of our educator's certification fee as low as possible.

Page 2, Line 27 after "issuing" delete "temporary" and insert "provisional".

Page 2, Line 28 after "a" delete "temporary" and insert "Provisional".

The new language would then read The board may adopt by rule, procedures for issuing provisional licenses to applicants for initial licensure pending completion of the background check. An Applicant for a provisional license may be charged a fee established by the board by rule.

Section 4 of the bill adds the language for the issuance of the minor equivalency endorsement to our present major/minor law.

The Education Standards and Practices Board has asked for an emergency on this legislation to be able to provide these services to our schools in North Dakota as soon as possible. We have already had schools requesting these services and have had to put them on hold until we have the authority.

Thank you for the consideration given this legislation.

TESTIMONY ON SB #2075
SENATE EDUCATION COMMITTEE

January 12, 1999

by Roger F. Rieger, Director of the Approval and Accreditation Unit
328-2389

Department of Public Instruction

*In Harold
1/12/98*

Mr. Chairperson and members of the committee:

My name is Roger F. Rieger and I am the Director of the Approval and Accreditation Unit for the Department of Public Instruction. I am here to speak in favor of Senate Bill # 2075 regarding the part involving the minor equivalency.

Until September of 1998 the Secondary Education Office did receive requests for and did issue minor equivalencies in various subject areas. The minor equivalencies were issued to secondary certified teachers whose transcripts showed a concentration of courses (at least 16 semester hours) in a subject area. Each area had standard preparation we would look for and if they met the requirement we would issue a letter granting a minor equivalency. This minor equivalency would allow them to teach courses in that particular area in addition to the majors or minors listed on their teaching certificates. As we were preparing to write the administrative rules for the issuance of the minor equivalencies we were advised by the attorney general's office that no specific authority is in statute for continuing this practice. We still believe that issuing minor equivalency is a valid practice for helping schools fulfill the diverse needs they have for teachers to teach in two or more subject areas. I approached the Education Standards and Practices Board and asked if they would seek authority for the issuance of minor equivalencies. Several solutions were discussed and this SB # 2075, if passed, would provide the authority they would need to again provide the minor equivalency to the education community.

TESTIMONY OF JANET L. PLACEK

ON

ENGROSSED SENATE BILL 2075

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 Senate Bill 2075.

Section 1 of the bill gives the Education Standards and Practices Board the authority to issue a provisional certificate for less than one year.

As you know, there is a companion bill which has been introduced as House Bill 1063 which gives the Education Standards and Practices Board authority for these provisional certificates for forty days and clearly defines the process we must use before issuing a provisional certificate. We must clear up the issue of 40 days versus 60 days. Our goal is to not have to remove teachers from the classroom if we have not received the needed information from the FBI. If we have to remove the teacher from the classroom it will interrupt the educational process of the student as well as cost the school additional dollars. The Senate Education Committee asked if we would be able to write rules to issue two 40- day certificates if something happens and we have not gotten the information needed

from the FBI. I am not sure this would comply with the intent of the law.

Section 2 of the bill adds to the duties of the Education Standards and Practices Board the issuance of minor equivalency endorsements. Until September 1, 1998, the Department of Public Instruction issued minor equivalencies but found no authority in statute. At that time, the Department of Public Instruction asked the Education Standards and Practices Board to seek a solution where we would be able to provide the service of issuing minor equivalencies for our schools and educators in North Dakota. Senate Bill 2142 has passed both the Senate and the House grandfathering those equivalencies issued by DPI.

Section 3 of the bill provides the Education Standards and Practices Board the authority to charge an application fee to new and out-of-state applicants. Since the Education Standards and Practices Board operators only on educator's certification fees, we ask for the authority to charge this one-time application fee. We ask for this authority so that we are able to keep the cost of our educator's certification fee as low as possible.

Section 4 of the bill adds the language for the issuance of the minor equivalency endorsement to our present major/minor law.



The Education Standards and Practices Board has asked for an emergency on this legislation to be able to provide these services to our schools in North Dakota as soon as possible. We have already had schools requesting these services and have had to put them on hold until we have the authority.

Thank you for the consideration given this testimony. I would be available for questions at this time. For further information, I can be reached at 328-1659 or jplacek@state.nd.us.

