

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

1079

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10/2/03  
Date

2003 HOUSE EDUCATION

HB 1079

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*Valista Rickford*

Date

*10/2/03*

2003 HOUSE STANDING COMMITTEE MINUTES  
BILL/RESOLUTION NO. HB 1079

House Education Committee

☐ Conference Committee

Hearing Date January 13, 2003

| Tape Number                                      | Side A | Side B | Meter #   |
|--|--------|--------|-----------|
| 1  | x      |        | 120-460   |
| 1  | x      |        | 1318-2008 |
| Committee Clerk Signature <i>Linda Giechtner</i> |        |        |           |

Minutes:

Chairman Kelsch open hearing on bill.

SUPPORT

Mary Wahl, North Dakota Council of Educational Leaders, HB 1079 clarifies the authority the Superintendent of Public Instruction has for the issuance of credentials to school personnel. It is really a clarification of that authority and that is that part of the bill that I support. It is that way things have happened in the past and the DPI is comfortable with this authority and responsibility, and as are the administrators.

Rep. Mueller Could you bring us up to speed as to what kind of credentials we are taking about?

Wahl: We are talking about the credentials for the administrators.

Rep. Sitte "to fulfill the duties .." is this sort of nebulous language that the administrator/superintendent already has to adopt rules? Why would we need to put this into code.

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House Education Committee

Bill/Resolution Number HB1079

Hearing Date January 13, 2003

**Wahl:** declined to answer.

**Rep. Haas** In that regard you can't tell by reading this that it is specific to administrators and I think it doesn't differentiate very well between the responsibilities of DPI vs. the responsibilities ESPB?

**Chairman Kelsch :** closed the hearing on 1079 and moved to the next until Mr. Gronberg DPI is present.

**Anita Decker, director of School Approval and Accreditation for the DEPARTMENT OF PUBLIC INSTRUCTION,** This particular bill is intended to clarify the superintendent's authority to issue credentials. My unit issues credentials for counselors, all levels of school administrators and librarians and as well as drivers education instructors. During the interim we were working with the credential administrative rules and questions were raised several times as to where authority lied should be with the ESPB or DPI. This places the authority to issue credentials with my unit. It doesn't extended our authority in any way.

**Rep. Sitte:** Several nonpublic school administrators really don't have the right credentials, would this or any way change any of their responsibilities?

**Decker** no, it changes nothing.

**Rep. Haas** (referred to line 32.) Impossible to relate to the particular jobs this effects, would it not be better to list those particular position in the bill?

**Decker:** If that is what you want it is acceptable to the department.

**Rep. Williams** (referring to line 8) When I read the old language the superintendent of Department of Public Instruction to adopt rules governing the accreditation, I do not see why that need to be added, it seems to be redundant.

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House Education Committee

Bill/Resolution Number HB1079

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**Decker:** We also felt that the authority was clear under the accreditation rules but, there were many questions particularly for school administrators. So we drafted this language in concert with the ND Council of Education Leaders.

**Rep. Williams** look at the bill, 'may adopt .', it doesn't add clarity to the rule.

**Chairman Kelsch:** Basically they 'may adopt rules to fulfill the duties ..' then they 'shall adopt rules governing the accreditation of the public and non public schools' and the issuance of credentials to school personnel.

**Decker:** I believe the real confusion was in the statement of the administration rules as pertaining to the credentials. Because reference is made in those rules to the education standards and practices board.

**Rep. Haas** Name those positions again, please?

**Decker:** Administrative counselors, school administrators, and librarians. In addition there is credentials in reading and math that are issued under title I.

**Rep. Mueller :** Rule governing the CC, delineate between groups that going to credential teachers **Decker:** Teachers receive licenses now that is what the ESPB issues they also issue some Special Ed credentials. I'm not entirely clear whether they call them endorsements or credentials.

**Rep. Mueller** The rule makes that determination not the law.

**Decker:** I believe there is a law on teacher's licensing.

**Rep. Mueller** Confusion on part of school administrators about what to do, what were there Q's and their problems?

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House Education Committee  
Bill/Resolution Number HB1079  
Hearing Date January 13, 2003

Decker: Primarily that the Education's Standards and Practices Board( ESPB) could possibly under the wording in our rules be issuing credentials they didn't want that.

Chairman Kelsch that is a subject that we've talked about and wanted to make sure that the ESPB did not have the credentials authority over administrators and those individuals.

Opposition- None

Close the hearing on 1079

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*10/2/03*  
Date

2003 HOUSE STANDING COMMITTEE MINUTES  
BILL/RESOLUTION NO. HB 1079

House Education Committee

☐ Conference Committee

Hearing Date January 20, 2003

| Tape Number               | Side A | Side B | Meter #   |
|---------------------------|--------|--------|-----------|
| 1                         |        | x      | 4131-5600 |
|                           |        |        |           |
|                           |        |        |           |
| Committee Clerk Signature |        |        |           |

Minutes:

**Chairman Kelsch** open committee work.

**Rep. Haas** I was asked to do some research. Why did we not have something in here that would delineate the responsibilities between ESPB and DEPARTMENT OF PUBLIC INSTRUCTION.? I think I have the answer and I don't think we need to change anything in the bill.

handout: 1 sheet of paper lists everything ESPB issues. They issue licenses or endorsements.

And the license of course is the piece of paper that says you are a qualified teacher. All administrative credentials also require the license. The word credential is something that only applies to administrators and are only issued by Department of Public Instruction.

**Rep. Sitte** The first reading was 'may adopt' and now 'shall adopt', Why do we want to shift in the wording. The nonpublic have really been left alone on the credentials of their administrators. I just don't want to shift this from Department of Public Instruction.

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House Education Committee  
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Hearing Date January 20, 2003

**Chairman Kelsch** I'm just curious about the second to last paragraph on the sheet that has been three hole punched, about the credentials. I think your administrator will fall under that section. under the credentials required. Even if he didn't have his teaching license, he would fall under credentials.

**Rep. Sitte** May adopt rules, because Shiloh is approved and not accredited, the teachers meet all the credential. It has not been mandatory that the administration has to.

**Chairman Kelsch** : asked for motion: A DO NOT PASS motion by Rep. Sitte, second by Rep. Meier.

Discussion:

**Rep. Hawken**: Maybe we should check with Anita on this.

**Chairman Kelsch** The bill is about the clarification on the issuance of the credentials. There is nothing in there. This is not an issue.

**Rep. Williams** There is no change in this bill.

**Rep. Sitte**: The word duty is being added has just as much authority as the shall.

**Rep. Haas** After the last session there was some question as to whether ESPB was going to get into the business of issuing credentials. And this clarifies this issue.

**Rep. Jon Nelson** That was one of the rules process that did come before us. It was determined by the administrative rules committee that the administration were not part of the ESPB purview.

Vote: 2-12-0 Defeated

**Rep. Jon Nelson** motioned a DO PASS, second by Rep. Mueller

Vote: 12-2-0 Rep. Haas to carry the bill.

*Yolanda Rickford*  
Operator's Signature

*10/2/03*  
Date



Date: 1/20/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

House HOUSE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number #1079

Action Taken DO NOT PASS

Motion Made By Sitte Seconded By Meier

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------|-----|----|-----------------|-----|----|
| Chairman Kelsch |     | ✓  |                 |     |    |
| Rep. Johnson    |     | ✓  |                 |     |    |
| Rep. Nelson     |     | ✓  |                 |     |    |
| Rep. Haas       |     | ✓  |                 |     |    |
| Rep. Hawken     |     | ✓  |                 |     |    |
| Rep. Herbel     |     | ✓  |                 |     |    |
| Rep. Meier      | ✓   |    |                 |     |    |
| Rep. Norland    |     | ✓  |                 |     |    |
| Rep. Sitte      | ✓   |    |                 |     |    |
| Rep. Hanson     |     | ✓  |                 |     |    |
| Rep. Hunskor    |     | ✓  |                 |     |    |
| Rep. Mueller    |     | ✓  |                 |     |    |
| Rep. Solberg    |     | ✓  |                 |     |    |
| Rep. Williams   |     | ✓  |                 |     |    |

Total (Yes) 2 No 12

Absent Defeat

Floor Assignment \_\_\_\_\_

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

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10/2/03  
Date

Date: 1/20/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

House HOUSE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number HB 1079

Action Taken DO Pass

Motion Made By Nelson Seconded By Mueller

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------|-----|----|-----------------|-----|----|
| Chairman Kelsch | ✓   |    |                 |     |    |
| Rep. Johnson    | ✓   |    |                 |     |    |
| Rep. Nelson     | ✓   |    |                 |     |    |
| Rep. Haas       | ✓   |    |                 |     |    |
| Rep. Hawken     | ✓   |    |                 |     |    |
| Rep. Herbel     | ✓   |    |                 |     |    |
| Rep. Meier      |     | ✓  |                 |     |    |
| Rep. Norland    | ✓   |    |                 |     |    |
| Rep. Sitte      |     | ✓  |                 |     |    |
| Rep. Hanson     | ✓   |    |                 |     |    |
| Rep. Hunsakor   | ✓   |    |                 |     |    |
| Rep. Mueller    | ✓   |    |                 |     |    |
| Rep. Solberg    | ✓   |    |                 |     |    |
| Rep. Williams   | ✓   |    |                 |     |    |

Total (Yes) 12 No 2

Absent 0 Pass

Floor Assignment Haas

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

REPORT OF STANDING COMMITTEE (410)  
January 21, 2003 11:16 a.m.

Module No: HR-11-0822  
Carrier: Haas  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
HB 1079: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS  
(12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1079 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-11-0822

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Date

*10/2/03*

2003 SENATE EDUCATION

HB 1079

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Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1079

Senate Education Committee

☐ Conference Committee

Hearing Date 03-03-03

| Tape Number                                     | Side A | Side B | Meter #    |
|---|--------|--------|------------|
| 1   | x      |        | 36.2 - end |
|   |        |        |            |
|   |        |        |            |
| Committee Clerk Signature <i>Janice Johnson</i> |        |        |            |

Minutes: CHAIRMAN FREBORG called the committee to order. Roll Call was taken with all (6) members present.

CHAIRMAN FREBORG opened the hearing on HB 1079 relating to the rulemaking authority of the superintendent of public instruction.

**Testimony in support of HB 1079:**

ANITA DECKER, Director, School Approval and Accreditation, DPI, presented prepared testimony. (see attached)

SENATOR COOK asked about the last sentence in the bill ("and the issuance of credentials to school personnel"). Does it include teachers, also. MS. DECKER stated teachers no longer receive credentials. They are licensed. Credentials are held for those over and above the licenses. Besides the four named (school administrators, counselors, librarians, driver education instructors) there are special ed credentials, and there are reading and math credentials in the Title programs. SENATOR COOK asked who takes care of the credentials for special ed and

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Senate Education Committee  
Bill/Resolution Number HB 1079  
Hearing Date 03-03-03

reading and math for the Title programs. She answered that two other people in DPI take care of the credentials for special ed and for the Title programs.

SENATOR COOK asked if this bill is needed for implementing NCLB. MS. DECKER doesn't think so. She doesn't think there is anything about "highly qualified" with respect to credentials.

SENATOR COOK asked what the purpose of the new language "to fulfill the duties outlined in this title and shall adopt rules" is. MS. DECKER stated that initially everything to do with credentials was tied into the accreditation process. There are people who are not working in schools who have credentials and may be seeking a job in a school. DPI wanted to be sure they could work with these individuals also, along with the schools. The new language is referring to the accreditation, and the issuance of credentials is added as new language.

SENATOR COOK asked if this will impact accreditation as to fire codes, which is a part of the accreditation process. MS. DECKER feels this has no impact on fire code accreditation.

SENATOR COOK stated that NCLB has some requirements if a school does not meet annual yearly progress for a few years in a row, the governance of a school has to be changed. Does this allow for rules to be made that might implement governance of a school if they should not meet annual yearly progress. MS. DECKER had not thought of this bill in that respect. She believes it has nothing to do with NCLB and would have no impact.

MARY WAHL, ND Council of Educational Leaders, stated the issuance of administrative and specialist credentials is not now specifically provided for through law or administrative rules.

However, that is how it is being done and seems to be acceptable by DPI and those who are credentialed in this way. This bill just establishes in law what is now practiced. It gives in law

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Senate Education Committee  
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Hearing Date 03-03-03

the authority for DPI to issue credentials and make rules regarding the issuance of those credentials. They favor what is being practiced and agree it is a good thing to put into law.

BEV NIELSON, ND School Board Assn., stated their support for this bill and feels DPI is the proper place for specialist credentials.

DEAN BARD, ND Small Organized Schools, has several questions. 1. Century Code states the superintendent shall adopt rules for accreditation. This says may. This section as redrafted permits DPI to "adopt" rules as outlined in this title, but requires adoption of rules for the accreditation process. He wonders if the superintendent is required to adopt rules for accreditation, why is he not required to adopt rules to fulfill the duties outlined in this title.

2. Is the issuance of rules going to be under the agencies and practices act where notice is required and testimony is taken, or is it not.

SENATOR FREBORG stated the committee does not answer questions during testimony.

No testimony is opposition to HB 1079.

More Discussion:

ANITA DECKER, DPI, was asked by SENATOR COOK, since the legislature is charged with making decisions on NCLB, to what degree are non-public schools involved in NCLB. Would this make it mandatory for them to be involved. If this bill is passed, is the policy decision as to what degree non-public schools are affected given to the superintendent of public instruction. She stated the accreditation is voluntary for non-public schools, and she does not feel this changes that. SENATOR COOK stated he knows there are non-public schools that are wondering if they want to be brought under the umbrella of NCLB. He would not want to bring

*Hal Costa Rickford*  
Operator's Signature

10/2/03  
Date

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Senate Education Committee

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Hearing Date 03-03-03

them under the umbrella unless the legislature knew they were doing that and knew they wanted  
to do that.

The hearing was closed on HB 1079.

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1079

Senate Education Committee

☐ Conference Committee

Hearing Date 3-4-03

| Tape Number                                     | Side A | Side B | Meter #    |
|---|--------|--------|------------|
| 1   | x      |        | 7.5 - 13.5 |
| 1   |        | x      | 1.9 - 6.5  |
| Committee Clerk Signature <i>Andrea Johnson</i> |        |        |            |

Minutes: CHAIRMAN FREBORG called the committee to order. roll call was taken with all (6) members present.

**Discussion on HB 1079:**

SENATOR COOK had some questions on what the bill enables and he feels it should have some mechanism in it that states the rules are reviewed by another committee.

SENATOR FREBORG stated that all administrative rules are reviewed by the Administrative Rules Committee. He doesn't feel there has to be specific language in the bill.

SENATOR COOK would like would like language in the bill that would refer any rules to a special investigative committee of NCLB for review and approval.

SENATOR FLAKOLL asked what happens after a number of years if the committee is still in place. SENATOR COOK would hope the special investigating committee is not in place in a few years. SENATOR FREBORG feels there will be continual changes in NCLB and the special committee will be in place for a long time.

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Senate Education Committee

Bill/Resolution Number HB 1079

Hearing Date 3-4-03

SENATOR CHRISTENSON stated the wording in the bill is convoluted and nebulous. She feels there needs to be a clarification of the wording.

SENATOR FREBORG stated that Administrative Rules wants this in statute and even though it deals with administrative rules, we (the legislative committee) want to review it.

SENATOR COOK and SENATOR CHRISTENSON are to work on improving the bill.

Tape 1, Side B, 1.9 - 6.5

SENATOR COOK stated that line 8 of the bill makes no change to the bill and he would suggest removing it.

SENATOR COOK moved to amend the bill by "removing the new language (the underlined language) on lines 7 and 8". SENATOR LEE seconded.

Roll Call Vote: 6 YES. 0 NO. 0 Absent. Amendment adopted.

SENATOR COOK will have an amendment drafted dealing with the new language on line 9.

Committee Adjourned.

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1079

Senate Education Committee

☐ Conference Committee

Hearing Date 3-05-03

| Tape Number                                     | Side A | Side B | Meter #    |
|---|--------|--------|------------|
| 2   | x      |        | 8.8 - 23.2 |
|   |        |        |            |
|   |        |        |            |
| Committee Clerk Signature <i>Andrea Johnson</i> |        |        |            |

Minutes: CHAIRMAN FREBORG called the committee to order. Roll Call was taken with all (6) members present.

SENATOR COOK presented two amendments to the committee for review (38221.0101 and 38221.0102). (see attached) The amendment .0101 lists credentials issued to various teachers and administrators by DPI. the amendment .0102 lists the same list of credentials which would be issued by ESPB. SENATOR CHRISTENSON asked if Senator Cook had spoken to ESPB. He stated he had not. SENATOR TAYLOR referenced ANITA DECKER'S testimony which says some have fear of ESPB issuing credentials.

SENATOR LEE asked if one (DPI or ESPB) have the authority over some credentials and the other entity authority over other credentials. SENATOR COOK feels ESPB is involved in all fifteen categories and would be the first to issue credentials and then DPI would approve. ESPB does all licensing and then it goes to DPI for their approval.

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Senate Education Committee

Bill/Resolution Number HB 1079

Hearing Date 3-05-03

SENATOR FREBORG stated it is the job of the legislature to put the issuance of credentials in the place where they feel is best to carry out the process.

SENATOR COOK feels that ESPB and DPI will use Rules to implement whatever the legislature directs. He feels one or the other should do the credentialling. He feels it should be ESPB.

SENATOR FREBORG stated ESPB can't do much unless DPI gives the okay.

SENATOR CHRISTENSON stated the public doesn't really think of the two entities as separate.

SENATOR FREBORG would like to see ESPB stand alone as a department

No more discussion.

The committee was adjourned.

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10/2/03

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1079

Senate Education Committee

☐ Conference Committee

Hearing Date 3-12-03

| Tape Number                                    | Side A | Side B | Meter #    |
|--|--------|--------|------------|
| 1  |        | x      | 25.0 -30.0 |
|  |        |        |            |
|  |        |        |            |
| Committee Clerk Signature <i>Linda Johnson</i> |        |        |            |

Minutes: CHARIMAN FREBORG called the committee to order with all members present.

SENATOR COOK explained why he would like the bill held. He would like to know if the list of those who receive credentials should be smaller and if they should be issued by DPI or ESPB and which agency should adopt the rules for governing the issuance of the credentials.

SENATOR CHRISTENSON stated she had talked to Janet Welk, ESPB, and she had stated that taking on the credential process and adopting rules for such would be overwhelming for their agency especially with NCLB. She further stated she had gotten e-mails from Superintendents who wanted this left with DPI.

SENATOR COOK has had conversations with administrators who also want this left with DPI.

SENATOR FREBORG stated the administrators are adamant staying with DPI. He stated that ESPB is totally independent of DPI, but they share space with DPI to whom they pay rent.

Committee Adjourned.

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1079

Senate Education Committee

☐ Conference Committee

Hearing Date 3-17-03

| Tape Number                                     | Side A | Side B | Meter #    |
|---|--------|--------|------------|
| 2   |        | x      | 9.2 - 17.8 |
|   |        |        |            |
|   |        |        |            |
| Committee Clerk Signature <i>Andrea Johnson</i> |        |        |            |

Minutes: CHAIRMAN FREBORG called the committee to order with five members present.

CHAIRMAN FREBORG asked if DPI had been called back by the committee. There was discussion by the committee and they reviewed the amendments that had been presented.

DPI is doing the credentials already, but now this legislation puts it in code.

SENATOR COOK stated that 3 elementary principal credentials, 6 high school principal credentials, 12 school counselor credentials and 15 superintendent credentials are the groups that want to stay with DPI, not with ESPB.

SENATOR COOK moved to adopt the amendment 38221.0101. Seconded by SENATOR FLAKOLL.

These are the credentials that DPI does right now and now it is in code. The former amendment that was passed is now null and void, because the amendment rewrites the bill.

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Senate Education Committee  
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Hearing Date 3-17-03

Roll Call Vote: 5 YES. 0 NO. 1 Absent. Motion Carried. SENATOR CHRISTENSON  
was allowed to vote. ROLL CALL VOTE: 6 YES. 0 NO. 0 ABSENT. MOTION  
CARRIED.

SENATOR COOK moved a DO PASS as Amended. Seconded by SENATOR LEE.

Roll Call Vote: 6 YES. 0 NO. 0 Absent. Motion Carried.

Carrier: SENATOR COOK

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1079

Senate Education Committee

☐ Conference Committee

Hearing Date 3-25-03

| Tape Number                                    | Side A | Side B | Meter #     |
|--|--------|--------|-------------|
| 1  | x      |        | 40.0 - 47.7 |
|  |        |        |             |
|  |        |        |             |
| Committee Clerk Signature <i>Linda Johnson</i> |        |        |             |

Minutes: CHAIRMAN FREBORG called the committee to order with all members present.

SENATOR COOK moved to reconsider our actions on HB 1079 as it was passed out of the committee. Seconded by SENATOR FLAKOLL.

Roll Call Vote to reconsider: 6 YES. 0 NO. 0 Absent.

Motion to reconsider passed.

SENATOR COOK presented a new amendment that adds four credentials to the previous ones.

The amendment that was passed previously (38221.0101) had 15 different credentials. This amendment (38221.0103) has 19 credentials. Behind the first 17 credentials listed, there is teacher licensure.

SENATOR COOK moved to adopt the amendment (38221.0103). Seconded by SENATOR CHRISTENSON.

Roll Call Vote: 6 YES. 0 NO. 0 Absent. Amendment adopted.

*Yalosta Rickford*  
Operator's Signature

*10/2/03*  
Date



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Senate Education Committee

Bill/Resolution Number HB 1079

Hearing Date 3-25-03

**SENATOR COOK moved a DO PASS AS AMENDED. Seconded by SENATOR**

**FLAKOLL.**

**Roll Call Vote: 6 YES. 0 NO. 0 Absent. Motion Carried.**

**Carrier: SENATOR COOK**

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*10/2/03*

UP

## Senate EDUCATION Committee

Legislative Council Amendment Number \_\_\_\_\_

Motion Made By Sen. Cook Seconded By Sen. Lee

[illegible]

**Absent** 0

### Floor Assignment

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

remove underlined language on line 7 + 8

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Operator's Signature Yolanda Rickford

10/2/03  
Date

Cook

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1079

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to teacher and administrator credentials."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

**Superintendent of public instruction - Issuance of credentials to teachers and administrators.** The superintendent of public instruction shall adopt rules governing the issuance of:

1. Credentials for teachers of driver education;
2. Credentials for teachers of early childhood special education;
3. Elementary school principal credentials;
4. Credentials for teachers of students that are emotional disturbed;
5. Credentials for teachers of students that are gifted and talented;
6. Secondary school principal credentials;
7. Library media credentials;
8. Credentials for teachers of title I mathematics;
9. Credentials for teachers of students that are mentally retarded;
10. Credentials for teachers of students that are physically disabled;
11. Credentials for teachers of title I reading;
12. School counselor credentials;
13. Special education strategist credentials;
14. Credentials for teachers of students with specific learning disabilities;
15. Superintendent credentials;
16. Credentials for teachers of students with vision impairments;
17. Credentials for teachers of students who are deaf or hard of hearing;
18. School psychology intern approvals; and

19. Certificate of completion for para educators."

Renumber accordingly

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Operator's Signature

*Yolanda Rickford*

Date

*10/2/03*

38221.0101  
Title.0200

Prepared by the Legislative Council staff for  
Senator Cook

March 5, 2003

*JC*  
3-18-03

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1079

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to teacher and administrator credentials.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

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1. Driver education credentials;
2. Early childhood special education credentials;
3. Elementary school principal credentials;
4. Emotional disturbance credentials;
5. Gifted and talented credentials;
6. High school principal credentials;
7. Library media credentials;
8. Mathematics credentials;
9. Mental retardation credentials;
10. Physical disabilities credentials;
11. Reading credentials;
12. School counselor credentials;
13. Special education strategist credentials;
14. Specific learning disabilities credentials; and
15. Superintendent credentials."

Renumber accordingly

Date: 3/17/03

**Roll Call Vote #:** /

## 2003 SENATE STANDING COMMITTEE ROLL CALL VOTES

**Senate EDUCATION**

☐ Check here for Conference Committee**Legislative Council Amendment Number**

Action Taken moved amendments 38221.0101

Motion Made By Sen. Cook Seconded By Sen. Hakoll

[illegible]

**Total** (Yes) **6** No **0**

**Absent** *P*

## Floor Assignment

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

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*W. A. Pinkard* 10/2/03

Operator's Signature Yalosta Rickford

10/2/03  
Date

Date: 3/17/03  
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1079

Senate EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Sen. Cook Seconded By Sen. Lee

| Senators               | Yes                                 | No | Senators          | Yes                                 | No |
|------------------------|-------------------------------------|----|-------------------|-------------------------------------|----|
| LAYTON FREBORG, CHAIR. | <input checked="" type="checkbox"/> |    | LINDA CHRISTENSON | <input checked="" type="checkbox"/> |    |
| GARY A. LEE, V. CHAIR. | <input checked="" type="checkbox"/> |    | RYAN M. TAYLOR    | <input checked="" type="checkbox"/> |    |
| DWIGHT COOK            | <input checked="" type="checkbox"/> |    |                   |                                     |    |
| TIM FLAKOLL            | <input checked="" type="checkbox"/> |    |                   |                                     |    |
|                        |                                     |    |                   |                                     |    |
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|                        |                                     |    |                   |                                     |    |

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Cook

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

**REPORT OF STANDING COMMITTEE (410)**  
March 18, 2003 12:13 p.m.

Module No: SR-48-5024  
Carrier: Cook  
Insert LC: 38221.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**HB 1079: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1079 was placed on the Sixth order on the calendar.**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to teacher and administrator credentials.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

**Superintendent of public instruction - issuance of credentials to teachers and administrators.** The superintendent of public instruction shall adopt rules governing the issuance of:

1. Driver education credentials;
2. Early childhood special education credentials;
3. Elementary school principal credentials;
4. Emotional disturbance credentials;
5. Gifted and talented credentials;
6. High school principal credentials;
7. Library media credentials;
8. Mathematics credentials;
9. Mental retardation credentials;
10. Physical disabilities credentials;
11. Reading credentials;
12. School counselor credentials;
13. Special education strategist credentials;
14. Specific learning disabilities credentials; and
15. Superintendent credentials."

Renumber accordingly



Date: 3/25/03

**Roll Call Vote #: /**

## 2003 SENATE STANDING COMMITTEE ROLL CALL VOTES

**Senate EDUCATION**☐ Check here for Conference Committee**Legislative Council Amendment Number**

Action Taken *recons. du action*

Motion Made By Sen. Cook Seconded By Sen. Flapoll

[illegible]

|       |       |   |    |   |
|-------|-------|---|----|---|
| Total | (Yes) | 6 | No | 0 |
|-------|-------|---|----|---|

Absent

## Floor Assignment

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

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Operator's Signature

10/2/03  
Date

38221.0102  
Title.

Prepared by the Legislative Council staff for  
Senator Cook

March 5, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1079

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to create and enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to teacher and administrator credentials.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

**Education standards and practices board - Issuance of credentials to teachers and administrators.** The education standards and practices board shall adopt rules governing the issuance of:

1. Driver education credentials;
2. Early childhood special education credentials;
3. Elementary school principal credentials;
4. Emotional disturbance credentials;
5. Gifted and talented credentials;
6. High school principal credentials;
7. Library media credentials;
8. Mathematics credentials;
9. Mental retardation credentials;
10. Physical disabilities credentials;
11. Reading credentials;
12. School counselor credentials;
13. Special education strategist credentials;
14. Specific learning disabilities credentials; and
15. Superintendent credentials."

Renumber accordingly

38221.0103  
Title.0300

Adopted by the Education Committee  
March 25, 2003

JoB  
3-25-03

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1079

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to teacher and administrator credentials.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

**Superintendent of public instruction - Issuance of credentials to teachers and administrators.** The superintendent of public instruction shall adopt rules governing the issuance of:

1. Credentials for teachers of drivers' education;
2. Credentials for teachers of early childhood special education;
3. Credentials for elementary school principals;
4. Credentials for teachers of students who are emotionally disturbed;
5. Credentials for teachers of students who are gifted and talented;
6. Credentials for secondary school principals;
7. Credentials for library media;
8. Credentials for teachers of title I mathematics;
9. Credentials for teachers of students who are mentally retarded;
10. Credentials for teachers of students who are physically disabled;
11. Credentials for teachers of title I reading;
12. Credentials for school counselors;
13. Credentials for special education strategists;
14. Credentials for teachers of students who have specific learning disabilities;
15. Credentials for superintendents;
16. Credentials for teachers of students who have vision impairments;
17. Credentials for teachers of students who are deaf or hard of hearing;
18. School psychology intern approvals; and
19. Certificate of completion for para educators."

Renumber accordingly

Page No. 1

38221.0103

*Yalosta Rickford*  
Operator's Signature

*10/2/03*  
Date

Date: 3/25/03  
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. *HB 1079*

| Senate | EDUCATION | Committee |
|--------|-----------|-----------|
|--------|-----------|-----------|

☐ Check here for Conference Committee

Legislative Council Amendment Number (38221.0103)

Action Taken adopt amendments presented by Cook

Motion Made By Sen. Cook Seconded By Sen. Christenson

[illegible]

Total (Yes) 6 No 0

**Absent** \_\_\_\_\_ C \_\_\_\_\_

### Floor Assignment

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

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*Y. Costa Rickard* 10/2/03  
Date

NOTICE: IF THE FINDER  
Yacosta Rickford  
 Operator's Signature

10/2/03  
Date

Date: 3/25/03

**Roll Call Vote #: 3**

## 2003 SENATE STANDING COMMITTEE ROLL CALL VOTES

## Senate EDUCATION

## Committee

☐ Check here for Conference Committee**Legislative Council Amendment Number**

Action Taken *No Pass as Amend.*

Motion Made By Sen. Cook Seconded By Sen. Flakoll

[illegible]

Total (Yes) 6 No 0

**Absent** 0

Floor Assignment Sen. Cook

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

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*1st Gen. Pickens* 10/2/03

**Operator's Signature**

10/2/03  
Date

**REPORT OF STANDING COMMITTEE (410)**  
March 26, 2003 8:32 a.m.

Module No: SR-54-5770  
Carrier: Cook  
Insert LC: 38221.0103 Title: .0300

**REPORT OF STANDING COMMITTEE**

**HB 1079: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1079 was placed on the Sixth order on the calendar.**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to teacher and administrator credentials.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

**Superintendent of public instruction - issuance of credentials to teachers and administrators.** The superintendent of public instruction shall adopt rules governing the issuance of:

1. Credentials for teachers of drivers' education;
2. Credentials for teachers of early childhood special education;
3. Credentials for elementary school principals;
4. Credentials for teachers of students who are emotionally disturbed;
5. Credentials for teachers of students who are gifted and talented;
6. Credentials for secondary school principals;
7. Credentials for library media;
8. Credentials for teachers of title I mathematics;
9. Credentials for teachers of students who are mentally retarded;
10. Credentials for teachers of students who are physically disabled;
11. Credentials for teachers of title I reading;
12. Credentials for school counselors;
13. Credentials for special education strategists;
14. Credentials for teachers of students who have specific learning disabilities;
15. Credentials for superintendents;
16. Credentials for teachers of students who have vision impairments;
17. Credentials for teachers of students who are deaf or hard of hearing;
18. School psychology intern approvals; and
19. Certificate of completion for para educators."

REPORT OF STANDING COMMITTEE (410)  
March 26, 2003 8:32 a.m.

Module No: SR-54-5770  
Carrier: Cook  
Insert LC: 39221.0103 Title: .0300

Renumber accordingly

(2) DESK, (3) COMM

Page No. 2

SR-54-5770

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Operator's Signature

*Yolanda Rickford*

Date

*10/2/03*

2003 HOUSE EDUCATION  
CONFERENCE COMMITTEE

HB 1079

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Valista Rickford  
Operator's Signature

10/2/03  
Date



2003 HOUSE STANDING COMMITTEE MINUTES  
BILL/RESOLUTION NO. HB 1079  
House Education Committee

☒ Conference Committee

Hearing Date April 7, 2003

| Tape Number                                      | Side A | Side B | Meter # |
|--|--------|--------|---------|
| 1  | x      |        | 00-778  |
| Committee Clerk Signature <i>Linda Fuchtnick</i> |        |        |         |

Rep. Meier called the conference committee to order, roll was taken.

Rep. Meier requested that Sen. Cook review with the committee what the Senate did to the House version.

Sen. Cook indicated that the list has grown and that is what further needs to be amended.

Rep. Solberg requested that the 'shall' be replaced with 'may' on line 7.

committee agreed.

Rep. Sitte asked Sen. Cook about the difference in accreditation and how that will affect the non public schools.

Committee agreed to wait and see the new amendments. Some discussion on what the correct motion will be.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Salvatore Rickford*  
Operator's Signature

*10/2/03*  
Date

2003 HOUSE STANDING COMMITTEE MINUTES  
BILL/RESOLUTION NO. HB 1079  
House Education Committee

☒ Conference Committee

Hearing Date April 9, 2003

| Tape Number                                    | Side A | Side B | Meter #   |
|--|--------|--------|-----------|
| 1  | x      |        | 3890-4359 |
| Committee Clerk Signature <i>Linda Fuchner</i> |        |        |           |

Rep. Meier called the conference committee to order, the clerk took the roll.

Reviewed new amendment, some discussion.

Sen. Cook moved to have the Senate recede from the Senate amendments and adopt the amendments before them, Sen. Taylor second the motion, Roll: 6-0-0 passed,

Closed conference committee

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Yolanda Rickford*  
Operator's Signature

*10/2/03*  
Date

38221.0104  
Title.0400

Adopted by the Education Conference  
Committee

April 9, 2003

**Conference Committee Amendments to HB 1079 - 04/09/2003**

That the Senate recede from its amendments as printed on pages 1100 and 1101 of the House Journal and pages 961 and 962 of the Senate Journal and that House Bill No. 1079 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to teacher and administrator credentials.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

**Superintendent of public instruction: - issuance of credentials to teachers and administrators.** The superintendent of public instruction may adopt rules governing the issuance of:

1. Credentials for teachers of driver's education;
2. Credentials for teachers of early childhood special education;
3. Credentials for elementary school principals;
4. Credentials for teachers of students who are emotionally disturbed;
5. Credentials for teachers of students who are gifted and talented;
6. Credentials for secondary school principals;
7. Credentials for library media;
8. Credentials for teachers of title I;
9. Credentials for teachers of students who are mentally retarded;
10. Credentials for teachers of students who are physically disabled;
11. Credentials for coordinators of programs for students with limited English proficiency;
12. Credentials for school counselors;
13. Credentials for special education directors;
14. Credentials for special education strategists;
15. Credentials for teachers of students who have specific learning disabilities;
16. Credentials for superintendents;
17. Credentials for teachers of students who have vision impairments;
18. Credentials for teachers of students who are deaf or hard of hearing; and

*Yalosta Rickford*  
Operator's Signature

*10/2/03*  
Date

19. Certificate of completion for paraprofessionals."

Renumber accordingly

2 of 2

38221.0104

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Yolanda Rickford  
Operator's Signature

10/2/03  
Date

REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE) - 420

07398

(Bill Number) HB 1079 (, as (re)engrossed):

Your Conference Committee

For the Senate:

Sen Cook 9P  
Sen Lee 0P  
Sen Taylor P

For the House:

Rep Meier P  
Rep Settle P  
Rep Solberg P

☐ recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE) from)  
the (Senate/House) amendments on (SJ/HJ) page(s) 1100 - 1101

☐ and place \_\_\_\_\_ on the Seventh order.  
727

☒ adopt (further) amendments as follows, and place  
1079 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: 4/9/03

CARRIER: Rep Meier

LC NO. 38221 . 0104 of amendment

LC NO. \_\_\_\_\_ of engrossment

Emergency clause added or deleted \_\_\_\_\_

Statement of purpose of amendment \_\_\_\_\_

(1) LC (2) LC (3) DESK (4) COMM.

*Cook moved, Taylor second  
roll - passed 6-0-0*

Yalosta Rickford  
Operator's Signature

10/2/03  
Date

**REPORT OF CONFERENCE COMMITTEE**

**HB 1079:** Your conference committee (Sens. Cook, G. Lee, Taylor and Reps. Meier, Sitte, Solberg) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1100-1101, adopt amendments as follows, and place HB 1079 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1100 and 1101 of the House Journal and pages 961 and 962 of the Senate Journal and that House Bill No. 1079 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to teacher and administrator credentials.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

**Superintendent of public instruction - Issuance of credentials to teachers and administrators.** The superintendent of public instruction may adopt rules governing the issuance of:

1. Credentials for teachers of driver's education;
2. Credentials for teachers of early childhood special education;
3. Credentials for elementary school principals;
4. Credentials for teachers of students who are emotionally disturbed;
5. Credentials for teachers of students who are gifted and talented;
6. Credentials for secondary school principals;
7. Credentials for library media;
8. Credentials for teachers of title I;
9. Credentials for teachers of students who are mentally retarded;
10. Credentials for teachers of students who are physically disabled;
11. Credentials for coordinators of programs for students with limited English proficiency;
12. Credentials for school counselors;
13. Credentials for special education directors;
14. Credentials for special education strategists;
15. Credentials for teachers of students who have specific learning disabilities;
16. Credentials for superintendents;
17. Credentials for teachers of students who have vision impairments;

**REPORT OF CONFERENCE COMMITTEE (420)**  
April 10, 2003 11:16 a.m.

**Module No: HR-65-7314**

**Insert LC: 38221.0104**

18. Credentials for teachers of students who are deaf or hard of hearing; and
19. Certificate of completion for paraprofessionals."

Renumber accordingly

HB 1079 was placed on the Seventh order of business on the calendar.

(2) DESK, (2) COMM

Page No. 2

HR-65-7314

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*Yolanda Rickford*  
Operator's Signature

*10/2/03*  
Date

2003 TESTIMONY

HB 1079

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Valista Rickford  
Operator's Signature

10/2/03  
Date



**TESTIMONY ON HB 1079**  
**SENATE EDUCATION COMMITTEE**  
**March 3, 2003**  
**by Anita K. Decker, Director**  
**School Approval and Accreditation**  
**328-1718**  
**Department of Public Instruction**

---

Mr. Chairman and members of the committee:

My name is Anita Decker. I am the director of School Approval and Accreditation for the Department of Public Instruction. I am here to speak in favor of HB1079 regarding rulemaking authority of the superintendent of public instruction.

My unit in the Department is responsible for issuing credentials to school administrators, counselors, librarians, and driver education instructors. There is no charge for these credentials to the individual or the school. Since the last session, we have been engaged in updating the administrative rules for the issuance of these credentials. We attempted to be sure that the rules were both accurate and adequate.

Confusion arose apparently over the wording in the proposed rules. The question centered primarily on the role of the Education Standards and Practices Board. The ESPB reviews and approves programs and is generally the Board responsible for dealing with individuals seeking to qualify to work within North Dakota's schools. There was a fear among some who held credentials that the ESPB would assume the credentialing role currently handled by the Department.

The Administrative Rules Committee recommended that the groups concerned work with the Department and resolve the confusion. House Bill 1079 was developed jointly to do that. It assures that the Department has the legal authority to issue credentials to school personnel.

The Department urges a do-pass on HB 1079.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions.