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10/16/03

2003 HOUSE EDUCATION

HB 1489

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2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1489
House Education Committee

☐ Conference Committee

Hearing Date January 29, 2003

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| Committee Clerk Signature <i>Hinda Fiechter</i> | | | |

Minutes: **Chairman Kelsch** opened hearing on HB 1489

Janet Placek Welk, Executive Director of the Education Standards and Practices Board,

See Attached Testimony (800-1100)

Rep. Mueller We are talking equivalency, could you give us a sense of what that means?

Welk: Equivalent to, In the federal definition under highly qualified, they identify certain things that they would consider a person to be highly qualified. Those were a major, a test, course work equivalent to a major, an advanced certification, or national board certification. And so what we are doing is turning a couple of their words around and terming it major equivalency. Because it will either be a test and a minor, a minor and portfolio, course work equivalent to a major through the university system as identified on a transcript.

Rep. Sitte: If NCLB, do we really want to have this knee jerk reaction to every year we could change how are teachers are certified?

Welk: The reason the board is looking at 2008 for the effective date is to use the major equivalency is because many people believe federal law will be changed. We have been meeting

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with our congressional team, our administrators at the educational leaders conference to please wait and take as much time as you need. On the other hand we also have teachers who are saying tell me what I need to do, I want to get started. Because what we are addressing now is federal law, we don't know if it will be changed. So the law that has been drafted gives us that opportunity to begin the process, five years to transition and then require the teachers to meet the requirements.

Rep. Hunsakor On of the concerns in the field is that the teachers who are teaching in their minor field. I know they can go back to school, to become qualified. Just tell me what other options do they have to meet the standards?

Welk: It would be effective 2008, after rereading the federal guidelines that is the last possible year that ND could use to respond. In answer to your 1st q, A teacher that is teaching in their minor today, would be able to do 1) additional course work and turn that minor into a major, 2) test completion. The testing company that we are using is presently testing teachers in 33 other states.; 3) The Governor's office has received a teacher quality grant of 2M each year for the next 3 years to help us with our response to NCLB. That will be a portfolio. We have hired a person, housed out of Devils Lake Public School system, she will work for the ESPB, funded by the quality teacher grant. She is coordinating efforts to develop that portfolio. She is in the process of accepting nominations from local administrators of those teachers who that are not highly qualified and those teachers who are highly qualified. they will come together and identify what the profession wants within their portfolio. This is a system of the profession for the profession.

Chairman Kelsch They will make sure that is not one extreme or the other, correct. They will not make it so easy or so difficult to accomplish this.

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Welk: That is correct. One thing we do know about the portfolio and that is using the example from other states. It will not be paper based it will be electronic based. We have approx. 2500 to 3000 teacher that have to go through this process. We do know that we are going to make this as user friendly as possible.

Rep. Sitte 1) Does this apply to all teachers in private schools as well

Welk: Yes, teachers in private schools too.

Rep. Sitte 2) Private school teachers will they be able to get some of this 2M.

(1641) Welk: Yes, but only teachers in the identified core academic area

Rep. Sitte 3) Isn't this a slap on the face of the universities who granted the degree, and say you are qualified to teach, and then we make them jump through the hoop of having a series of their peers look at a portfolio, that may or may not fit their teaching style.

Welk: The University System and Department of Public Instruction are working very closely on this. I asked them to have the portfolio system become an institutionalized part of the university system. They told me no. It then became a profession driven portfolio, set by your peers.

Rep. Hunsakor: I missed the estimated number of teachers who are going to go through the portfolio process?

Welk: We believe approx. 27% of the courses offered are taught by teachers that are not highly qualified. When working with the Department of Public Instruction and their data system it was very difficult to identify specific teachers, we are guessing 2500 to 3000 teachers, they will have 1 of the 3 options, depending on where they are in their career.

(1895) Chairman Kelsch the portfolio is an option for those who are 50 years old

Welk: From the eyes of the writer.

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Chairman Kelsch They are close enough to retirement, they may just retire.

Welk: We hear from many people that will happen anyway. We have 894 teachers that could walk from the classroom at the end of this school year, retirement.

(2000) Amy Benz, Teacher at Beulah Middle School, See Attached Testimony

(2422) Rep. Williams This entire bill, even though you have had rule power, your making sure that you are not tied by law, so that when the changes come from NCLB you will be able to make rules to accommodate and yet not go over board with teachers certification and the like.

Benz: Correct, that is exactly what we would like to do.

Bev Nielson, ND School Boards Association,

We are represented on the ESPB and we are hear to support 1489. You have two teacher standards bills before you, this is the one that we prefer for all the reasons that have been stated. The flexibility, the allowing of the amount of time, and one of our fears is we get things in ND statute and then the federal law eases up us and we are stuck. When it comes to NCLB things we have been consistent in our testimony that we don't believe that there is any reason to go beyond any of the federal standards. We are going to have enough work to meet the federal standards as they are today.

Rep. Sitte Does this fits into your overall beliefs of local control?

Nielson: I don't like NCLB law.

Mary Wahl, ND Council of Educational Leaders

We to support this bill, 1489, it does not go beyond NCLB requires, If you recall we are in opposition of 1181, that goes beyond. We also like the idea that there is the 2008 deadline in this bill, which allows flexibility as being permitted by NCLB for our teachers to comply.

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Wayne Kutzer, Director for the State Board for Vocational and Technical Education See Attached Testimony (2900-3200) Read testimony. Supports with his proposed amendments.

Rep. Williams: Have you had the opportunity to run this past the ESPB?

Kutzer: They have a copy of it and we have been in some discussions on it. They are not in total agreement of it, but we are working on it.

Deb Jensen, Assistant Director, Education Standards and Practices Board, See Attached Testimony

Additional amendments. Since our board was formed seven years ago, a cooperative arrangement with the State Board for Vocational and Technical Education to issue licenses. And as you can see in the into to my comments, there is some overlap of authority regarding this because of the State Board's authority provides qualifications and the ESPB is to set standards and issue licenses. And so there are two different licenser areas that this would apply to. I just wanted to provide some additional clarification for you in that area. First of all, the way that our authorities overlap is the State board has the jurisdiction over the qualifications for the career and technical education, but because we have the qualifications over the four year and graduate degree programs, we have designed with standards for some areas that overlap. When we go out to do program approval at the colleges, we apply a set of standards for their program and then they are licensed on those basis. It is important that we have that ability to do that because we are required to by ND statue authority and by the national crediting agencies to look at all of the programs that are associated with the teacher education colleges. And make sure that they have met the state standards for program approval. I have broken out #3 on page 8, line 7 into two different areas. The reason for that is there are really two different kinds of licenser that applies to 1) the

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TNI licenses or those that are issued in trade, industry and tech or health occupations. Those may not be based on a four-year degree. 2) the area in which we overlap. We do the college approval and standards. We work together, allows for them to be involved and making sure that the programs are meeting what they expect and also allows us to be involved to meet our program approval statutory authority.

Chairman Kelsch I'm going to make sure that you, Janet, and Wayne sit down and hammer out the differences and come with one amendment.

Rep. Hanson Over the years we have authorize Native American language, does this affect that in any way.

Jensen: We do have a similar situation with native American language, because that is also restricted license. And we defer to the approval of the tribal council or language board to find out if the individual is qualified in the language. And then we issue the license, based on some other qualifications too. It is a similar situation. They are the ones determining whether they actually can speak the language and then we add additional qualifications to the restricted license.

(4041) Gloria Lokken, President of the ND Education Association, See Attached Testimony

(4500) Gary Gronberg, Assistant Superintendent, Department of Public Instruction , See Attached Testimony

(4780) Address a couple of statements that are out there that might be effected by this.

If we think about it from the secondary level, what we need to think about is that all teachers graduate from college highly qualified under the definition of NCLB. If they teach in their major field that they graduated in. What we have as a situation, is where we have allowed for some

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number of years, is for people also to teach in their minor areas. What this then becomes in terms of meeting the highly qualified standard is an assignment issue. If they were assigned to teach in their major field we wouldn't be before you, we wouldn't have an issue with the existing law. Because we do require in North Dakota the teacher teach in their major and unfortunately and in their minor area. If you go back far enough to when I graduated. Most of the people that I graduated with had double majors. But we can't keep the colleges lily white in all of this, because when they added their requirements in the area, the hours grew to the point for 5 years if you were getting a double, so we switched it to minors. Hoped to accomplish the same thing but reduced the requirements in terms of having teachers know the content in which they were going out to teach. So I think we need to look at this from 1) when our law was passed to what currently we want in terms of a uniform system, everybody graduates with a major as it is. The only area we have an issue with is might that teach in the middle level. Both in 1181 and 1489. When we look at these bills, we can't look at 'what is the federal standard' yes they have requirement and they have dollars attached to them, so we have to pay attention for that fact. But I think in terms of what your sitting doing is making policy for the education for all students in North Dakota, and should we restrict this to what someone defines as core, someone else may not agree with. We have issues with State Board for Vocational and Technical Education they teach what they think is important, we have those in non-core areas, physical education and health education, we think what we teach is important as well. Let's look at the qualifications of teachers of all of those fields for a minute and think don't we want them to prepared with the highest quality of knowledge when they go out and teach our children. Another point that I would like to make is we continue to say we are good enough! I think you need to look back at the

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testimony that was presented by Mr. Gallagher on 1181, and look at our scores in terms of how we stand nationally. and say I don't know that we are good enough, or that we can't stand some raising of the standards by which we license people to do the job which is so important in our state. And we need to think this federal law applies in all states. If ND teachers think they can go elsewhere to teach in their minor in another state, they can not. this is a federal law that applies to us all. Thirty three states currently have the requirement that teachers teach in their major area. We were once a leader, now we lack and time has passed us by. Knowledge of the subject matter is important in the area you teach. You are the group that sets the policy in this state. It is not going to be ESPB or the Department of Public Instruction or school boards association, or anybody else, it is the Legislature. Education is a state responsibility in our state. We need to set high standards for all of our teachers.

(5628) Rep. Williams: HB 1489 is an attempt to meet the standards set by NCLB, HB 1181 which we heard from Mr. Gallagher, goes beyond the requirements of NCLB. And I understand when you make the statement ' when state policy is drafted Department of Public Instruction feels it should apply all teachers in our state regardless of position.' I understand what you are saying, Are we going to create problems if we try initially to move to fast and take off to big a bite as far as qualifications for education?

Gronberg: I think that is where we need to look at is there more than one way a teacher can meet the standards first of all. And what both of the proposals do is offer, three ways for a teacher to meet the standard. That is the kind of flexibility that we need and craft in what ever piece of legislation that goes through. Are their multiple ways for someone to be able to require the highly qualified label. So that flexibility is in the law. I addition to the multiple ways that you

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can do it, there are time flexibility. This isn't going to take effect until we have 2006 in 1181 and 2008 in 1489, I don't know where they got that, there is no place in the law that I see 2008. That is an area we are going to work out between the two bills. There are federal moneys to assist people in meeting the highly qualified standard if they don't currently meet it. We are getting in the neighborhood of 14M a year starting this year to assist teachers in meeting the standard. That is not peanuts, and that is an area that can be used for both professional development and people going back to school. We have dollars to back the needs of people meeting the standard.

Rep. Jon Nelson going back to HB 1181 my understanding that the flexibility was not as it is in this bill. To get the licenser you have to have the major or the endorsement plus take the test.

Gronberg: You also need to look at the amendments that we put forward on the bill at the same time we presented it. In the amendments we changed and to or.

Rep. Jon Nelson One change makes a lot of difference.

Rep. Hunsakor: I understand that new teachers should teach in their major field. But I have a hard with the teachers who are teaching in their minor and several times a year they are deemed highly qualified by the principal and they are recognized as being highly qualified by the administration/district. How do you tell them they have to do more to become highly qualified?

Gronberg: It is an issue, and that is why there are two options other than someone having to go back to school to demonstrate that competence. That is really what the law requires, it requires a bachelors degree, a major and a demonstration of competence. There are many ways you can demonstrate competence - one of which, Janet, talked about the grant that was received by the Governors Office. To put together a portfolio assessment of someone demonstration of quality, content knowledge. If the teacher chooses. Now this doesn't mean they have to go back to

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college, they don't have to take a test, Although that is another option. It is a test in the content area that they teach in the level that they teach it. It is not something that is well beyond their reach, if they have had several years of teaching in a particular level, content.

Rep. Sitte What is the practical implication for Class B schools in the year 2008, are they going to be forced into retirement.

Gronberg: This is my view, this is not the Department of Public Instruction view. I need to own my opinion on this. One if the teachers are going to retire, they are already eligible to retire and would have considered to retire anyway. We have a very graying population of educators at this point in time. We have that issue whether we like it or not. We also have that issue in business and anything else. We are a graying population. One other issue about the ability to retain or to recruit teachers. You are going to be seeing some measure one that is in the Senate by the School Board Association to allow retention bonuses, in the areas of hard to fill positions. NCLB, 14M can be used in that way as an appropriate expenditure as well. Recruitment and retention expenditures are both allowable in NCLB moneys.

NEUTRAL

Jack McDonald, Association of Non-public Schools

We understand where the two bills are coming from, we have great concerns in the middle level, for the non-public schools area has great difficulty. We would like to be able to work with the others on this. We to face the big issues of retirement and the issue of the certification. This is the back way that NCLB affects the non-public schools. We are certainly affected. We want to have certified teachers through this system. We would like to work with you on this.

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Rep. Haas (of Janet Welk): One of the biggest concurs is this middle school area, with the teachers having to have a major in a multitude of areas. What was the jest of the conversation with the Department of Public Instruction and congressional delegation that we might get some modification on that, 2006 or 2008?

WELK: At this point I have not yet taken time to think through that part of it. We are hoping to be able through rule -making to address middle schools. I think we have been as flexible as we can within the mandates of the definition at this point. We have allowed for all three levels of educators to actually come into the middle level setting. Naturally because of the definition the elementary teachers will have to complete a content based test, same with middle school. We are using the UND major with specialization, which has 20 semester hours of content in it. Another area is a concern of mine is composite degrees. The federal government has identified that teacher will teach in their majors, but we do not teach social studies one two or three, nor do we teach science one two three. And so that limits what we can do. They have also basically defined a major as thirty semester hours. I'm going to research that and see if we can't get some lead way with regard to that to allow us some flexibility in the composites.

Rep. Haas Did you ask this specific question of anybody in either setting (Congressional or the people in Washington DC)?

Welk: No we have not at this point. I have started researching other states. Wyo. similar to ND, they have dropped their composite degrees. And I am interested to see how that plays out. Other states, Indiana, they have been testing their teachers since 1977, along with 33 other states. And so they already test in the content area. There are not many states that have to deal with the issue we do.

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Rep. Mueller I guess my question has to do with the monitoring of what we have to do?

Welk: The way I understand it is the state has to develop a plan using percentages of how they will by 2006 have every teacher in ND highly qualified. Each local district will also have to develop a plan submitted to the state. If the district doesn't by 2006 meet the 100% requirement, the state begins the process of sanctions. And I don't know what the first two years are, but I do know that in 2008 is when the state actually moves in and tells the district how they will spend their professional development or title 2 dollars. North Dakota has gotten at the local district level, approx. 12.8 M to spend on professional development. Now through the process they can use it for other things. But if they don't have them highly qualified by 2008, the state moves in and this is what you will do.

Rep. Sitte How will that play out with private schools, Saint Mary's Central in 2008

Welk: I assume, it would be the same, the dollars that they receive.

Rep. Sitte Would there be any ramification?

Welk: That is not a question for me.

Closed hearing 1489.

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House Education Committee

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Minutes: **Chairman Kelsch** opened HB 1489

Chairman Kelsch passed out an amendment completed by Wane Kutzer and Janet Welk, that they both could agree upon.

Page 7 line 26, after '.', insert 'Not with standing.....chapter.'

Page 8 line 8 remove 'restricted'

Takes care of who is in charge of the licenser for Vocational Technical Education and who has jurisdiction whether it be ESPB or Vocational Technical Education

Rep. Jon Nelson moved to accept amendments, Rep. Solberg seconded.

discussion: **Voice vote passed**

Rep. Herbel what happened to the other amendments?

Chairman Kelsch We had two amendments that were in conflict, and I had asked for them to sit down and come up with an amendment that would work for both of them, this is the amendment.

Rep. Hawken: One of the concerns, fears that I have heard from administrators. We won't have teachers that fit this. I had to point out that this bill will give some common sense.

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Chairman Kelsch NCLB act the state could have decided not to implement the NCLB act, having said that I think the act has good intentions. To ensure that we have high qualified teachers in every school and classrooms, so that to the best of our ability no child falls through the cracks. To continue to make them the best that they can be. Are there problems with the legislation? Absolutely, and I think that giving Janet a little of the flexibility with not setting the definition of major equivalency in state code and allowing her to make changes by administrative rule, is a good idea. I think that there are those of us who simply wish that we did not have put into code anything about highly qualified teacher. I have had conversations with Dwayne Mathews, NCSL and committee chairs in other states and the bottom line is that everybody says, if we are going to continue to move forward with NCLB we have to adopt something into our states code. I think that this is a more common sense approach, the biggest reason why I say that is because the people that developed this piece of legislation are people that are working in the schools and have that hands on experience. The practical knowledge that they thought was workable. Do we all have fears, Absolutely, I'm very fearful of this. What would happen if for my job, I would have all of these qualifications to meet how would I do it? Would it be worth it to me to changing my occupation and not go through with it. Hoping that we have enough teachers who are passionate for the work they do, that they will be able to go back and get their major, take a test or develop a portfolio, and it will be workable and not to cumbersome for them.

Rep. Herbel Then under this particular bill, the person that has a Social Studies major be able to teach Geography, History or will they have to have specific majors in each.

Chairman Kelsch Janet will come forward to answer that question

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Janet Welk: My board meets tomorrow and Wednesday. And that is a tough question, we are looking at what other states are doing. WY has gotten rid of their composite degrees from what they have heard. Utah is unsure. Wisconsin who is listed on the Education Commission as having highly qualified teachers actually has a teacher test in any area whether it is a major, minor or a concentration. ND don't know yet. We are looking at changing our program approval standards to include only those courses that are required in the High School curriculum. As you know Economics is not required, it is an elective at this point.

Rep. Herbel Did I just hear you say that if you have college degree you could take a test and if passed, you would be qualified.

Welk: Most states require course work prior to testing, because its needed. We would be setting our students up for a let down if we tell them you can take a test if you have 8 hours in the subject content area and the test is more rigorous than that. That is our other concern. The test can not be passed without course work.

Rep. Hawken: I might take issue with you on that you can pass the test without taking all of the course work. What if you have someone who has worked as a Pharmacist or some kind of science and then gets some teaching methodology class, they probably could pass the test.

Welk: Exactly, but it is content specific. They have more science then what we are requiring.

Rep. Hawken: My concern is are we, with this bill, allowing the teachers in this state enough time and leeway to reach the standard that we want them to reach.

Welk: As you can See we have added the effective date at 2008, which will give us five years.

Federal law says 2006. The board felt what needed to be done was because there were no sanctions at 2006, they come into play in 2008, to give the teachers the additional 2 years. We are

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hoping to have the testing option available by 2004 /5. We will discuss that tomorrow. It takes a year to go through the validation and cut score process and we have 35 different tests to look at. The portfolio is going to take some time to implement, we have people working on that, too.

Chairman Kelsch With the portfolio criteria developed by their peers.

Rep Hawken: We are pretty well aware of the cut scores that were established for the students right now are most likely used. Is there is some method or framework that is realistic. My concern is for the teacher that has been there for a long time and they have a ton of knowledge and ability to get it across to the kids and that to me is what is a highly qualified teacher. I don't care if they have taken a test, do a portfolio. I care if they can teach and the students walk out at the end of the year and they have learned. I know we can't legislate that. My question to you is: We are entrusting you with a tremendous amount of responsibility because what we are asking you to do is exactly what I just said.

Welk You addressed two issues: The setting of the cut scores. We started that process on Thursday. With the elementary tests, the company we are using is ETS, has more than one test. The first step of that process is they take our program approval standards compare those standards to all of their tests. then they come back with a recommendation as to which test ND should use. The second step of that process is what we did Thursday, I brought in 11 teachers from across ND, many years of experience, they looked at the tests and said what they believe should be the tests that ND uses. The third step to the process is to bring in teachers with less than 7 years in the classroom. They will actually take the live test as ETS calls it. ETS will then take it back and suggest a cut score to the ESPB, the Board will look at all other states cut scores of that same test. They will look at the mean, the median and they will make a determination of

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what cut score will be used for ND. It is political. The eastern states have much higher cut scores than the Midwest and western states. We don't want to set a cut score that we would have to lower, because no one is passing. The second issue is the portfolio. We will document what teachers actually have. We are going to be documenting content knowledge. Because of the process we go through with regards to licenser renewal. And that the fact that two administrators have to sign off on every application that a teachers submits for their renewed license. That's telling us that the administrator believed that the teacher is highly qualified and can teach. We are only documented highly qualified content. We all ready believe, because those administrators have been doing by law, evaluations every year. We believe that they have already documented that fact that the teacher can teach. We are not going through that process. We are only documenting those content areas that are not majors.

Rep. Williams Designed to give you flexibility and the second point this aimed at satisfying NCLB, not surpassing it, is that correct.

Rep. Sitte Restructure of teacher licenser, I look at the ramifications on Class a schools, they had surveyed the teachers and only 4 out of 20 teachers in Bismarck High School are qualified. This is a tremendous burden on our teachers. By in large our teachers are wonderful, they are the heart of our public education system. I feel as we are slapping them in the face and I don't want to be any part of it. I think if we have a deadline of 2008, what is our rush? A survey that I passed out said that it we will receive \$77 per student , but the cost per student to comply with NCLB is \$575. I don't know if the whole system is actually going to be played out. The ideals are wonderful but the practicality just isn't there. I see that NCLB will go through monumental changes before it even actually gets to the states. and so I would just hope that we wait.

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Rep. Hanson Can you tell me the difference between a middle school major and a secondary major in US History. Is that different between the two?

Welk: When you are looking at the middle school, an actual degree in middle school (UND has a middle school degree) That middle school degree has two areas of concentration, 20 hours in two content areas, each. When you are a secondary person you have 30 hours of content, more philosophy regards to the actual level of learning.

Rep. Herbel Could you give me what is all needed in that portfolio?

Welk: we do not know yet, we are letting the profession decide that and document content knowledge, course work and years of experience.

Rep. Herbel will they include recommendations

Welk; It could, I'm not saying that it will.

Rep. Solberg 11 schools in my district, the major concern in the district is the teachers who are very close to retirement who will not choose to go back to college and secure and major/masters. They are going to say this is it and they will have a teachers shortage. So with that in mind, if this bill is defeated, what are the options, the alternate.

Welk: The ESPB is also very concerned about 2008, this is the peak year that teachers are eligible to retire, in fact we have Fay Kopp to talk to us about that issue. A couple of issue that you addressed, we don't know who will retire. Every year we carry 700 teachers that could, but they don't. There are only about 250 that actually do retire. that number is up to 874 teaching that could retire. We are hoping that we will have enough opportunities and as that Chairman Kelsch says that they are passionate about the profession and will go back and document their experience

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Operator's Signature

Jo Costa Richardson

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House Education Committee
Bill/Resolution Number HB1489
Hearing Date February 10, 2003

in the portfolio or take the test, or do some course work. We know that we can't keep them all, some might have retired anyway.

Rep. Solberg What if this bill is defeated?

Welk: I don't know

flip tape

Rep. Mueller I'm not finding anything about portfolio

Welk: It is all defined in major equivalence, the portfolio is funded by the grant, that we only have for three years. That will answer part of Rep. Sitte question as well, what is the rush. We have 2M for the next 3 years to develop a system that not many other states have the capability of doing because of the additional dollars. ND is looked at enviously, because we do have the dollars to document and develop the portfolio, test and course work. And Mike is working very hard at putting that in place. The fourth is actually getting a graduate degree in a content specific area. and the fifth option is becoming National Board Certified. And as you know the ESPB does have a bill in asking for dollars for that bill as well. So there are five options for teachers.

Rep. Herbel Standards for the portfolio are not set up yet, I would hope that having taught for 37 years, we have some very bright teachers that have Master's degrees in areas of study, I would hope that when you consider the portfolio we take into consideration that maybe that teacher with that minor is a wonderful teacher and if they can get the recommendations, that we don't send those people into retirement and we can retain them.

Welk: The portfolio will be formative. It will be a process that is reviewed by peers and weakness will be documented and people will be given a second chance. If there are weaknesses that need to be addressed.

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Rep. Haas If we are really concerned about loosing a large number of teachers across the state, all the more reason to work aggressively to make sure that by the year 2006 or 2008 that are beginning teacher salary is at least 30K. Now the question. With regard to tests that you are going to establish, with the cut scores, you mentioned that you don't want to reuse the test scores, what are you going to do so that set the cut scores to low in the first place and still insure quality?

Welk: The third step in the process the ESPB, less than 7 years teachers and actually take the test, is that process. That score that comes back is usually the bottom score that the ESPB looks at. That gives us the bar another bar that we use is the whole harmless year. Right now I am collecting scores but they are not dependent on whether the person gets the license. We will look at the averages of those scores as well.

Rep. Williams you mentioned the grant, are we basically a pilot state.

Welk; we have not been called that

Rep. Williams If this bill is put into effect, will this go into effect for the next school year.

Welk In my testimony, I did ask to have one section become effective immediately which would give us the authority to issue the major equivalencies. The rest of the bill effective in 2008.

Rep. Williams Why did you make that request?

Welk If we are given the authority to issue the major equivalency, teachers can begin work, we have the money today. We actually received the money in October. But they will not need to have those major equivalencies until 2008, which gives us 5 years to transition to that process.

Rep. Hunsakor Some people who are fearful because the 2006 is the Federal and 2008 is the state mandate that some where along they will read in the paper it could go to 2006.

Welk: The way the ESPB understands is there are no sanctions on the local districts until the

Salvatore Riccardi
Operator's Signature

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third year after 2006 and so that gives us the additional time. The state would actually move in and tell the school how to spend its Title II professional money.

Chairman Kelsch I had visited with you this previously, one of the concerns that we have, we want to give you the flexibility to be able to put the definition of major equivalency into rule because it saves time. Should there be changes, which I don't think there will be at least for the next two years. However, if there were changes that would come down you could make the changes in that year, rather than three years. We would like to be able to see attached testimony what some of the proposed rules are. How quickly are you going to have that element, at least in draft form, so that we can see attached testimony this before we leave the session. What assurances can you give to this committee to see your draft rules before the session is over.

Welk That is why we are meeting two days this week, we realize that this committee needs that information, we have a draft but it has not been finalized. And our biggest hold up is the composites that we are working on.

Chairman Kelsch Do me one more favor, and lay out who the ESPB members are and position and where they are from. can you do that off the top of your head

Welk: 5 classroom teachers: 1 Fargo, 1 Beulah, 1 Grand Forks, 1 Dickinson, 1 Jamestown

2 Administrators: 1 Dickinson, 1 Larimore

2 School Board members: 1 Minot, 1 Fargo

1 teacher, educator: 1 Minot State

Rep. Sitte You already have the 2M to develop the portfolio and nothing that we do, pass or defeat, is going to preclude you spending that money to develop portfolios.

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Welk: Naturally if this body does not believe that we need a major equivalency that would include a portfolio, we would certainly develop it and it would have no use.

Rep. Sitte Jus thinking that 2 years down the road, with the changes on NCLB, we might decide that the portfolio would be useful. Because it really might be viable down the road.

Welk: Teacher quality nationwide. 33 other states already test their teachers in content. Many other states have already given up using a minor unless it is used with a test. I don't foresee that changing in teacher quality. That is my concern. ND in 1961 passed a wonderful law, it was called it the Major/minor law. States since then have moved ahead of us and we have not kept up. The federal government has moved us forward. And now many states are looking at the teacher quality aspect as no big deal. I was in Indiana as a board examiner for one of there universities, they have been testing their teachers in content, since 1977. So we are behind. I'm not saying we don't have qualified teachers, we have very qualified teachers. I'm saying other states in regards to accountability have moved ahead of us.

Chairman Kelsch The conversations that you have had with people equal to you in other states, hasn't the conclusion been made that there maybe some tweaking in the future but this is one area of NCLB that is not going to go away.

Welk: That is what I am hearing. All the research shows that the education of the child depends upon the quality of the teacher.

Chairman Kelsch reviewed another amendment, on the back of Janet Welk's testimony.

Rep. Norland motioned to accept the amendments, **Rep. Haas** seconded the motion, voice vote passed. **Rep. Hunsakor** moved DO PASS as amended, **Rep. Haas** second the motion, roll taken, 12-2-0 passed, **Chairman Kelsch** will carry the bill.

Richard Costa
Operator's Signature

10/6/03
Date

30634.0201
Title.0300

Adopted by the Education Committee
February 10, 2003

VR
2/10/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1489 HKDU 2-11-03

Page 5, line 9, replace "an endorsement" with "a major equivalency"

Page 7, line 9, replace "2003" with "2008"

Page 7, line 26, after the underscored boldfaced period insert "Notwithstanding the requirements of this chapter:"

Page 8, line 8, remove "restricted"

Page 8, line 15, replace "1" with "2"

Renumber accordingly

Page No. 1

30634.0201

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Costa Richard
Operator's Signature

10/6/03
Date

Date: 2/10/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1489

House HOUSE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Combined
proposed amend.

Action Taken

Do Pass

Motion Made By

Nelson

Seconded By

Solberg

| 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)

No

Absent

Floor Assignment

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

Richard Costa
Operator's Signature

10/10/03
Date



Education Standards and Practices Board
600 E. Boulevard Ave., Dept. 202
Bismarck, ND 58505-0080
(701) 328-2264 Fax #328-2815
<http://www.state.nd.us/espb>

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1489

Page 7, line 26, after the period insert "Notwithstanding the requirements of this chapter:"

Page 8, line 8, remove "restricted"

Renumber accordingly

*Agreed to by
Wayne Kutzger
and
Janet Well
in line 8 previous amendment
2-4-03*

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Richard Costa
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10/16/03
Date

Date: 2/10
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1489

House HOUSE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

*Add to.
Janet Welk Amend.*

Action Taken

Motion Made By

Norland

Seconded By

Haas

| 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) _____ No _____

Absent _____

Floor Assignment _____

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

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Salvatore Riccardi
Operator's Signature

10/16/03
Date

Date: 2/10/03
Roll Call Vote #: 43

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1489

House HOUSE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended amended.

Motion Made By Hunskor Seconded By Haas

| 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) 12 No 2

Absent 0

Floor Assignment Kelsch

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

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Jo Costa Richardson
Operator's Signature

10/16/03
Date

REPORT OF STANDING COMMITTEE (410)
February 11, 2003 8:20 a.m.

Module No: HR-26-2206
Carrier: R. Kelsch
Insert LC: 30634.0201 Title: .0300

REPORT OF STANDING COMMITTEE
HB 1489: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS
AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS,
0 ABSENT AND NOT VOTING). HB 1489 was placed on the Sixth order on the
calendar.

Page 5, line 9, replace "an endorsement" with "a major equivalency"

Page 7, line 9, replace "2003" with "200"

Page 7, line 26, after the underscored boldfaced period insert "Notwithstanding the
requirements of this chapter:"

Page 8, line 8, remove "restricted"

Page 8, line 15, replace "1" with "2"

Renumber accordingly

2003 SENATE EDUCATION

HB 1489

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Salvatore Riccardi
Operator's Signature

10/16/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. Engrossed HB 1489

Senate Education Committee

☐ Conference Committee

Hearing Date 3-18-03

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|------------|
| 1 | x | | 23.4 - end |
| 1 | | x | 0 - 14.0 |
| 2 | x | | 4.9 - 36.7 |
| Committee Clerk Signature <i>Sandra 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 Eng. HB 1489 which relates to teacher qualifications.

Testimony in support of Eng. HB 1489:

REPRESENTATIVE R. KELSCH, Dist 34, stated this bill was introduced in response to DPI's bill addressing NCLB, re: "highly qualified" teacher. It was felt the DPI version went far beyond what is required by the NCLB Act. This sets up the requirements for "highly qualified" teacher. We hope to see changes in the NCLB Act. This gives flexibility to go through the rule process in adopting the "major equivalency". It was drafted by ESPB and the House made some changes. JANET WELK, ESPB, presented testimony. (see attached).

SENATOR COOK asked why they want the effective date to be 2006? MS. WELK said it is in line with the Feds, which gives schools two years after 2006 to comply, which brings us to 2008.

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10/16/03
Date

Page 2

Senate Education Committee

Bill/Resolution Number Engrossed HB ~~1079~~ 1489

Hearing Date 3-18-03

SENATOR FREBORG asked what is prompting the rumors of relaxing some of the mandates in NCLB. MS. WELK stated they had also heard this for some time but has no knowledge of any changes. She further stated that ND would lose over 1/2 of their teachers by the year 2008. In talking about ND standards with other states, she found our standards are very high. She knows ND can improve in some areas, two of which are 1. composite degrees (social studies/science) and 2. middle school philosophy.

SENATOR COOK asked if there is any wiggle room in the rules of NCLB. MS. WELK stated it is pretty definitive and not much latitude is given.

AMY BENZ, teacher in the Beulah School system, presented testimony. (see attached)

NANCY SAND, NDEA, stated their support for this legislation. This more closely mirrors what would work in ND. The "major" requirement is of concern for teachers, so "major equivalency" is better and they feel they can work within it.

SENATOR COOK asked if this legislation looks like it will cause many teachers in ND to leave their positions. MS. SAND stated YES.

SENATOR FLAKOLL asked if the numbers were available to tell the committee how many retirees there would be over a 6 - 10 year period.

SENATOR CHRISTENSON asked if Higher Ed. is involved in the loop. MS. SAND replied YES.

BEV NIELSON, NDSBA, stated their support for the bill. The bill asks for compliance at the least painful level.

MARY WAHL, ND Council of Educational Leaders, stated the bill meets important processing requirements for the promulgation of rules in regard to NCLB..

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Senate Education Committee

Bill/Resolution Number Engrossed HB ~~1079~~ 1489

Hearing Date 3-18-03

GARY GRONBERG, DPI, presented testimony. (see attached). He would concur with the amendments proposed in the ESPB testimony. He stated 33 states comply with the "highly qualified" teachers. ND is not one of them. When we went from a two-year standard teaching degree to a four-year bachelor degree, there must have been much discussion and adjusting. He feels 1/3 of ND teachers will turnover because of retirements by 2006. NCLB gave three assists to states; 1. it gave a timeline to complete, 2. it gave dollars to assist in retraining (\$13.7 million), 3. it gave ways to prove "highly qualified". He stated 20% of all sections are taught by a person with the subject as a minor.

Testimony in opposition to Engrossed HB 1489:

JACK MCDONALD, SANS, presented testimony. (see attached). He would ask for the amendment that would temporarily exempt non-public school from the provision of HB 1489 for an additional four years. He stated administrative rule can only be enacted when a law is passed to allow it by the administrative rules commission.

SENATOR FLAKOLL asked if by extending the date, wouldn't that give the non-public schools an unfair advantage in recruiting. MR. MCDONALD stated that is not what they are looking for. SENATOR FLAKOLL asked of the 7200 students now in school, won't about 5000 be graduated by 5 years out. MR. MCDONALD stated SANS just wants an additional 4 years from the public school sector.

There being no further testimony, the hearing was closed.

Tape 2, Side A, 4.9 - 36.7

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

The committee discussed the amendments presented by ESPB.

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Senate Education Committee

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Hearing Date 3-18-03

SNEATOR TAYLOR asked about Jack McDonald's statement on administrative rules.

SENATOR COOK reiterated the three areas for "highly qualified". 1. a major in the content area, 2. pass a test in the content area, 3. put together a portfolio on their content area. He asked what the legislature can do with this and get it done quickly so those who are concerned (the teachers) can make their decisions.

There was discussion among the committee about administrative rules and the time frame to implement them.

JANET WELK explained the administrative rules process. She stated it would be started sometime in September or October and will get input from those affected.

SENATOR COOK asked if prior to July 2006 will there be an administrative rules hearing for approval. MS. WELK stated the rules will have gone through the process and the hearing date is usually 9 - 12 months after the process is started.

SENATOR COOK STATED the effective date of this legislation is July 1, 2006. He asked if the rules process for this legislation can be gone through by that date. MS. WELK stated that ESPB will go through the rules process, have them ready to go, so that when the first license is issued July 1, 2006, everything is in place. The rules would also have the same effective date.

SENATOR COOK asked what is the soonest date available to tell teachers what will be needed for compliance. MS. WELK stated that would be May 1, 2003, which is the day after the last day of the legislative session. So, whatever is passed out in legislation will be the rule.

SENATOR COOK asked about teacher licensure. MS. WELK stated the department is about a year from developing all the rules for licensure to be compliant with NCLB. She further stated that the portfolio is the third option for a teacher and she sees it as the one for those who don't

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Senate Education Committee

Bill/Resolution Number Engrossed HB ~~1079~~ 1489

Hearing Date 3-18-03

want to test or go back to school (the veteran teacher). She stated the three decisions that ESPB

is struggling with are: 1. middle school teachers - ND does not meet the qualifications

2. composite degrees - a minimum of 24 hour in one, 8 hours in another, 8 hours in another, etc.)

3. testing secondary teachers - ND does not now do this

SENATOR FREBORG asked if ESPB has to meet Fed. mandates by 2008. MS. WELK stated

they don't, but if they don't, the state will step in. SENATOR FREBORG asked what ESPB is

going to do if this is a rigid mandate. MS. WELK stated she has a process in mind to move the

standard up. She said ND has serious problems with retirees and they don't have graduates in

secondary degrees that are needed.

More discussion by the committee on what the legislature can do to help with the problems

caused by NCLB.

Committee Adjourned

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Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. Engrossed HB 1489

Senate Education Committee

☐ Conference Committee

Hearing Date 3-24-03

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|------------|
| 2 | x | | 8.5 - 13.9 |
| | | | |
| | | | |

Committee Clerk Signature

Andrea Johnson

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

The committee discussed ESPB proposed amendments. SENATOR COOK stated that in looking at the bill, he has questions on page 5, section 5, subsection 2. They also discussed the middle school requirements and if they will create a challenge to schools with teachers teaching K - 8 where 7th and 8th are taught by one teacher.

TOM DECKER, DPI, stated that he thinks K - 8 would be subject to the elementary rules because they are not in a middle school setting. SENATOR COOK thinks there are more discrepancies in bill.

CHAIRMAN FREBORG said the committee will have JANET WELK, ESPB, back tomorrow to answer questions.

Committee Adjourned.

John Costa
Operator's Signature

10/16/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. Engrossed HB 1489

Senate Education Committee

☐ Conference Committee

Hearing Date 3-25-03

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|----------|
| 1 | x | | 0 - 39.6 |
| | | | |
| | | | |
| Committee Clerk Signature <i>Amanda Johnson</i> | | | |

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

JANET WELK, ESPB, appeared in front of the committee to answer questions.

SENATOR COOK asked about the reference to elementary qualifications, on the bottom of page 4 of the bill it references grades one to six. His question is about K - 8 elementary where one teacher teaches 7 - 8.

JANET WELK stated the federal definition of "highly qualified" split elementary from middle and secondary school. It lumped together middle and secondary schools saying that those teachers need to be "highly qualified" by either a demonstration of a major, or complete a test in any subject that they are teaching. What NDESPB has tried to do with splitting, by 2006 they will change the present elementary license which is presently a 1 - 8 to a 1 - 6 so that any teacher who is teaching in any grade in 1 - 6, regardless of the classroom setting, will be able to have an elementary major. In 2006, the new elementary teachers will be testing. That process has already been started. If someone is teaching any subject in grades 7 - 8 in 2006, they will need

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Senate Education Committee
Bill/Resolution Number Eng. 1489
Hearing Date 3-25-03

to have a demonstration of competency. ESPB is still struggling with 7 - 8. ESPB is fairly decisive with grades 9 - 12, whether it is a major or major equivalent. If someone is in a self-contained 1 - 8 classroom, and they are teaching grades 7 - 8 after 2006, the final decisions have not been made yet. Meeting federal law requirements, they would have to have a demonstration of a major or test. Looking to retain the middle school theory in ND, 1/3 of the teachers at the present time are elementary licensed, teaching grades 7 - 8. Two-thirds are secondary licensed. They are trying to retain this and looking to develop a middle school bachelor degree. No final decisions at this time, though. It would be easy to say "meet federal requirements" by a major or a test, but there would be a real shortage of teachers.

SENATOR COOK asked about pg. 7, line 7 and following, is this a "grandfather clause" up to 2008 for those teaching now. MS. WELK stated the effective date of this bill would be 2006 and this would also be changed to 2006. If a person is teaching in 1 - 8 single classroom, they would have elementary theory, but maybe not middle school theory. These teachers would be unable to teach 7 - 8 July 1, 2006.

SENATOR CHRISTENSON asked if they were teaching 7 - 8 with secondary credentials, would they be okay. MS. WELK stated yes, that is what the federal law wants.

SENATOR CHRISTENSON asked about the testing, if it is from the Feds or is it our own. The elementary teachers that the Board has already decided to test to meet federal requirements is produced by Education Testing Service (ETS). They have multiple tests and compare their tests to our standards. That is their first step. ESPB then brings in a group of veteran teachers (about 12) with 20 - 25 years of experience and have them do a test selection, where they look at our standards and compare them to the test of ETS. They make their recommendation to the Board

Page 3
Senate Education Committee
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based on what they believe. Then a group of teachers are brought in with less than seven years of experience to take the test. From there, information is tabulated and ESPB is provided with a recommended cut score. The Board looks at the recommended cut score, which is usually high, they look at surrounding states' cut scores, and they make a decision for ND.

SENATOR COOK asked if the university system is prepared to offer all degrees that will be needed. MS. WELK stated UND is offering one now (middle school degree) and Minot is preparing to offer one.

SENATOR COOK asked if she had any idea the number of teachers to graduate by 2006 and be qualified. MS. WELK stated we graduate many more elementary teachers than others. The middle school degree will be based on the elementary school theory with the exception it will be based on two content areas rather than one that is required for secondary. The elementary degree is basically five content areas. ND doesn't know if it can produce enough teachers by 2006 that meet the requirements of NCLB, especially with the retirements. Teachers are licensed based on their qualifications. She will be counting courses now to be sure they are qualified. With the way ESPB is moving forward, she has concerns. They will be testing elementary, but will not be testing middle or secondary. There will be majors in some areas, and they will be able to teach in PE, health, phy ed, business ed, all vocational subjects without a major. They will be able to have a minor or an equivalency endorsement. She feels it will be a huge system. MS. WELK stated the Repealer in this bill basically repeals the old law, and they developed a new one. SENATOR COOK asked if the nonpublic schools would be exempt from NCLB, or would there have to be two sets of standards. MS. WELK stated yes, there would be two sets of standards. The nonpublic schools are affected because they have to be approved, they have to have licensed

Page 4
Senate Education Committee
Bill/Resolution Number Eng. 1489
Hearing Date 3-25-03

teachers. They could be "grandfathered" in, but still there would have to be two sets of standards.

SENATOR COOK will prepare an amendment to exempt nonpublic teachers until 2010, which is four years past the public school teachers. This will jeopardize their approval unless another law is changed. (15.1-06-06 and 15.1-06-07)

SENATOR COOK said it is nice to know the consequences of the changes in moving forward. Should there be some means to ensure dialogue continues on all of these issues that have been talked about.

SENATOR FREBORG said we must consider what happens if we don't make the changes mandated with NCLB.

SENATOR LEE said it seems the middle school qualifications are the ones most questioned and the most hard to deal with from our present laws.

SENATOR CHRISTENSON feels the committee that will be working during the interim will be working with ESPB and giving them some help in all these areas.

The committee agrees the university system has to make changes as to the middle school qualification, especially since ND only has one school offering the middle school degree.

SENATOR CHRISTENSON stated higher ed must be part of this whole picture, and must begin to work fast on this. (developing a curriculum for middle school).

The committee was adjourned and will meet tomorrow with any and all amendments that are wanted on this bill..

Yolanda Richardson
Operator's Signature

10/6/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. Engrossed HB 1489

Senate Education Committee

☐ Conference Committee

Hearing Date 3-26-03

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|-------------|
| 1 | x | | 12.3 - 47.0 |
| 2 | x | | 0 - 20.5 |
| Committee Clerk Signature <i>Ander Johnson</i> | | | |

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

SENATOR COOK presented an amendment (30634.0301) to change the dates to 2006 for public schools which would give the non-public schools until 2010 to be grandfathered in or out of NCLB.

SENATOR FREBORG asked what happens if we don't have middle schools. SENATOR COOK said if the policy for middle school is in law, then we have to follow NCLB with it, if not, the option is open. We don't have endorsement in code for middle school and therefore there is an option, and the legislature would have to make a policy decision. He stated that CC 15.1-18.2 is the licensure part of code and states that "in order to teach any grade from one through eight, an individual must be licensed or approved to teach by ESPB not withstanding an individual may teach from five through eight if the individual is licensed to teach by ESPB or approved to teach by ESPB and has a major or endorsement in middle school education. It is an optional condition for teaching grades five through eight. Council, in their opinion, has

Page 2
Senate Education Committee
Bill/Resolution Number Eng. HB 1489
Hearing Date 3-26-03

determined ND does not have in code an endorsement, and therefore we have a policy decision we can make.

JANET WELK, ESPB, appeared to answer questions. She referred to her testimony from earlier and the "draft" attached to it. The draft has the most liberal interpretation for a teacher to move through the system. There are six ways for an elementary prepared teacher to teach at the middle school within the "draft". The "draft" also states how a secondary prepared teacher can teach at the middle school level. Teachers who are not "content specific" and are elementary prepared are being worked with to bring them to the middle level. MS. WELK feels ND does have a middle school endorsement, and she feels ND must follow that part of NCLB.

SENATOR COOK stated that according to what he has been told, ND does not have a middle school endorsement, at least an endorsement that the Feds would consider viable. Middle school is an optional means of qualifying to teach grades five through eight. There are other ways to be able to teach those grades and ND could fill their classrooms, grades 5 - 8, with teachers that do not have middle school endorsement. MS. WELK stated that what Senator Cook stated is the philosophy of DPI, and it does not align with the philosophy of middle level education. That is what ND is trying to do is to save the middle level philosophy they have.

SENATOR FREBORG asked MS. WELK if this is what "we want to do" and USDE doesn't care or doesn't require it? MS. WELK stated yes, ND wants to save the middle level philosophy because we know it is the best for those students. SENATOR FREBORG stated that we need to understand what is required by NCLB and what is not.

SENATOR COOK moved to adopt the amendment. (30634.0301). Seconded by SENATOR LEE.

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Senate Education Committee
Bill/Resolution Number Eng. HB 1489
Hearing Date 3-26-03

SENATOR COOK hopes the committee will support this amendment so non-public schools have four more years to decide on NCLB.

Roll Call Vote: 3 YES. 3 NO. 0 Absent. MOTION FAILS.

SENATOR COOK asked if there could be language addressing K - 8 schools put in the bill, and could we put as much time as possible into addressing the issue, rather than the time frame for compliance with NCLB? SENATOR FREBORG stated that if it is a state requirement, we can do whatever we desire. Discussion on deleting the entire section 5 from the bill. JANET WELK stated that if the section 5 was deleted, ESPB would have no authority. That section gives them the authority to issue the middle level license.

JANET WELK stated the Federal law splits K - 12 as 1 - 6 grade as elementary, 7 - 8 grade as middle, and 9 - 12 grade as secondary for "highly qualified". She further stated that ND is not waiving content, only the endorsement for middle school teachers.

SENATOR COOK asked if the legislature has the right to continue to allow teachers to teach in the seventh and eighth grade of a grade school, or whether or not we want to create a situation where these teachers are not going to be called "qualified" to teach. Is that not a decision the legislature can make? MS. WELK stated that she had been told at the middle and junior high secondary level the teachers will have to show competency in one of three ways.

SENATOR COOK would like to draft amendments regarding middle school.

SENATOR COOK moved the amendment suggested by ESPB as a clerical change: page 4, line 3, delete "elementary" and insert "early". Seconded by SENATOR FLAKOLL.

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

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Senate Education Committee
Bill/Resolution Number Eng. HB 1489
Hearing Date 3-26-03

Tape 2, Side A, 0 - 20.5

SENATOR COOK presented the amendments (30634.0302) to the committee and explained them. By putting these amendments on the bill, we have made a policy decision and we have identified what the policy is and he hopes this will relieve some of the challenges faced by teachers in ND at the junior high level, especially those who teach 7th and 8th grade with an elementary credential. They still have to have a qualified elementary degree.

SENATOR COOK moved to adopt the amendments (30634.0302). Seconded by SENATOR FLAKOLL.

SENATOR TAYLOR asked if we would still have to meet the requirements of NCLB.

SENATOR COOK stated it is his understanding that these amendments do meet the requirements of NCLB.

SENATOR CHRISTENSON asked if there is still the flexibility for middle school? SENATOR COOK stated yes, there still is a flexibility for middle school. (grades 1 - 8, and grades 9 - 12).

SENATOR FREBORG stated that GARY GRONBERG had stated to him that you can have anything you want as long as the teachers are qualified. (Jr. High or Middle School or Lower School).

SENATOR COOK feels that with these amendments the teacher who is "highly qualified" in elementary could continue to teach 7th or 8th grade. Without these amendments, they would not be able to. He also stated that with this amendment there is no need to have a "grandfather" clause in the bill.

JANET WELK, ESPB, stated what she had been told via a telephone conference call. She said that the Department of Education in Washington, DC said regarding NCLB: North Dakota must

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Senate Education Committee
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Hearing Date 3-26-03

either, 1. test every existing teacher, 2. every teacher must have a major, or 3. they must complete a test at the middle level and at the secondary level. The message coming down from the Feds is a minor might work also. ESPB is very confused at this time since they have heard numerous reports in the last several weeks. She cautioned the committee not to confuse licensure with accreditation. She stated ESPB licenses teachers based on under graduate or graduate work or a major or minor or a major equivalency endorsement. DPI does the accreditation based on the amount of credits the teacher has. SENATOR LEE asked if these amendments would give ESPB more time or more flexibility. MS. WELK said that she thinks the flexibility is taken away regarding teachers in grades 5 - 8. SENATOR COOK feels the amendments add to the flexibility.

SENATOR LEE/SENATOR FLAKOLL suggested passing the amendment and letting it go to a conference committee to try and work this out and see what happens. We may get more information by then telling us what to do. SENATOR FREBORG stated we need hard evidence if this can/can't be done.

Roll Call Vote: 6 YES. 0 NO. 0 Absent. Amendment (30634.0302) Adopted.

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

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

Carrier: SENATOR COOK

Richard Costa
Operator's Signature

10/16/03
Date

30634.0301
Title.

Prepared by the Legislative Council staff for
Senator Cook

March 25, 2003

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1489

Page 8, after line 12, Insert:

"SECTION 9. EXCEPTION FOR NONPUBLIC SCHOOLS. Notwithstanding the provisions of any other law, if between July 1, 2006, and June 30, 2010, a nonpublic school meets all requirements for school approval, as established in title 15.1 on June 30, 2006, the superintendent of public instruction may not require, as a condition of approval, the nonpublic school meet the requirements of this Act until July 1, 2010."

Page 8, line 15, replace "9" with "10"

Page 8, line 16, replace "2008" with "2006"

Renumber accordingly

~~pg 7 line 9, 2006~~
~~pg 4 line 3, early~~

Filed

3-26-03

✓

☐ Check here for Conference Committee

Action Taken adopt amend 30634, 0301

[illegible]

Absent _____

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

motion fails

NOTICE: If the following information is not provided, the vehicle will be impounded.

Operator's Signature 10/16/03
Richard Costa Date

Date: 3/26/03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. Eng HB 1489

Senate EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken adopt amendment

Motion Made By Sen. Cook Seconded By Sen. Flakoll

| Senators | Yes | No | Senators | Yes | No |
|------------------------|-----|----|-------------------|-----|----|
| LAYTON FREBORG, CHAIR. | ✓ | | LINDA CHRISTENSON | ✓ | |
| GARY A. LEE, V. CHAIR. | ✓ | | RYAN M. TAYLOR | ✓ | |
| DWIGHT COOK | ✓ | | | | |
| TIM FLAKOLL | ✓ | | | | |
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Total (Yes) 6 No 0

Absent _____

Floor Assignment _____

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

Pg 4 line 3 change "elementary" to "early"

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 Riccardi
Operator's Signature

10/6/03
Date

30634.0302
Title.

Prepared by the Legislative Council staff for
Senator Cook

March 26, 2003

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1489

Page 4, line 27, replace "six" with "eight"

Page 5, line 4, replace "six" with "eight"

Page 5, line 31, remove "(1)"

Page 6, remove lines 1 through 14

Page 6, line 15, remove "(1)"

Page 6, remove lines 16 through 25

Page 6, line 26, remove "academic areas."

Page 6, line 27, after "a" insert "major in a" and remove "major"

Page 7, remove lines 7 through 12

Page 7, line 15, replace "seven" with "nine"

Renumber accordingly

Date: 3/26/03
Roll Call Vote #: 3

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. Eng HB 1489

Senate EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken adopt amendments 30634.0302

Motion Made By Sen. Cook Seconded By Sen. Flakoll

| Senators | Yes | No | Senators | Yes | No |
|------------------------|-----|----|-------------------|-----|----|
| LAYTON FREBORG, CHAIR. | ✓ | | LINDA CHRISTENSON | ✓ | |
| GARY A. LEE, V. CHAIR. | ✓ | | RYAN M. TAYLOR | ✓ | |
| DWIGHT COOK | ✓ | | | | |
| TIM FLAKOLL | ✓ | | | | |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

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Salvatore Riccardi
Operator's Signature

10/16/03
Date

30634.0303
Title.0400

Adopted by the Education Committee
March 26, 2003

[Signature]
3-26-03

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1489

Page 4, line 3, replace "elementary" with "early"

Page 4, line 27, replace "six" with "eight"

Page 5, line 4, replace "six" with "eight"

Page 5, line 31, remove "(1)"

Page 6, remove lines 1 through 14

Page 6, line 15, remove "(1)"

Page 6, remove lines 16 through 25

Page 6, line 26, remove "academic areas."

Page 6, line 27, after "a" insert "major in a" and remove "major"

Page 7, remove lines 7 through 12

Page 7, line 15, replace "seven" with "nine"

Renumber accordingly

Page No. 1

30634.0303

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[Signature: Ricardo Rickford]
Operator's Signature

[Signature]
Date

Date: 3/26/03

Roll Call Vote #: 4

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES

Senate EDUCATION

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By Sen. Christensen

[illegible]

Total (Yes)

Absent

Floor Assignment

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

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Y. C. Costa Richard 10/16/03
Date

Operator's Signature

REPORT OF STANDING COMMITTEE (410)
April 8, 2003 12:46 p.m.

Module No: SR-63-7088
Carrier: Cook
Insert LC: 30634.0303 Title: .0400

REPORT OF STANDING COMMITTEE
HB 1489, as engrossed: 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). Engrossed HB 1489 was placed
on the Sixth order on the calendar.

- Page 4, line 3, replace "elementary" with "early"
- Page 4, line 27, replace "six" with "eight"
- Page 5, line 4, replace "six" with "eight"
- Page 5, line 31, remove "(1)"
- Page 6, remove lines 1 through 14
- Page 6, line 15, remove "(1)"
- Page 6, remove lines 16 through 25
- Page 6, line 26, remove "academic areas:"
- Page 6, line 27, after "a" insert "major in a" and remove "major"
- Page 7, remove lines 7 through 12
- Page 7, line 15, replace "seven" with "nine"
- Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

SR-63-7088

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Richard Costa
Operator's Signature

10/16/03
Date

2003 HOUSE EDUCATION

CONFERENCE COMMITTEE

HB 1489

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Yolanda Rickford
Operator's Signature

10/16/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1489
House Education Committee

☒ Conference Committee

Hearing Date April 11, 2003

| Tape Number | Side A | Side B | Meter # |
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| 1 | x | | 00-25.4 |
| Committee Clerk Signature <i>Linda Liechtners</i> | | | |

Rep. Haas opened the conference committee on HB 1489, roll was taken

Rep. Haas asked for the Senate members to recap the justifications of their amendments.

Sen. Cook: Our focus was on Sub section 2 on page 5, 1/3 of the 7 & 8 grade teachers are teaching with a elementary degree. That seems to be the biggest area of concern. The middle level endorsement education, and our concern that the University system's offering of the endorsements. Found out the only UND offers a degree in middle education. In that program we have 14 seniors and 1 junior, this will not be enough to handle the demand for this section of teachers. From there I went up to Legislative Council to put together a resolution that was going to be directed towards Congress and our higher Ed system. That we won't be able to meet the this challenge if this is our solution. What I came out of there with and some inquiries to DOE is that we could possibly remove this requirement for middle school endorsements because of our dilemma that we have. Council advised that states that don't have this middle school endorsements in place right now as a means of teacher qualification, we don't have to put it in. So we removed it. Right now the way we have the bill if you want to have more flexibility, which our goal has always been, we have it so that you can still teach in the 7 & 8 grade with an

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La Costa Richard
Operator's Signature

10/6/03
Date

Page 2
House Education Committee
Bill/Resolution Number HB 1489
Hearing Date April 11, 2003

elementary degree. Yesterday at the ESPB meeting, Curt Welstad of the board, asked if I would come up and explain our amendments to the board. I think if we can do it, they would be supportive. But we don't know if we can.

Rep. Haas where does the question arise as to whether or not we can do it?

Sen. Cook: whether or not we can move forward and meet the requirements of NCLB and have a teacher teach in the 7/8 grade with a elementary degree. We as a committee have to got to answer this. Someone has to show us that we can not. We offered an amendment to this bill that would exempt non publics, which is a policy decision that we have and amendment failed on a 3-3 vote. That is the substance of what we changed.

Cook: If you turn to page 7, sub 3 line 7-12, there is a grandfather clause. So that is no longer needed with our amendments.

Rep. Herbel I guess I would like to get a response from Janet Welk, ESPB

Welk: Maybe if I hand out what the board has been working on you will be best able to understand what it is, Passed out handout on definition and proposed amendment.

Welk: reviewed the documents By Federal law highly qualified elementary teachers are required to take a test, new ones, in 2006. that test is a 1-6 test. As well as the rest of the nation is licensing elementary teachers to 1-6. As you will see from this definition, there are many ways that you can be considered major equivalent to teach a the elementary level. You could have elementary degree with 32 semester hours or a middle school degree and pass a content test. You could have a secondary degree and pass a content test. What this definition does is open that door for any teacher, from elementary, middle or secondary, if they want to do the course work, test, portfolio, and become an elementary teacher.

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Rep. Haas Is there flexibility to move both ways and from one level to any other level the way this is structured?

Welk: The way this is structured would allow for that opportunity. When you go to middle level this is where the board is still struggling. This is our working draft. We need to meet Federal law and at the middle school level we have defined that it starts at grade 7. We do not believe middle school, although some are configured that way, they may start at grade 5. We believe that to be a self contained classroom. An elementary teacher would be able to have an elementary degree. We found in the rules, under C27, if it is a self contained classroom the teacher can hold a elementary degree. And would not need to have a major. The middle school, the federal law clearly says that grades, starting at grade 7, have to show competency in every subject that they are teaching, and can show competency in one of two ways: with a major or by completing a test. Our majors in ND have always been 32 semester hours. a middle school major is less, 20 hours in the content that you are teaching. What we are looking under #1, part C, if you are an elementary teacher licensed 1-6, most of our existing teachers are 1-8, so they are already qualified to teach in ND if they have the content. Right now we are saying they would need 12 hours of content, we may need to raise that to 20. Our elementary teachers already have 8 hours and if they are a NCA school they have 16 hours in content. So depending upon the school we will probably have the elementary school teachers will have to re educate by 8 hours. They can take course work, content testing, portfolio through the Governor's grant. They have as many opportunities as the teachers at the grade 9-12 would have in their minors. Honestly I can tell you we have had the federal government look at this prior to making changes at our board meeting and we are not done with it. The federal government told us in no uncertain terms that we did not meet the

Richard Costa
Operator's Signature

10/16/03
Date

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House Education Committee

Bill/Resolution Number HB 1489

Hearing Date April 11, 2003

federal guidelines. they basically said, 'read our lips, elementary teachers beginning in 2006 the new ones that are licensed on July 1 have to have BA degree and complete a content and a teaching skills test. We have made that decision and in October I will finalize that process with validation. And then we will have the cut scores.

Cook: when did he federal government tell you this. **Welk:** March **Cook:** is that verbal communication, did they give you that in writing. **Cook:** that would be beneficial to us and could you please number the draft versions, so that we know. Another point is this is what the board thinks is the definition, or your interpretation of the law.

Welk: Our goal is to be as flexible to maintain the standard in ND and retain as many teachers as possible. With the March meeting with DOE, we realized we would have to make some changes and these are the changes. We are still working on this draft and I will date the changes so that you know what draft you have.

Rep. Haas Is there a new draft in the mill because of the Wednesday meeting that you had.

Welk: Those are the amendments that we would like to see. One is the definition and one are the amendments. What I handed out are the definitions of the major equivalency. For example middle school, you can either have a major in middle school or a major equivalency in middle school. If I am an elementary teacher, licensed, and I complete course work equivalent to 20 hours in biology, I would have what the board would consider a major equivalency in middle school. What the definition is all of the ways a teacher can become qualified, from any level of preparation they are looking at, being the most flexible as possible.

Rep. Haas So you are saying that in Early childhood education, there are 10 different ways that a teacher can achieve major equivalency.

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Hearing Date April 11, 2003

Welk: Correct, 10 for Elementary, 17 for Middle, 11 in Secondary.

Rep. Herbel do these regulations exceed the federal requirements or just meet them

Welk: just barely meet them, in fact the federal government told us that every existing elementary teacher in ND would have to take a test. We are unique in ND, 1961 we had the major law, and we call elementary education a major in ND since 1961. We are able to document through that process and our standards that our existing elementary teachers do not need to take a test. The other areas that we are struggling in and do not meet the letter of the Federal law is the composite degrees the second area is with our middle school teachers who are elementary prepared. But with the system that we are putting in place we can document that they will

Rep. Haas that they will be qualified. **Welk:** yes

Rep. Herbel then the difference between this last document that you handled out and what we have in section 5 on middle school, what is the major difference

Welk: we removed the elementary education endorsement because they clearly do not meet the federal law. They will have to be considered an alternative, and we have not yet started to work on the alternative system. And we will be coming back to you in 2005 with that. We removed the middle school, a lot of language where it says that subject areas specialization. We felt that that would be a red flag to the federal government to have the same language as elementary and secondary to say major or major equivalent.

Rep. Haas what are the wishes of the committee

Sen. Cook: need to review and read this carefully over the weekend and meet next week.

2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1489
House Education Committee

☒ Conference Committee

Hearing Date April 15, 2003

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|---------|
| 1 | x | | 00-4111 |
| Committee Clerk Signature <i>Linda Giechneer</i> | | | |

Rep. Haas called the committee to order, roll was taken, all present.

Revised draft from ESPB (see attached) has been given to the members prior to the meeting for review and Amy Benz, Chairman of the ESPB and Janet Welk, director of ESPB are present to assist with information to the committee.

Rep. Haas reviewed the new draft. one question that we had last week had to do with K-8 schools and so on. Sections of NCLB, c27 it says if a k-8 school is designated by the state as an elementary school, do the teachers in 6,7,8 have to meet the highly qualified requirements. If the state has designated the school as elementary, then the teachers in grade 6,7,8 will be expected to meet the highly qualified requirements for elementary teachers, however if the upper elementary, if they have gone into a school within a school concept, and broken out grades 7,8, into more of a middle school approach, then those teachers will have to meet middle school teacher requirements and not just elementary. There is some flexibility there. The board has worked very hard not to exceed the requirements of NCLB, in these recommended amendments and of course this rule sheet. A different concern is that if the Department of Public Instruction chooses for accreditation purposes, they could still require teachers to exceed these requirements. I don't

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House Education Committee
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think that is something that we want to happen. So how would committee wish to address this?

Cook: I think we would have to go into the code and look at how the accreditation language is defined, I am surprised they could do it. We want to make sure the language in code is so that they conform to this standard. **Rep. Haas** I agree **Cook:** Back to your opening statement about C27, 'however. . . middle school teachers.' that goes back to what we did with the Senate amendments. If I am recalling correctly, I thought our amendments were justified by Legislative Council because of the fact if the state does not have in place right now this identification of a middle school, credentials of a middle school teachers, as we really don't, I thought we were exempt from this or that this did not apply to us. That was the advise we got from Council.

Rep. Haas I think that would be applicable school by school, if within a given school district, if they are using a school within a school concept, and are using a middle school concept, the rules will apply. Can we get a clarification on that from Janet Welk.

Janet Welk, Director, ESPB. If the school is a 1-8 school that is what C27 refers to.

Rep. Haas: Janet that is not the question. The question is: If the state has not adopted the middle school concept, **Cook:** that and that we do not have a requirement for a middle school degree in statute. **Rep. Haas:** so then how are schools affected, if we don't have that requirement at the state level for the schools that are implementing the middle school concept?

Welk: When you say in statute, we do have middle school program approval standards that work through the administrative rules process which has the same affect as law. That is how we approve the middle school degree at UND. We also have four other institutions that meet the requirements in the administrative rule for the middle school endorsement. Which in the rules has the same effect as law. So we do have the middle school concept in law. In 15.1-18-02,03,

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01, we do have the middle school concept. Also in our draft we talk about, the one that we are asking for you to consider, we are talking about section 4 part 3, (attached) where we give them authority to the 1-8 if they are a self contained classroom. But then we also open it up and say you are a middle school or a junior high would also be able to do the middle school/junior high concept. I can tell you this morning that I had a phone conversation with the Department of Education (DOE) they have done informal review of our definition, they are going to be sharing it with our Congressional delegation this week during a conference call and Sen. Cook and I will be part of that conversation, and any one else that wants to be. What they told me was and they went all the way back to early childhood, part A of the definition, and they said if they are in the elementary school then test, bachelors degree, and they need full certification. If they are at the middle school or junior high, however you are calling it, they need a major or test. A major in ND is considered 32 semester hours that has been in our administrative rules for years. That is high. If we want to go down lower, that semester hour requirement for a major for a middle level they have heard as low as 28 semester hours. But clearly we didn't meet their standards with regards to the middle school. They were also concerned that our portfolio was meeting 'the house' standard. We are clearly not meeting with these requirements everything that they expect us to do, we are trying to balance what we are doing with their requirements and still maintain teachers in the classroom. And our amendments that we are asking for you to consider allow as much flexibility as we can possibly allow.

Rep. Haas when you talk about the flexibility, you are saying that they will allow the ESPB flexibility at perhaps changing some of these requirements in order to comply and still fall within the statute.

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Welk: I speaking of flexibility actually two ways. One for the teachers, if they are an elementary teachers and they pick up whatever number of hours we decide that meets the federal guidelines, they would be able to teach at the middle level as well as if they are 1-8 self contained they could do that, because of the rules. I am also talking about flexibility in with regards to our rules, if we don't put it in law, and lets say that the Federal government changes their law, we can through the rules process change ours.

Rep. Herbel Do you see a problem coming up with Department of Public Instruction exceeding these standards from these amendments, or do you think this will not be a problem, of should we include something in here to limit these standards?

Welk: I was surprised when Dr. Gronberg said at our board meeting last week that if we don't meet the federal requirements they would do it through accreditation. Now I am sure you are all aware that approval is different than accreditation. Approval is the first level and accreditation is the second level and then we tack on NCA. I don't know what they are going to do, truthfully. I could See that become a issue and that is why we all need to be on the same page and I am really working for that. When we have the conference call, we have to realize that we are doing the best that we can meeting federal law.

Cook: right now I would I believe 1/3 of our 7&8 teachers are teaching with an elementary degree. And of course this is a group of teachers that are really going to be effected by these changes. If we had flexibility to diminish the amount of changes that these particular teachers are going to have to endure, would that not be adding more flexibility, if we can do that?

Welk: I realize a 1/3 of our teachers are teaching with elementary degrees at the middle school level, I can tell you that they already have 8 hours of course work in the content area that they are

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teaching. Because of accreditation. If they are teaching in a NCA school, they have 16 hours of course work already in the area that they are teaching. And $\frac{3}{4}$ of our schools are NCA schools. Now I don't know how that equates to how many teachers, but I can also tell you that we had teachers at the 9/12 level that are minor and have to become major equivalent through testing, additional course work, so we are not effecting only middle schools we are affecting secondary teachers as well. I wish I knew how many it was, but I can't. At the secondary level $\frac{1}{4}$ of our courses are being taught by non highly qualified teachers.

Cook: I would like to find out how many teachers this effects, but I realize the difficulty in that, but that is important that we at least know. Going back to the 7/8 grade teachers, and may be we need Anita Thomas here to explain why she thinks we are able to do what we were able to do. Janet may be right, but if we can diminish some of the challenges that these teachers are faced with, it would be worth our effort.

Welk: You had asked for something in writing, and basically the DOE has told us is the law is in writing, the rules are in writing. And at this point we can prepare for the worst and pray for the best. I think that is what we are trying to do here. If in 2005 we have seen changes in the law we would still have time, I know our teachers would have been given the opportunity to begin working on their plans of re education if that is what they choose to do. Now they may choose not to do it, but we have given them the opportunity for reeducation and the higher Ed system is working on developing a system for that to come together. We have developed, or are making a decision on testing for them, we have the portfolio though the Governor's grant, we have advanced degrees or we have the national board at the secondary level. Now it is going to be their choice but I think as a state agency and state leaders we have to work towards what is in writing.

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Many teachers are telling us, and we hear both sides, I am not doing another thing, I'm retiring and then I hear 'what do we need, lets get started'

Rep. Haas Do you think that this draft, that teachers can use to meet the requirement, does that document give you the flexibility to change that document over the next two years depending upon what may or may not come from DOE. **Welk**; Yes, through the administrative rules.

Rep. Herbel I noticed that when HB 1489 was introduced at that time, they said that 27% of the teachers were not qualified, and that didn't break down the elementary and secondary. I would imagine that it runs somewhat similar in both areas. we are looking at roughly 1/3 in each area.

Welk: I have worked with Steve Hebbert numerous times and the way our data base is set up there is no way we can identify. Because there are some teachers that work part of the day in their minor and the other part in their major. How do you count that.

Lee: Does this draft give you the flexibility to change and meet the rules that you are establishing, but it seems that the proposed amendments to the law, is where you need the flexibility to meet them. Does this document provide the flexibility to meet NCLB standards.

Welk: Yes **Rep. Hunsakor** I think I am hearing you say is that this draft will not going to measure up to the standards and is you attempt to get there but it is probably not going to meet it.

Welk: We are hoping that when it is a finished product it will.

Rep. Hunsakor if you go to page 4, at the top where you see 9/10, it says an elementary teacher can become a history teacher by having an elementary degree and 16 hours plus taking a test, now if we go down to where it says highly qualified teachers under social studies, that another individual who has a composite in Social studies would need to have 18 semester hours to teach history. why would a composite need 18 hr. when a elementary only needs 16 hours. Why is that

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Welk: because the elementary teacher has 1/2 the test as well as the course work, so that person is doing two things to show that they are highly qualified vs. the composite person is only doing one the course work

Rep. Hunsakor It seems to me that the course work is a lot more than taking the test. The hours would be worth more.

Welk: If the board decides to test, those tests are designed for people who have BA degrees. So if someone can with only 16 hours complete the test, they would be highly qualified and they also have to have the clinic practice or the mentoring. That is what we are saying. Will it work, I don't know. We are opening it up and trying to be as flexible as we can, and if they can complete the test and take the mentoring they will be highly qualified.

Chirstenson: The is an element of micro management. Because I am looking at history credits, are we going to get to the point where we are articulating to the Universities about what we constitutes a good major. Because you can take 16 credit hours that are not really germane to the classroom teaching. Are we going to get to that point where we have to designate course work.

Welk: we already have a program in statute that institutions meet. the institutions are getting together to talk about major equivalence course work meeting those standards. It is done through the standards process.

Rep. Herbel On you amendments take a look at page 3 and explain to me sub section 3 in section 6, the last page. (See Attached) Have a major or a minor equivalency.

Welk: these are for the non core academic areas.

Cook: page 1 section 3, do these affect head start? **Welk:** We do not approve head starts

Cook: Section 3, affect non public pre schools. **Welk:** only if they are requesting approval, they

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do not have to request approval.

Cook Why did pre kindergarten get entered into this section, before it was only kindergarten.

Welk: Department of Public Instruction at our meeting told us because of the special Ed early childhood programs they are approved and need to be licensed.

Cook: #5 in that section, have a major in Early Childhood education, did you forget a major equivalency on this? **Welk:** did you want us to have that. **Cook:** these are the rules so you can add it to them. **Cook:** You removed the year option to get the endorsement, changed the effective date from 2008 to 2006.

Welk: Our reason we removed it is because of the language in the federal law talking about alternative licenser. The board formed a committee to talk about that. We have not yet address alternative licenser. We have one alternative license, not at the elementary level, we want to come back to year in 2005 with a well developed package for alternative. That is actually an alternative license. What the federal law and the rules tell us at this point is that they will have to show competency, and take a test at the elementary level. If we left them into the classroom with an endorsement only, they would not meet requirements. SO we want additional time to study it. We believe we have time to come back to you in 2005.

Amy Benz, Chairman of the ESPB

I would like to speak towards Sen. Cook concern about 7&8 grade teachers. Our board does want to meet the federal guidelines, but we have stood ground on two areas that we know do not meet the federal guidelines. And one is middle school. The federal guidelines state that middle school teachers do need a major. And in our state to require middle school teachers to have major when they are teaching 2-3 subjects, we don't think is realistic. We are looking at several options one

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of them being the 12 semester hours, we don't know if that will cut mustard, that is why we added the 10 credit hours of middle school equivalency that we discussed, then it would be 22 hours for middle school, we don't think it needs to be as high as a major, we think that understanding middle schools is more important than having that high number of content hours. So that is one area that the board knows, but yet we feel it is not feasible for ND being such a rural state. We are hoping that the federal government will say to us no that is not going to work, and we will have to up our standards in two years, but at least teachers will be given something now and can go to working towards their reeducation. The other area that we stood ground on is the composite degrees, and of course that too affects a lot of teachers. Most of social studies and science teachers are composite degree teachers. DOE believes that you have to have a degree in order to teach physics, and a degree in Chemistry to teach it, and so forth and that is just not feasible in ND.

Rep. Haas From Secretary Page of the DOE, they have come to the realization that you can not have a uniform application of the rules and the implementation of NCLB for all areas of the country. He specifically addressed in his press release that the rural areas of the country. I really believe that we have to look at the rules and regulations coming from Washington with regards to the implementation of NCLB as a work in progress and there may be some changes that accommodate rural America and we need to give the ESPB the ability to adjust to those changes as they may come down. My personal feeling on this that we would be the best off at this point for Legislatively and for the school districts and teachers to adopt the amendments with a couple of exceptions, giving them maximum flexibility to adjust their requirements depending upon changes that are going to evolve over the next two years with the whole area of NCLB.. I don't

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think we can be that specific, we have to have the confidence in ESPB that they are going to do what is right by the schools and teachers and do what is right by the federal government. They are even going to the point that they are suggesting the DOE adopt some standards that we know don't meet the requirements of NCLB. Are we are trying to convince them that we need that flexibility.

Recapped and closed the committee meeting, we will meet again tomorrow at 11:15 on 3-17-03.

Salvatore Riccardi
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2003 HOUSE STANDING COMMITTEE MINUTES
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Rep. Haas opened the committee work on HB 1489, roll was taken, all present.

Rep. Haas we still have before us the amendment recommended by ESPB. I did talk to Anita Thomas of Legislative Council about the issues that we discussed plus she is putting these amendments into official format. There are still a couple of changes being done so we don't have anything to present to you at this time. With that it is important to note one thing, Sen. Cook had has to do with the qualification of elementary teachers and particularly to self contained classrooms. In the amendments there will be a statement that says 'in order to teach in any grade from 1-8 in a self contained classroom, an individual must be licensed to teach by the ESPB and have a major in elementary education or have a major equivalency in elementary education.' So that would be the extent of the qualifications if it is a self contained situation, if it goes beyond a self contained situation into either a school within a school concept or the middle school concept then the qualifications would change. That also is in the amendments that are being drafted.

Rep. Haas My perspective on this is: We are at/ we are faced with a level of compliance with the federal government in order to meet the requirements of the re authorization of the elementary and secondary education act. And I guess I have always looked at this whole things as not as

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something, we have always complied, but this goes beyond some of the earlier requirements. But in all instances I have always looked at these things as something that we need to fight and resist and stamp our feet about but as a way for us to find methods for us to improve our own educational system as a result of that legislation. I believe that it benefits our students, and that the single most important thing factor is the quality of teaching in the classroom. So this certainly goes toward improving teacher qualifications. the ESPB has done an excellent job of finding out and ferreting out the absolute minimum requirements of the federal legislation are and have presented to us a set of amendments and statutory requirements that really meet the minimum requirements or just barely meet. They are going to continue to try to achieve a few concessions from DOE with regards to those requirements because we do have some unique situations in rural America and in ND. I have been following this since early January, and seeing what has taken place in regards to the deliberations that the House went through and then the Senate and now most recently this new set of recommendations from the ESPB. I personally am comfortable with these amendments at this point. The bill has in it an effective date, ESPB would like it to be 2006, that makes it even a little more palatable since we will revisit this in 2005, prior to the effective date of 2006. And if these need some additional refinements we can do that then.

Sen. Cook: What you are saying is that what we are passing here will not have any effect on teachers until 2006 that everything in the statute stays as is until then.

Rep. Haas I think that absolute effective date, the point at which we want to meet all teachers to meet this level of certification would be that date. But if ESPB has said to us several times that once this bill is passed and they have an approved draft outline on how teachers meet these requirements, that information will be disseminated to school districts and teachers across the

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state so that they can begin working on the qualifications. What we are saying is that we have a time period from 2003 until 2006 within which to meet that requirement but its effective date is 2006.

Cook: the way that I read this bill is that effective date is 2008 with the option of moving it to 2006. How will it effect teachers today? Rep. Haas that is correct. It will allow a lead time to meet the requirement. So that teachers and school districts to meet the requirements before 2006.

Cook: We have teachers teaching in ND right now who are qualified, but under this they will not be qualified, will they be let go. they may be told that this is what you have to do to be qualified after 2006 or 2008. I want to make sure that we are not passing something that is effective immediately and require a teacher right now or be told that they can no longer teach because they are not qualified.

Rep. Haas That is not the way I interpret it.

Cook: how will this effect teachers between now and 2006. The answer should it will not, other than they may know what it is they have to do to be able to continue to teach after 2006.

Rep. Haas that is correct.

Christenson: Hiring will be effected, schools will look for teachers that are qualified.

Lee: My thoughts are in line with you **Rep. Haas** in what we will accomplish in 2005.

Significant change now with the tweaking in 2005. **Rep. Haas** that is correct.

Cook: Yesterday we talked of a school that is AYP and has to have qualified teachers, Under those situations at that school would the teacher be let go.

Rep. Haas only if the teacher rejects the idea of reeducation, and there are title I dollars to use towards helping that teacher to become qualified. That is what it is set aside for, a mandate at

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that point. Plus it would depend upon what caused the school to be identified in the first place, that would have an effect on the teachers.

Rep. Hunsakor None of us want to put teachers in a box, we want the quality of teaching to improve in ND and at the same time meet federal mandates. These mandates have been given to us and we are trying to work through them but there are going to be circumstances where teachers and school districts are going to be pressured and we can not avoid that. ESPB is making it as easy as possible for school districts to deal with this. I don't think we can go much beyond where we are now.

Sen. Lee: Where are my teachers at right now and this is what we need to do they can start now, It will be a group effort of the school district, superintendents and teachers to get there.

Rep. Herbel I guess I feel comfortable that there is not any one here that is trying to make it more difficult for getting our teachers qualified based on the NCLB. Everyone is trying to do the minimum that we can and have the flexibility that is necessary so that we are not in a position where we are going to lose half of the teachers. And since we don't know the final requirements of 2006, this moves us toward it for now. But I do know that the people who have been looking at this, ESPB, they are qualified and are doing the best possible job.

Sen. Christenson: There are a lot of teachers already working on the preliminary check of what they have to do. They are going to have to meet the deadlines whether it is 2006 and 2008. Teachers understand deadlines, they use them all of the time. And they know that they have a certain amount of time to do this and that this will not be acceptable after this point in time. They are already in motion. Some may be retiring and for them it is not an issue. But those staying are already working.

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Sen. Cook: Teachers who have to go back to college to meet the standards, are they getting money from school districts to help pay the costs?

Christenson: I have no blanket statement on that, but knowing the way that the local level works they will do everything that they can do for the teacher through professional development moneys.

Rep. Haas We get mixed reviews from teachers. But for the most part they are saying lets get started. And I think that mind set is there. The most significant thing that ESPB has done that gives me assurance that we are not putting an undue burden on the teachers and school districts, is the fact that they have studied the issues hard and they have looked at the requirements of NCLB very diligently and have come up with a set of guidelines that absolutely are the minimum requirements. If they even quit meet the requirements. I commend them for that, and as they continue to work with Department of Public Instruction on these issues and get them to make some concessions for the rural areas of our state, they are to be commended. That gives me a great deal of assurance that we are not putting a burden on the teachers and school districts.

Rep. Haas we will look at the amendments tomorrow. Closed committee work.

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Minutes: Chairman Haas: called the conference committee to order on HB 1489.

Representative Haas, Representative Herbel, Representative Hunsakor, Senator Cook, Senator G. Lee, Senator Christenson were present.

Representative Haas: we can handle this one of two ways, we have three amendments, one is Senator Cooks, and the other 2 you have copies of, we can go over them in detail, or we can move each amendment individually and then during the discussion phase of the amendments we can see how it fits into the bill.

Senator Cook: the implementing date and the qualifications and how it effects the teachers prior to this 2006-2008 implementing date. Who ever they hire right now has to meet the qualifications and I don't know where that is in the bill, that is the understanding of NCLB.

Lori Matske, Director of Title 1, DPI: the requirements must be met by 2006 how ever the law says, that any teacher after date of enactment, newly hired to work in a Title 1 program, have to

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meet the qualifications immediately, if they are paid with Title 1 funds, they have to meet the provisions.

Representative Haas: in those schools that have the designation of school wide title 1, that requirement brought immediate highly qualified status did not apply to the existing status, it only applies to new hires, so that existing staff still has until 2006 to meet the requirements. Was there any difficulty in Sept. 2002 when there was new hires, in finding the highly qualified people?

Lori Matske: we didn't hold them directly to that we were pretty lax because we were so unsure of the law every thing was so unclear and I would have assumed there would have been concerns had we looked at the situation more closely basically what we did was update and inform the new hires, but now when we go through this next cycle we have more of an obligation to do so.

Representative Herbel: what is defined as new hires?

Lori Matske: newly hired to title 1 program, we are distinguishing between experienced teacher, yes, so if there is someone in the district we are talking elementary, or even with another district who moves in to the title 1 program, they would have to take the test.

Senator Cook: take the test, even if they are highly qualified?

Lori Matske: at the elementary level, it would require them to take the practice 2 test.

Representative Haas: is that test administered at the university level? And have the university already been administering that test?

Lori Matske: at the university level and the 2 Sylvan Learning Centers in North Dakota can give it at a very short notice, yes they have been giving the tests already since July, the problem is not

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so much at the elementary level, but at the middle and secondary level, and we have a number of them in the Grand Forks area, where the middle school teacher hired would have to meet the requirements and have to take the test or the portfolio, there is only one option for some and that is hiring someone with a major.

Representative Haas: and the first time that those things would happen is in the 03-04 school year, correct. In your regional workshop have you discussed with your teachers and administrators, that if they can't hire someone with that major that there are funds available for those teachers to become highly qualified.

Lori Matske: yes, we have at our regional workshop, starting last October, we tried to put out an update every single month and on our web site, and went over in great detail to help the teachers.

Representative Haas: when you define new hire, are you defining that as only people that are coming out of the university level and going into their first year of teaching or would the new hire be someone that is moving from one school district to another?

Lori Matske: the law says that anyone newly hired to work in that program, even if they are experienced, at the elementary we are OK, and at the high school level an experienced teacher moving into a Title 1 program would be expected to meet the requirements.

Senator Cook: under these conditions, title 1 school, new hire, you actually saying somebody from DPI has to approve of every teacher hired.

Lori Matske: yes, and the way we are going to do this is with the consolidated application, now for targeted assistance goals, they have to list the title of the teacher they are employing.

Senator Cook: how long does it take you to get to the school?

Lori Matske: the applications are due on July 18th.

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Senator Cook: define N.D. teacher qualifications, what degree to effect your decision?

Lori Matske: what you do with this bill will be 100% applicable, to the process that I follow.

Representative Haas: so what you are saying is when this is finalized, your requirements will mirror 1489?

Lori Matske: yes.

Senator Cook: there is an effective date on this bill, does a school have the right to say we are following the law if they say no, will they lose money?

Lori Matske: we didn't monitor last year, we haven't held anyone to this, could they say that after we go through the process, Yes they could, the leverage would be the title 1 funding, we could pull the funding if they were not in compliance.

Senator Cook: that decision to hold that title 1 funding lies with you or DPI?

Lori Matske: we are given the responsibility to oversee the program.

Representative Herbel: do you think that this will create problems?

Lori Matske: yes, it will create problems, it will be very difficult and stressful. there is no correlation between adequate yearly proper standing and teacher quality.

Representative Herbel: I will move the amendments as presented by Herbel (.306).

Senator Christenson: **SECOND** the motion.

Janet Welk, Education Standards and Practices Board: I think there are a couple of things we need to remember, already 2/3's of our middle school teachers meet the highly qualified definitions.

Representative Haas: the reason that the 2/3's of our teachers that are teaching in the middle school level are highly qualified is because we've had a higher standard for them all along.

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Janet Welk: they will have 5 options to become qualified, you can test, or they can complete a portfolio, or have a Major. The board does not want to go beyond federal requirements.

VOTE: 6-YES 0-NO 0-ABSENT.

Motion passed on amendment .306.

Meeting adjourned.

LaCosta Richard
Operator's Signature

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Rep. Haas opened the committee work, the afternoon session, roll taken, all present.

Rep. Haas I would like to propose the amendment from Sen. Cook, could you please refresh our memory about a school where they were unable to provide additional funds for teachers to improve their qualifications because of something in their negotiated contract.

Sen. Cook: The retention bonuses hearings and one of the situations that it was trying to correct in Jamestown where they had hired two special Ed teachers who didn't meet the ND qualifications after coming back from out of state. They needed additional course work, and the school was going to pay for that course work. Ultimately the teachers were not hired. This makes it the school boards right to reimburse teachers for the cost of the continued education to meet the NCLB standards.

Rep. Haas most federal programs have moneys that are designated for staff development and we always use that for teachers to receive additional credits plus local moneys that were at the discretionary of the board. It also helps if the local school board has a policy.

Rep. Haas is there a motion on this amendment (30634.0300)

Sen. Christenson moved the amendment, **Rep. Hunskor** seconded, roll vote 6-0-0, passed.

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J. Costa *Richard*
Operator's Signature

10/16/03
Date

Page 2

House Education Committee

Bill/Resolution Number HB 1489

Hearing Date April 17, 2003

Rep. Haas the second amendment before us is 30634.0307, this amendment has to do with a reconciling accreditation requirements for teacher qualifications as established by ESPB. I was hoping that Gary Gronberg, Department of Public Instruction would be here but he is not so we will proceed with out him. In this respect, this is quit important, particularly all of the rules and regulations that are coming to us with NCLB and revising and upgrading considerably our standards for teachers qualifications through ESPB. I am really questioning whether or not there should be a difference between what Department of Public Instruction requires for accreditation purposes with regards to teacher qualifications and what those qualification standards that are established by ESPB. At the present time, all schools meet approval by Department of Public Instruction if their teachers meet the requirements of licenser and qualification as established by ESPB. But there are additional requirements established by Department of Public Instruction if you want to go to a higher level which they call accreditation, and the several levels of that. Teacher qualifications are not the only criteria that are used to achieve these higher levels, my contention is and I would like response to it, since we have raised the teacher qualification standards considerably, because of NCLB through ESPB, that we should be able to live with the same standard of teacher qualification for ALL phases of accreditation and approval levels. And let the differentiation come then in other criteria. Or do you feel that we should allow Department of Public Instruction to establish a higher level of qualification requirements for the teachers. You don't have to be accredited to receive Foundation Aid but you do have to be approved through the Department of Public Instruction to receive Foundation Aid. So the minimum requirements right now if we pass this bill without this amendment would be the criteria

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Yolanda Richardson
Operator's Signature

10/16/03
Date

Page 3
House Education Committee
Bill/Resolution Number HB 1489
Hearing Date April 17, 2003

established in this 1489. The question is whether we want to allow Department of Public Instruction to go beyond that for accreditation purposes.

Christenson: My feeling is that at this juncture we can't afford to send mixed messages. And I think if that were to happen it would just create more confusion and more upheaval. Certainly at this point and with this bill, we should put in this amendment.

Lee: The reason why Department of Public Instruction would do that or have reason to do it?

Rep. Haas: The education field hierarchy, the approval and quality of schools and so forth, there are levels up through accreditation levels that schools can work towards and meet. It does not give them any more money, But in some ways it is a prestigious thing and there are valid reasons for doing it, and teacher qualifications is not the only criteria, it is much more. Then the schools can go beyond that to the NCA, where more requirements on all of the criteria. That is through a independent accrediting agency and they can do whatever they want. So would they want to - I would suspect that they do, and right now we have a difference between the levels for criteria. But I don't think it is necessary for the next two years because of the high standards that we are setting for teacher qualifications through ESPB. We have raised the standards considerably. And it would be too much, overwhelming for right now.

Sen. Cook: The federal dollars, title I money, will they fall in line with the higher standard for title I teachers. Apparently the hammer that they had was that they would remove the money.

Rep. Haas: From Lori's comments that they didn't have a choice, the federal government said if you are going to have a new hire in title I, they have to meet this requirement right now. It only pertains to new hires at this point.

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Sal Costa Richardson
Operator's Signature

10/16/03
Date

Page 4

House Education Committee
Bill/Resolution Number HB 1489
Hearing Date April 17, 2003

Cook: Can they not say that they are meeting the requirements of the law in the state of ND right now, before you start holding back title I moneys for ND you have to let us come into session and change the laws.

Rep. Haas that is why Department of Public Instruction almost ignored it this past year.

Cook: is the intent if we passed this that the Title I money are not going to be held back

Rep. Haas I would say that it is correct because Lori Matzke sat here and told us that their requirement for teacher qualification at going to mirror 100% the requirements of the ESPB.

Rep. Haas what are the wishes on this amendment.

Rep. Herbel moved the amendment, Christenson second, Roll Vote 6-0-0, passed.

Sen. Cook: Another issue that I wanted to talk about was substitute teachers, (See Attached)

What are we going to do about them.

Rep. Haas This is a little confusing so I would like Janet Welk to explain it to us.

Janet Welk, ESPB

Basically the substitute teacher qualifications today as they stand, requires that they meet the same requirements as an licensed teacher. Approx. four years ago we then added the bottom section on that page, where we give the a license based on substitute shortages documented by the school, to any one who has a bachelors degree. That is a one year emergency license that can be renew yearly based on the recommendation of the local school administrator. I can tell you every teacher that we license in ND today meets highly qualified in one area. With the exception in 2006 where we will have to start testing our elementary teachers. We are already are testing the teachers and in the initial licenser today on basic skills. So if someone wanted to come in a only substitute they would be given a license and would be able to substitute. We do not require

Page 5
House Education Committee
Bill/Resolution Number HB 1489
Hearing Date April 17, 2003

at the state level that they substitute in their content area, they can substitute at any level. many don't want to but they can. **Rep. Herbel** is there a time element on how long they may substitute.

Welk: In 2006, a parental notice will have to go out if the class has a substitute for four weeks.

Rep. Haas if I have a major in elementary education and I sign up on the sub list they can hire me and I can substitute anything K-12. **Welk** That is correct.

Sen. Cook: Will that practice be allowed to continue after 2006? **Welk:** Yes.

Sen. Cook: Would it apply to the Title I program as well? **Welk:** Yes, there is not differentiation between title I vs. regular classroom for substitute teachers.

Christenson: Most substitutes are self-editing. They decide where they will teach, in their comfort zone.

Rep. Haas I feel comfortable with the bill, I think we have it in pretty good condition at this point for the time that we are at right now. I would also like to say that I appreciate the depth of probing that this committee has done. This is the best legislation that we can arrive at this time

Cook: can we get this all into one amendment and look at them tomorrow.

Rep. Haas Yes, and have one more brief meeting.

Linda I will schedule it for 11:15 and get the new amendments to you first thing in the morning to review.

Salvatore Riccardi
Operator's Signature

10/16/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1489
House Education Committee

☒ Conference Committee

Hearing Date April 18, 2003

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

Rep. Haas opened the committee meeting on HB 1489, roll was taken.

Rep. Haas reviewed the amendment Legislative Council 30634.308. This is the compiling of the three amendments approved yesterday. Some clarification on line 4 of page one in the definition we had written out the information about Section 8 and 9. Legislative Council put it as a directive, thus referring it to those sections. They are statements of intent for carrying out the law. They are not codified and become part of the session law.

Cook: can we get clarification from Anita Thomas

Rep. Haas committee at ease waiting for Anita Thomas, Legislative Council.

Anita Thomas, Legislative Council

The answer to your question is very simple, there is a designation in the title. The section refers to teacher qualification, section 8 and 9 in effect are directives to Department of Public Instruction what you may or may not do within the accreditation standards or what the school board may or may not do.

Rep. Haas the other question was it is not codified

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Operator's Signature

10/16/03
Date

Page 2
House Education Committee
Bill/Resolution Number HB 1489
Hearing Date April 18, 2003

Thomas, it will appear in the session laws, they both have the full effect of the law, but not codified. **Rep. Haas** is session law in effect for only 2 years.

Thomas no it is in law until it is changed **Sen. Cook**: I can See where section 8 is a directive but section 9. **Thomas** It is still telling the school board that can not curtail the right to issue a contract. **Rep. Haas** in that sense it is a directive.

Rep. Hunsakor Section 9, would it be better to have a positive than a negative.

Rep. Haas there are some concerns with that amendment by NDEA

Nancy Sand, NDEA

We have been aware for some time the are NCLB money available for professional development. We have been encouraging our members to be part of the process as to how that money will be distributed in a fair and equitable way. There are some cases there will not be enough money for everyone. One of our concerns our members are wanting fair and equitable distribution of the dollars, we would like to See teachers involved because they are effected by the law. We want them to have a voice in how that money gets distributed, not decision making, but in developing the process for that distribution. We want to be involved.

Rep. Herbel I don't See how this will limit them from having input in the process.

Sand I don't know what the intent of this language is.

Rep. Haas I don't think it interferes with school districts, school boards, or teachers from working together to develop the criteria for the process of distribution. This simply says in plain language that nothing can be agreed to in a contract that is going to curtail the boards ability to pay teachers to help them become highly qualified. In relationship to NCLB, very specific in that regard also.

Richard Costa
Operator's Signature

10/16/03
Date

Page 3
House Education Committee
Bill/Resolution Number HB 1489
Hearing Date April 18, 2003

Rep. Hunsakor What is wrong in having teachers involved in the process

Rep. Haas this does not prohibit that at all.

Christenson: It would be next to impossible to set up something that did not involve teachers and forces them to work together and they want to.

Rep. Herbel the boards are in a box, they don't have enough people that are going to meet that criteria, they will be working together to get there.

Cook: I think the boards and teachers are together in this thing. I don't have the fears that they will be left out.

Rep. Haas we are in agreement on the amendments and I thank you for all your hard work that this committee has done on this. We have a very good bill for this point in time. Thank you.

Closed the meeting, the final meeting, on HB 1489.

30634.0300
Title

Prepared by Legislative Intern

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1489

Page 1, line 4, after the second semi-colon insert "continuing education payments;"

Page 8, after line 12 insert:

"SECTION 9. A new section to chapter 15.1-18 of the North Dakota Century Code is created and enacted as follows:

CONTINUING EDUCATION - PAYMENT. A school board's right to reimburse teachers for the cost of continuing education activities undertaken in connection with No Child Left Behind cannot be contractually curtailed."

Renumber accordingly

*How will NCLB
effect availability of
Substitute Teacher*

=====
REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420
=====

07398

(Bill Number) HB 1489 (, as (re)engrossed):

Your Conference Committee

30634-0300

For the Senate: Y N
P Sen Cook V
P Sen Lee V
P Sen Christenson V
For the House: Y N
P Rep Itas V
P Rep Herbel V
P Rep Hunskor V

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

and place on the Seventh order.

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

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

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

DATE: / /

CARRIER:

LC NO. of amendment

LC NO. of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

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

Christenson to adopt Ament
Hunskor Second

Operator's Signature

10/16/03
Date

30634.0306
Title.

Prepared by the Legislative Council staff for
Representative Herbel

April 16, 2003

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1489

That the Senate recede from its amendments as printed on pages 1421 and 1422 of the House Journal and page 1203 of the Senate Journal and that Engrossed House Bill No. 1489 be amended as follows:

Page 2, line 10, overstrike "Kindergarten" and after "Teacher" insert "Prekindergarten and kindergarten"

Page 2, line 12, after "teach" insert "prekindergarten and"

Page 4, line 3, replace "elementary" with "early" and after the underscored semicolon insert "or"

Page 4, line 4, remove "a.", replace "in elementary" with "equivalency in early childhood", and replace "; and" with an underscored period

Page 4, remove lines 5 through 23

Page 4, line 30, after the underscored semicolon insert "or"

Page 4, line 31, replace "; or" with an underscored period

Page 5, remove lines 1 through 4

Page 5, line 6, remove the underscored colon

Page 5, line 7, replace "a. is" with "is", remove the underscored semicolon, and after "and" insert an underscored colon

Page 5, line 8, replace "b. (1)" with "a."

Page 5, line 9, replace "(2)" with "b."

Page 5, after line 9, insert:

"3. In order to teach any grade from one through eight in a self-contained classroom, an individual must be licensed to teach by the education standards and practices board and:

a. Have a major in elementary education; or

b. Have a major equivalency in elementary education."

Page 5, line 13, remove "1.", after "teach" insert "any", after "grade" insert "from", and replace "or six" with "through eight"

Page 5, line 15, replace "a." with "1." and after "education" insert ", with content in the areas taught by the individual and defined by the education standards and practices board as core academic areas"

Page No. 1

30634.0306

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Operator's signature

La Costa Richard

Date

10/16/03

Page 5, line 16, replace "b." with "2." and replace the underscored semicolon with ". with content in the areas taught by the individual and defined by the education standards and practices board as core academic areas; or"

Page 5, remove lines 17 through 31

Page 6, remove lines 1 through 29 (delete entire page)

Page 7, remove lines 1 through 3

Page 7, line 4, replace "(3)" with "3."

Page 7, remove lines 7 through 12

Page 8, line 12, after "process" insert "and the impact of those changes"

Page 8, line 16, replace "2008" with "2006"

Renumber accordingly

Page No. 2

30634.0306

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Yolanda Rickford
Operator's Signature

10/16/03
Date

=====
REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420
=====

07398

(Bill Number) 1489 (, as (re)engrossed):

Your Conference Committee 306

For the Senate:

Sen. Cook Yes
Sen. Lee Yes
Sen. Christenson Yes

For the House:

Rep. Haas Yes
Rep. Herbel Yes
Rep. Hunksor Yes

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

308
:0600

[] and place on the Seventh order.

[X] (adopt) (further) amendments as follows, and place
on the Seventh order:

[] having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

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

1st Amendment by Herbel DATE: 4/17/03
Motion by Rep. Herbel
Second by Christenson

CARRIER:
LC NO. of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment

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

Operator's Signature

10/16/03
Date

30634.0307
Title.

Prepared by the Legislative Council staff for
Representative Haas
April 17, 2003

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1489

That the Senate recede from its amendments as printed on pages 1421 and 1422 of the House Journal and page 1203 of the Senate Journal and that Engrossed House Bill No. 1489 be amended as follows:

Page 1, line 4, after the second semicolon insert "to reconcile accreditation requirements for teacher qualifications;"

Page 8, after line 9, insert:

"SECTION 8. TEACHER QUALIFICATIONS - ACCREDITATION RULES. For purposes of accreditation, the superintendent of public instruction may not establish teacher qualification requirements that exceed those established by the education standards and practices board."

Page 8, line 15, replace "9" with "10"

Renumber accordingly

=====
REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420
=====

07398

(Bill Number) HB 1489 (, as (re)engrossed):

Your Conference Committee

For the Senate:
Sen Cook
Sen. Lee
Sen Christenson

For the House:
Rep Haas
Rep Durbin
Rep Hunsicker

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

and place on the Seventh order.

adopt (further) amendments as follows, and place
1489 on the Seventh order:

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

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

DATE: / /

CARRIER:

LC NO. of amendment

LC NO. of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

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

ament 30634 0307 Herbel mixed
Christenson Second

Operator's Signature

Date 10/16/03

30634.0308
Title.0600

Adopted by the Education Conference
Committee
April 17, 2003

VR
4/18/03
1082

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1489

That the Senate recede from its amendments as printed on pages 1421 and 1422 of the House Journal and pages 1070 and 1071 of the Senate Journal and that Engrossed House Bill No. 1489 be amended as follows:

Page 1, line 5, after the semicolon insert "to provide directives;"

Page 2, line 10, overstrike "~~Kindergarten~~" and after "~~Teacher~~" insert "Prekindergarten and kindergarten"

Page 2, line 12, after "teach" insert "prekindergarten and"

Page 4, line 3, replace "elementary" with "early" and after the underscored semicolon insert "or"

Page 4, line 4, remove "a.", replace "in elementary" with "equivalency in early childhood", and replace "; and" with an underscored period

Page 4, remove lines 5 through 23

Page 4, line 30, after the underscored semicolon insert "or"

Page 4, line 31, replace "; or" with an underscored period

Page 5, remove lines 1 through 4

Page 5, line 6, remove the underscored colon

Page 5, line 7, replace "a. is" with "is", replace "practice" with "practices", remove the underscored semicolon, and after the second "and" insert an underscored colon

Page 5, line 8, replace "b (1)" with "a."

Page 5, line 9, replace "(2)" with "b." and after the underscored period insert:

"3. In order to teach any grade from one through eight in a self-contained classroom, an individual must be licensed to teach by the education standards and practices board and:

a. Have a major in elementary education; or

b. Have a major equivalency in elementary education."

Page 5, line 13, remove "1.", after "teach" insert "any", after "grade" insert "from", and replace "or six" with "through eight"

2082

Page 5, line 15, replace "a." with "1." and after "education" insert "with content in the areas taught by the individual and defined by the education standards and practices board as core academic areas"

Page 5, line 16, replace "b." with "2." and replace the underscored semicolon with "with content in the areas taught by the individual and defined by the education standards and practices board as core academic areas; or"

Page 5, remove lines 17 through 31

Page 6, remove lines 1 through 29

Page 7, remove lines 1 through 3

Page 7, line 4, replace "(3)" with:

"3."

Page 7, remove lines 7 through 12

Page 8, after line 9, insert:

"SECTION 8. TEACHER QUALIFICATIONS - ACCREDITATION RULES - DIRECTIVES. For purposes of accreditation, the superintendent of public instruction may not establish teacher qualification requirements that exceed those established by the education standards and practices board.

SECTION 9. CONTINUING EDUCATION - PAYMENT - DIRECTIVES. A school board's right to reimburse teachers for the cost of continuing education activities undertaken in connection with the No Child Left Behind Act of 2001 may not be contractually curtailed."

Page 8, line 12, after "process" insert "and the impact of those changes"

Page 8, line 15, replace "9" with "11"

Page 8, line 16, replace "2008" with "2006"

Renumber accordingly

=====
REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420
=====

07398

(Bill Number) HB 1489 (, as (re)engrossed):

Your Conference Committee

For the Senate:

Sen. Cook P
Sen. Lee P
Sen. Christenson P

For the House:

Rep Haas P
Rep Herbel P
Rep Hunsaker P

[] recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
the (Senate/House) amendments on (SJ/HJ) page(s) 1421 - 1422

[] and place on the Seventh order.

[X] adopt (further) amendments as follows, and place

1489 on the Seventh order: LC 30634.0308 - 0600

[] having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

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

DATE: 4/18/03
CARRIER: Rep Haas / Sen Cook
LC NO. 30634.0308 of amendment
LC NO. of engrossment
Emergency clause added or deleted
Statement of purpose of amendment

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

moved:
second:
note on 4/17/03 am pm on amendment individually

=====
REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420
=====

07398

(Bill Number) HB 1489 (, as (re)engrossed):

4-11-03 2:15
4-15-03 9:00
4-16-03 11:15
4-17-03 11:15

Your Conference Committee

For the Senate:

Sen Cook PPP
Sen Lee PPP
Sen Christenson PPP

YN

For the House:

Rep Haas PPP
Rep Herbel PPP
Rep Hunskov PPP

YN

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

[] and place on the Seventh order.

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

[] having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

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

DATE: 4/16/03

CARRIER:

LC NO. of amendment

LC NO. of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

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

Operator's Signature

10/16/03
Date

REPORT OF CONFERENCE COMMITTEE (420)
April 18, 2003 11:49 a.m.

Module No: HR-71-7937

Insert LC: 30634.0308

REPORT OF CONFERENCE COMMITTEE

HB 1489, as engrossed: Your conference committee (Sens. Cook, G. Lee, Christenson and Reps. Haas, Herbel, Hunsakor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1421-1422, adopt amendments as follows, and place HB 1489 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1421 and 1422 of the House Journal and pages 1070 and 1071 of the Senate Journal and that Engrossed House Bill No. 1489 be amended as follows:

Page 1, line 5, after the semicolon insert "to provide directives;"

Page 2, line 10, overstrike "Kindergarten" and after "~~Teacher~~" insert "Prekindergarten and kindergarten"

Page 2, line 12, after "teach" insert "prekindergarten and"

Page 4, line 3, replace "elementary" with "early" and after the underscored semicolon insert "or"

Page 4, line 4, remove "a.", replace "in elementary" with "equivalency in early childhood", and replace "and" with an underscored period

Page 4, remove lines 5 through 23

Page 4, line 30, after the underscored semicolon insert "or"

Page 4, line 31, replace "or" with an underscored period

Page 5, remove lines 1 through 4

Page 5, line 6, remove the underscored colon

Page 5, line 7, replace "a. is" with "is", replace "practice" with "practices", remove the underscored semicolon, and after the second "and" insert an underscored colon

Page 5, line 8, replace "b. (1)" with "a."

Page 5, line 9, replace "(2)" with "b." and after the underscored period insert:

"3. In order to teach any grade from one through eight in a self-contained classroom, an individual must be licensed to teach by the education standards and practices board and:

a. Have a major in elementary education; or

b. Have a major equivalency in elementary education."

Page 5, line 13, remove "1.", after "teach" insert "any", after "grade" insert "from", and replace "or six" with "through eight"

Page 5, line 15, replace "a." with "1." and after "education" insert ", with content in the areas taught by the individual and defined by the education standards and practices board as core academic areas"

REPORT OF CONFERENCE COMMITTEE (420)
April 18, 2003 11:49 a.m.

Module No: HR-71-7937

Insert LC: 30634.0308

Page 5, line 16, replace "b." with "2." and replace the underscored semicolon with "with content in the areas taught by the individual and defined by the education standards and practices board as core academic areas; or"

Page 5, remove lines 17 through 31

Page 6, remove lines 1 through 29

Page 7, remove lines 1 through 3

Page 7, line 4, replace "(3)" with:

"3."

Page 7, remove lines 7 through 12

Page 8, after line 9, insert:

"SECTION 8. TEACHER QUALIFICATIONS - ACCREDITATION RULES - DIRECTIVES. For purposes of accreditation, the superintendent of public instruction may not establish teacher qualification requirements that exceed those established by the education standards and practices board.

SECTION 9. CONTINUING EDUCATION - PAYMENT - DIRECTIVES. A school board's right to reimburse teachers for the cost of continuing education activities undertaken in connection with the No Child Left Behind Act of 2001 may not be contractually curtailed."

Page 8, line 12, after "process" insert "and the impact of those changes"

Page 8, line 15, replace "9" with "11"

Page 8, line 16, replace "2008" with "2006"

Renumber accordingly

Engrossed HB 1489 was placed on the Seventh order of business on the calendar.

2003 TESTIMONY

HB 1489

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10/6/03
Date



Education Standards and Practices Board

600 E. Boulevard Ave., Dept. 202

Bismarck, ND 58505-0080

(701) 328-2264 Fax #328-2815

<http://www.state.nd.us/espb>

Testimony on HB 1489

By

Janet Placek Welk, Executive Director

Good afternoon, Madam Chair and members of the House Education Committee. I am Janet Welk, Executive Director of the Education Standards and Practices Board and wish to testify in favor of HB 1489. Amy Benz, ESPB chair will also be testifying on behalf of the board.

HB 1489 is the response of the Education Standards and Practices Board (ESPB) to the federal mandates of teacher quality within *No Child Left Behind*. The board spent many hours researching, reviewing, and gaining input from the field prior to developing their response and believes this legislation will meet the letter of the federal law and not require ND teachers to do more than required by federal law.

North Dakota has provided authority for ESPB to regulate the licensure of teachers through NDCC 15.1-13. Under the authority of this law, the board has many requirements that are not actually in law, but administered through the administrative rules process which has the same affect as law. For example, beginning July 1, 2002, ESPB began requiring all initial applicants to take the Praxis 1/PPST (basic skills test) prior to receiving their license. The board issues minor equivalencies to those applicants who have completed certain requirements and wish to teach in a different content area. The actual requirements for the minor equivalencies are not in state law but identified in administrative rule meeting ND teacher education program approval standards. The

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1 Education Standards and Practices Board in their response to NCLB, has developed a "major
2 equivalency" for those teachers that are not highly qualified as defined by NCLB or documented
3 through an official college transcript. We are asking that the actual requirements for the major
4 equivalency are not in state law but administered through the rules process.

5 The reason the board has used the administrative rules process versus putting the
6 requirements in law is based on response time. The legislative process takes approximately three
7 years to complete when taking into consideration the administrative rules process after the law has
8 been passed. When the board puts the major equivalency only into administrative rules, that process
9 takes one year to complete. If the requirements for NCLB are changed, as many people believe it
10 will be, the response time can be one year versus three years within the administrative rules process.
11 The federal rules for this section of NCLB are still in draft form which would lend the process to
12 further changes.

13 I would like to offer three amendments to this draft.

14 Page 5, line 9, delete after Has, "an endorsement" and insert "major equivalency". This
15 would allow secondary teachers to complete a major equivalency in early childhood education.

16 Page 7, line 9, delete after before, "2003" and insert "2008." This would allow the board
17 transition time between July 1, 2003 and June 30, 2008 to change elementary education licensure
18 requirements from grades 1-8 to grades 1-6.

19 Page 8, line 15, delete after Sections "1" and add "2" which would allow the education
20 standards and practices board the transition time between July 1, 2003 and June 30, 2008 to issue
21 major equivalency endorsements but the teachers would not be required to use them until July 1,
22 2008.

23 This concludes my testimony on HB 1489. I would be happy to address any questions at this
24 time.

LR

DRAFT
(DISCUSSION PURPOSES 2/26/03)
(DISCUSSION PURPOSES 3/11/03)
(DISCUSSION PURPOSES 4/09/03)

NORTH DAKOTA HIGHLY QUALIFIED DEFINITIONS
Effective July 1, 2006

A. EARLY CHILDHOOD EDUCATION

(Birth-grade 3)

1. Bachelor's degree in education and coursework equivalent to 32 semester hours in early childhood education.
2. Bachelor's degree with a major in elementary education and coursework equivalent to a minor in early childhood education.
3. Bachelor's degree with a major in elementary education and coursework equivalent to an early childhood education endorsement.
4. Bachelor's degree in education with a major in elementary education and pass a content based test in early childhood education.
5. Bachelor's degree in middle education, pass a content based and teaching skills test in early childhood education, and complete a clinical practice option program.
6. Secondary bachelor's degree with academic major, pass a content based and teaching skills test in early childhood education, and complete a clinical practice option program.
7. Bachelor's degree in elementary education and complete the portfolio for early childhood education.
8. Bachelor's degree in elementary, middle or secondary education and complete the national board for professional teaching standards certification for the early childhood education.
9. Bachelor's degree in elementary, middle or secondary education and complete an advanced degree in early childhood education.
10. Bachelor's degree with a major in elementary education and complete coursework for the kindergarten endorsement.

B. ELEMENTARY EDUCATION

(Grades 1-6)

1. Bachelor's degree in education with coursework equivalent to 32 semester hours in elementary education and pass a content based test and teaching skills test in elementary education
2. Bachelor's degree in middle education, pass a content based test and teaching skills test in elementary education and complete a clinical practice option program.
3. Secondary bachelor's degree with academic major, pass a content based test and teaching skills test in elementary education and complete a clinical practice option program.
4. Secondary bachelor's degree with academic major, an advanced degree in elementary education and pass a content based test and teaching skills test in elementary education.
5. Bachelor's degree in middle education, complete an advanced degree in elementary education and pass a content based test and teaching skills test in elementary education.

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6. Secondary bachelor's degree with academic major, complete national board certification at the elementary education level and pass a content based test and teaching skills test in elementary education.
7. Bachelor's degree in middle education, complete national board certification at the elementary education level and pass a content based test and teaching skills test in elementary education.
8. Bachelor's degree in early childhood education, complete the portfolio at the elementary level and pass a content based test and teaching skills test in elementary education.
9. Bachelor's degree in elementary education that have been under contract in the State of North Dakota prior to July 1, 2006.
10. Bachelor's degree in education with a minor or minor equivalency endorsement in elementary education that have been under contract in the State of North Dakota prior to July 1, 2006.

C. MIDDLE EDUCATION

(Grades 5-8)

(This would apply to only the core academic areas as identified in NCLB. Non-core academic areas would require a major, major equivalency, minor, minor equivalency endorsement or eight semester hours if licensed as an elementary teacher.)

1. Bachelors degree in elementary education, a middle school endorsement (minimum of 10 SH) and middle school major subject area specializations (minimum of 12 SH) and methods totaling a minimum of 32 SH.
2. Bachelor's degree in elementary education, grades 1-8, and middle school major subject area specializations (minimum of 12SH) and methods and complete a clinical practice option program.
3. Bachelor's degree in elementary education, pass a content based test and teaching skills test in middle education and complete a clinical practice option program.
4. Bachelor's degree in elementary education, complete an advanced degree in middle level education with a content specialization.
5. Bachelor's degree in elementary education and complete the national board for professional teaching standards certification in a content specific middle level certificate.
6. Bachelor's degree in elementary education and complete the portfolio in a content specific area at the middle level.
7. Bachelor's degree in middle level education that includes specializations (minimum of 12 SH) in the subject areas being taught and complete a clinical practice option program.
8. Bachelor's degree in middle level education and complete a content test for the area being taught.
9. Bachelor's degree in middle level education and complete the portfolio for the content area being taught
10. Bachelor's degree in middle level education and complete the national board for professional teaching standards for the specific content area being taught.

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11. Bachelor's degree in middle level education and complete an advanced degree in the content area being taught.
12. Secondary bachelor's degree with an academic major and a subject area specialization (minimum of 12 SH) in the subject areas being taught and complete a clinical practice option program.
13. Secondary bachelor's degree with an academic major and complete a content test in the area being taught.
14. Secondary bachelor's degree with an academic major and complete the portfolio for the content area being taught.
15. Secondary bachelor's degree with an academic major and complete the national board for professional teaching standards for the specific content area being taught.
16. Secondary bachelor's degree with an academic major and complete an advanced degree in the content area being taught.
17. Effective January 1, 2006 a North Dakota licensed teacher with three or more years of successful teaching experience who holds a major, but not in the specific content area, will be considered highly qualified upon successful completion of a portfolio or a test in the area (s) in which the individual teaches, meeting or exceeding the minimum scores as determined by the education standards and practices board.

D. SECONDARY EDUCATION

(Grades 7-12)

(This would apply to only the core academic areas as identified in NCLB. Non-core academic areas would require a major, major equivalency, minor, minor equivalency endorsement.)

1. Secondary bachelor's degree with academic major with coursework equivalent to 32 semester hours of content specific to the subject being taught
2. Secondary bachelor's degree with academic major with coursework equivalent to 16 semester hours in content specific coursework and pass a content specific test
3. Secondary bachelor's degree with academic major and coursework equivalent to 16 semester hours in content specific coursework and complete a content specific portfolio in the subject being taught
4. Secondary bachelor's degree with academic major and an advanced degree in the content subject area being taught.
5. Secondary bachelor's degree with academic major and national board certification in the content subject area being taught
6. Bachelor's degree with a major in middle education and coursework equivalent to 32 semester hours of content specific to the subject being taught and the professional education coursework specific to secondary bachelor's degree with academic major.

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7. Bachelor's degree with a major in middle education, coursework equivalent to 16 semester hours in content specific coursework, pass a content specific test and a teaching skills test at the secondary level.
8. Bachelor's degree with a major in middle education, coursework equivalent to 16 semester hours in content specific coursework, pass a content specific test and complete clinical practice option program.
9. Bachelor's degree with a major in elementary education and coursework equivalent to 32 semester hours of content specific to the subject being taught and the professional education coursework specific to secondary bachelor's degree with academic major.
10. Bachelor's degree with a major in elementary education, coursework equivalent to 16 semester hours in content specific coursework, pass a content specific test and a teaching skills test at the secondary level and complete a clinical practice option program.
11. Bachelor's degree with a major in elementary education, coursework equivalent to 16 semester hours in content specific coursework, pass a content specific test and clinical practice option program.

E. DEFINITIONS

Composite degree definitions:

Composite majors in science: Secondary teachers with majors in the field of science (minimum of 32 SH) will be licensed to teach in each specific science discipline in which the individual has the minimum preparation for that specific science discipline stated in the ND standards (8 SH).

(m/s/p 02-11-03)

Composite majors in social studies: Secondary teachers with majors in history, geography, civics and government, economics, or composite social studies (minimum of 32 SH) will be licensed to teach in each specific social studies discipline in which the individual has a minimum number of semester hours aligned with the ND standards for the area: history 12 SH, geography 6 SH, civics and government 6 SH, and economics 6 SH, or a minimum of 6 SH aligned with the ND standards for any other specific social studies disciplines. m/s/p

Core academic areas defined:

English, Reading and Language Arts, Mathematics, Science, Foreign Languages, Civics & Government, Economics, Music, Visual Arts, History and Geography.

Major equivalency options defined:

- (1) A recognized minor with successful completion of a content test meeting or exceeding the minimum scores as determined by the education standards and practices board; or
- (2) A recognized minor with successful completion of a portfolio; or
- (3) Undergraduate or graduate coursework equivalent to a major; or
- (4) An advanced degree in a recognized content area; or
- (5) National Board for Professional Teaching Standards Certification in a recognized content area.

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Date

Testimony in Support of House Bill 1489

My name is Amy Benz and I am a teacher at Beulah Middle School where I have taught for 23 years. I also chair the Educational Standards and Practices Board. I am here today to ask for your support of House Bill 1489. This bill meets the federal guidelines of the No Child Left Behind Law or ESEA law yet does not go beyond the requirements.

As you know North Dakota has a teacher shortage. Thousands of educators are eligible for retirement each year. Only about 250 students graduate from teacher education programs each year in the state. It is our fear that if requirements for teacher licensure are too stringent we will lose many more of our valuable educators.

In North Dakota teachers have taught with a major or minor in their fields. A minor will not meet the definition of a 'highly qualified' teacher according to the new ESEA law.

Another requirement of this law is that all teachers are treated equally; however, the law itself demands inequity. Some subject areas are listed specifically as core academic areas. Four of those subject areas are in social studies—civics and government, history, geography, and economics. This requires social studies teachers to have majors or a major equivalency in four areas rather than a composite major that has been acceptable in North Dakota.

The No Child Left Behind Law does not acknowledge Middle Schools. We have worked hard in our state and across the country to create a learning atmosphere that is conducive to young

adolescents. Middle School teachers often teach two or three core academic areas. This law would require middle school staff to have a major or major equivalency in each of these subject areas.

Just last week educational leaders from around the state met with Congressman Pomeroy. He stated that Congressmen were directed to get input from their states regarding the ESEA law. There is a possibility that some of the law may change. The Educational Standards and Practices Board has written House Bill 1489 to comply with federal guidelines, yet be flexible if federal mandates change.

House Bill 1489 does restructure the teachers' licenses in North Dakota. Teachers would receive a 1-6, 5-8, or 7-12 license. Teachers would be required to have a major or major equivalency to teach in the core academic subjects. A major equivalency will be defined in rule rather than law. The major equivalency rule has not been completed. Some of the options that are being considered at this time are: taking a test, completing a portfolio, becoming National Board Certified, obtaining coursework equivalent to a major, or receiving an advanced degree. The major equivalency is in draft form and has been sent to the field for review. We are open to more options and flexibility. We hope to finalize the major equivalency rule at our February board meeting.

Even with House Bill 1489 many teachers across the state will be required to prove they are 'highly qualified'. New elementary teachers will have to take a test. Both new and existing middle school teachers with an elementary degree would be required to have a major

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equivalency to teach in the core academic areas. All middle school and high school teachers who are currently teaching with a minor in a core academic area must become highly qualified with major equivalency. We have good teachers in North Dakota. We believe they are already "highly qualified."

I teach in Beulah, which is a Class A school. Of our six core middle school teachers, none will be highly qualified in all subjects we teach with the current law. We will have to spend time proving that we are "highly qualified" rather than spending time on instruction that we truly believe will benefit students. If this is in our school, just magnify it to compare it to the smaller schools in the state.

I am sure each of you here can tell how ESEA is going to affect your schools. The Educational Standards and Practices Board is trying to meet the federal regulations and yet keep teacher licensure as realistic as possible for North Dakota.

Thank you for your time. Please support House Bill 1489.

Amy Benz, teacher
Educational Standards and Practices Board Chair
Beulah Middle School
873-4135 (home) 873-4325 (school)
amy.benz.1@sendit.nodak.edu

House Education Committee
Testimony on HB1489
January 29, 2003

Madam Chair and members of the committee, my name is Wayne Kutzer,
Director of the State Board for Vocational and Technical Education.

As the vocational technical instructors teach in grades 7 – 12 my comments are
in reference to that portion of the bill. The flexibility that this bill allows addresses
concerns that have been raised by NCLB and teacher certification as it relates to
vocational technical education. NCLB is very clear in exempting non-core
academic teachers, specifically in the areas of vocational technical education.

You have in your materials proposed amendments to the bill that I feel more
clearly define the responsibility and authority that the State Board for Vocational
and Technical Education has in prescribing the qualifications for teachers,
directors and supervisors. That authority is outlined in 15-20.1-03 which you
have in your materials. I would refer you to #8 of that section.

The proposed amendments are on the next page of your materials.
The first two amend the description of the bill -

Page 1, line 1, after "enact" insert "a new section to chapter 15.1-13 and"

Page 1, line 2, after "teacher" insert "licensure and" and after the second comma
insert "15.1-13-10,"

On Page 1, after line 23, insert current section 15.1-13-10, deleting # 4, and
replacing it with the following new section for 15.1-13

That new section is --

Licenses in areas of career and technical education. The board shall
grant licenses to teach in areas of career and technical education based
on qualifications provided to the board by the state board for career and
technical education pursuant to section 15-20.1-03.

The new section more clearly defines what is said in # 4 which is deleted.

The other changes start on Page 7, line 26, after the period insert
"Notwithstanding the requirements in this chapter:"

On Page 8, line 7, remove "the" and replace "trade, industry, technical
occupations, or" with "career and technical education"

Page 8, line 8, remove "health occupations" and remove "restricted"

Page 8, line 9, after "board" insert ", based on qualifications provided to the education standards and practices board by the state board for career and technical education pursuant to section 15-20.1-03"

So that starting on page 8, line 7, #3 would read "An individual may teach in areas of career and technical education, provided the individual has been issued a license to teach in such areas by the education standards and practices board, based on qualifications provided to the education standards and practices board by the state board for career and technical education pursuant to section 15-20.1-03"

With these amendments we support HB 1489 as it relates to grades 7 – 12.

Thank you for your consideration, I would be glad to answer any questions.

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15-20.1-03. Powers and duties of state board relating to vocational education. The state board shall have all authority necessary to cooperate with the United States department of education, or other department or agency of the United States of America, in the administration of acts of Congress relating to vocational education, including the following powers and duties:

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with acts of Congress relating to vocational education.
2. To administer the funds provided by the federal government and by this state for the promotion of vocational education, and to contract with:
 - a. Any public or private institution or agency, board of trustees of any agricultural and training school, or school district of this state; or
 - b. Any public or private institution or agency, or political subdivision of another state.
3. To formulate plans for the promotion of vocational education in such subjects as are an essential and integral part of the public school system of education in this state.
4. To provide for the preparation of teachers.
5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this chapter relating to vocational education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose.
6. To make studies and investigations relating to vocational education.
7. To promote and aid in the establishment of schools, departments, or classes, and to cooperate with local communities in the maintenance of vocational schools, departments, or classes.
8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors.
9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of vocational education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of vocational teachers.
10. To coordinate new and existing farm management programs offered by any state agency or entity.
11. To create and expand marketing clubs as adjuncts to new and existing farm management programs.

Source: S.L. 1971, ch. 158, § 4; 1983, ch. 82, § 22; 1997, ch. 49, § 6; 1999, ch. 163, § 1;

Cross-References. Vocational education certificate qualifications unaffected by general teacher

2

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1489

Page 1, line 1, after "enact" insert "a new section to chapter 15.1-13 and"

Page 1, line 2, after "teacher" insert "licensure and" and after the second comma insert "15.1-13-10,"

Page 1, after line 23, insert:

"SECTION 2. AMENDMENT. Section 15.1-13-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-10. Criteria for teacher licensure.

1. The board shall establish by rule the criteria for teacher licensure and the process for issuing teaching licenses. The criteria must include considerations of character, adequate educational preparation, and general fitness to teach.
2. The board may not require a teacher who graduated from an accredited teacher education program on or before September 1, 1980, to earn any college credits in native American or other multicultural courses as a condition of licensure or license renewal.
3. This section does not affect the validity of teaching certificates in effect on July 31, 2001.
4. ~~This section does not affect the qualifications for vocational education certificates, as otherwise established by law.~~

SECTION 3. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

Licenses in areas of career and technical education. The board shall grant licenses to teach in areas of career and technical education based on qualifications provided to the board by the state board for career and technical education pursuant to section 15-20.1-03."

Page 7, line 26, after the period insert "Notwithstanding the requirements in this chapter:"

Page 8, line 7, remove "the" and replace "trade, industry, technical occupations, or" with "career and technical education"

Page 8, line 8, remove "health occupations" and remove "restricted"

Page 8, line 9, after "board" insert ", based on qualifications provided to the education standards and practices board by the state board for career and technical education pursuant to section 15-20.1-03"

Renumber accordingly

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Education Standards and Practices Board

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TESTIMONY ON HB 1489
House Education Committee
January 29, 2003

Presented by Deb Jensen, Assistant Director, Education Standards and Practices Board

PROPOSED AMENDMENTS TO HOUSE BILL 1489

Regarding the criteria for licenses in career and technical education and the authority of the SBVTE in 15-20.1-03 to prescribe qualifications and the ESPB in 15.1-13-08 and 15.1-13-10 to set standards and issue licenses.

Page 8, line 7 original bill text:

delete

~~3. An individual may teach in the areas of trade, industry, technical occupations, or health occupations, provided the individual has been issued a restricted license to teach in such areas by the education standards and practices board.~~

Proposed amendment replacing Page 8 lines 7-9:

3. Career and technical education specialty areas:

- a. An individual may teach in the areas of trade, industry, technical, or health occupations, provided the individual has met the qualifications prescribed by the state board for vocational technical education pursuant to 15-20.1-03 and has been issued a restricted license to teach in such areas by the education standards and practices board.
- b. An individual may teach in career and technical areas requiring a minimum of a bachelors degree provided the individual has met standards and criteria approved by the education standards and practices board pursuant to 15.1-13-08 and 15.1-13-10 and the state board for vocational technical education pursuant to 15-20.1-03, and has been issued a license to teach in such areas by the education standards and practices board.

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Date

3 R S

January 30, 2003
Support
HB1489
Gloria Lokken, NDEA

Chairperson Kelsch and Members of the House Education Committee:

For the record, my name is Gloria Lokken, President of the North Dakota Education Association.

I speak in support of HB1489.

Our Association believes North Dakota has always set high standards for the licensure of teachers, and we believe our current licensing process does stand for quality. However, we also understand the need to comply with federal law, so we stand in support of HB1489.

Our goal is to keep quality teachers in our classrooms. We believe our teachers are highly qualified, and we know they work very hard to meet the needs of their school districts. They teach the classes that they are asked to teach. They take classes and workshops to improve their skills, and they have years of on-the-job experience. In recognition of the high quality our teachers represent, we will continue to work for flexibility in the requirements of the ESEA Act.

It is extremely difficult to address the "No Child Left Behind (NCLB) Act. There are many unanswered questions due to the length and vagueness of the law. Changes and clarifications continue to be made by the U.S. Department of Education.

On January 10, 2003, Senator Dorgan and Senator Conrad introduced a "Sense of the Senate Resolution" to enable flexibility in the No Child Left Behind Act of 2001. The Resolution and Senator Dorgan's testimony are attached. As the implementation of the NCLB Act moves forward, the need for flexibility will be addressed, and changes will be made. Therefore, it is very important that we do not exceed the current requirements and allow for flexibility in the future.

We urge a "Do Pass" on HB1489.



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108TH CONGRESS
1ST SESSION

S. RES. 22

Expressing the sense of the Senate regarding the implementation of the
No Child Left Behind Act of 2001.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2003

Mr. DORGAN (for himself and Mr. CONRAD) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions

RESOLUTION

Expressing the sense of the Senate regarding the
implementation of the No Child Left Behind Act of 2001.

Whereas all students, no matter where they live, should receive the highest quality education possible, and Congress and the President enacted the No Child Left Behind Act of 2001 (Public Law 107-110) to ensure high academic standards and the tools and resources to meet those standards;

Whereas the No Child Left Behind Act of 2001 imposes many new requirements and challenges for States, school districts, and individual educators;

Whereas many States and school districts are struggling to understand the requirements of the No Child Left Behind Act of 2001, even as additional regulations and

guidance continue to be forthcoming from the Department of Education;

Whereas the small size, remoteness, and lack of resources of many rural schools pose potential additional problems in implementing the No Child Left Behind Act of 2001;

Whereas many rural schools and school districts have very small numbers of students, such that the performance of a few students on the assessments required by the No Child Left Behind Act of 2001 can determine the progress or lack of progress of that school or school district;

Whereas the small number of students in many rural schools can make the disaggregation of testing results difficult and even statistically unreliable;

Whereas some of the options created for students attending failing schools, including the choice to attend another public school and the availability of supplemental tutoring services, simply may not be available in rural areas or may be prohibitively expensive due to the cost of transportation over long distances;

Whereas many rural schools already have shortages of teachers in key subject areas, rural teachers frequently teach in multiple subject areas, and rural teachers tend to be older, and lower paid than their urban counterparts;

Whereas many experienced teachers and paraprofessionals in rural schools may not meet the definition of "highly qualified" in the No Child Left Behind Act of 2001 and rural school districts will have difficulty competing with large school districts in recruiting and retaining quality teachers;

•SRES 22 IS

Whereas the No Child Left Behind Act of 2001 imposes many new requirements on schools and school districts, but the President's budget request for fiscal year 2003 does not provide the level of funding needed and authorized to meet those requirements and in fact cuts funding by \$90,000,000 for programs contained in the No Child Left Behind Act of 2001; and

Whereas a majority of the States are being forced to cut budgets and local governments are also struggling with revenue shortfalls that make it difficult to provide the increased resources necessary to implement the No Child Left Behind Act of 2001 in the absence of adequate Federal funding; Now, therefore, be it

1 *Resolved, That—*

2 (1) the Secretary of Education should provide
3 the maximum flexibility possible in assisting pre-
4 dominantly rural States and school districts in meet-
5 ing the unique challenges presented to them by the
6 No Child Left Behind Act of 2001 (Public Law
7 107-110);

8 (2) the President should, in his fiscal year 2004
9 budget request, request the full levels of funding au-
10 thorized under the No Child Left Behind Act of
11 2001 for all programs, including the Rural Edu-
12 cation Achievement Program (20 U.S.C. 7341 et
13 seq.); and

14 (3) it is the sense of the Senate that, if the
15 President does not request and Congress does not

•SRES 22 IS

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- 1 provide full funding for the No Child Left Behind
- 2 Act of 2001 in fiscal year 2004, Congress should
- 3 suspend the enforcement of the implementation of
- 4 the requirements of the No Child Left Behind Act
- 5 of 2001 until full funding is provided.

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•SRES 22 IS

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10/16/03
Date



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

WASHINGTON: Thursday, January 16, 2003

Senate

S.Res.22, EXPRESSING CONCERNS ABOUT IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT

Mr. DORGAN. Mr. President, today, I am submitting a Sense of the Senate Resolution that expresses my concerns about the implementation of the No Child Left Behind Act.

I supported this law when it was passed by the Senate with overwhelming bipartisan support, and I still support it. In general, I think it is very appropriate and important for us as a Nation to demand very high standards of performance from our schools and to identify those schools that should be doing better and give them the assistance they need to improve.

Having said that, I do have concerns that a lack of adequate funding and a potential lack of flexibility in the implementation of this new law could set out public schools up for failure, and that is wrong. All of us have an obligation, as parents, educators, concerned citizens, and policymakers, to get the implementation of this law right.

Nationwide, about 25 percent of public schools are rural. In North Dakota, fully 89 percent of our public school districts are rural. The No Child Left Behind Act imposes many new requirements that will be challenging for all States and schools to meet. However, rural school districts face unique challenges that are compounded by the small size, remoteness, lack of resources facing many rural schools.

Rural educators in my State have pointed out a number of unique concerns facing them. For example, many rural school districts in North Dakota have very small numbers of students. The poor performance of just a few students on the tests required by the No Child Left Behind Act could result in a school being identified as needing improvement, even when most of the students are performing very well.

In addition, some of the options created under the No Child Left Behind Act for students attending schools identified for improvement simply may not be available in rural areas. For instance, most of the school districts in my State only include one school, so another public school choice is not an option. Likewise, the distance to the next nearest school district may be impractical or the cost of transportation may be prohibitively expensive. Similar concerns exist with the availability of supplemental tutoring services.

Many rural schools already have shortages of teachers in key subject areas, even though rural instructors frequently teach in multiple subject areas. Some of the experienced teachers and paraprofessionals in rural schools may not meet the new "highly qualified" requirements of the No Child Left Behind Act, and it will be very difficult for rural

school districts to compete with large school districts recruiting and retaining quality teachers.

I believe the No Child Left Behind Law provides States with the flexibility that is needed to address these and other concerns, if the Department of Education allows States to use that flexibility and the States take advantage of it. As President Bush himself said last week, "One size doesn't fit all when it comes to public education."

Of course, the other ingredient that is needed is funding. Even with the necessary flexibility, if schools do not have the resources to make needed reforms, they will not be able to improve.

When the Congress and the President last year reached bipartisan agreement on the No Child Left Behind Act, we agreed on the levels of funding that would be necessary to meet the new expectations and requirements. That law authorizes \$31 billion for the No Child Left Behind Act in fiscal year 2003, a \$9 billion increase over the fiscal year 2002 level.

Unfortunately, barely a month after this legislation was signed into law, the President sent to Congress a budget that not only did not fully fund the increases in the No Child Left Behind Act, it actually cut funding by \$90 million.

One cut of particular concern to me is the President's proposal to eliminate funding for the Rural Education Achievement Program, REAP, which was funded in fiscal year 2002 at \$162.5 million. REAP funding is particularly important because it is targeted at small, rural districts that do not receive large enough amounts of money through the individual federal formula "title programs" to make substantive changes or investments. In addition, because small rural districts often lack the administrative staff to apply for competitive grants from the State and Federal level, they receive a smaller proportion of federal dollars than their suburban or urban counterparts.

For many rural school districts, REAP will provide an additional \$20,000 to \$60,000 in new funding which will help them to meet the challenges of

implementing the No Child Left Behind Act. While this may not seem like much funding to an urban or suburban district, to a small rural district it makes a real impact.

As Congress completes work on the fiscal year 2003 Education appropriations bill, I hope we will provide the \$31 billion authorized in No Child Left Behind. I understand that Senator Harkin plans to offer an amendment to bring the funding level up to the authorized amount. Given that the No Child Left Behind Act was passed by the Senate by an 87-10 vote, I would hope and expect that Senator Harkin's amendment would receive similarly strong bipartisan support.

However, my Sense of the Senate resolution also calls on President Bush to request the authorized level of funding of \$34 billion in his fiscal year 2004 budget he will send to Congress next month, and it calls on Congress to appropriate that level of funding in fiscal year 2004.

If full funding is not provided in fiscal year 2004, my resolution expresses the "Sense of the Senate" that enforcement of the No Child Left Behind Act should be suspended. A moratorium on enforcement is not my preference. Our children would be much better off if Congress and the President simply lived up to their commitment to provide the level of funding and flexibility needed to implement this law correctly. That should be our goal.

However, without this funding, we are simply imposing an enormous "unfunded mandate" on states and local school districts. The reality is that the budget crises facing just about every state and local government make it virtually impossible for states and local governments to make up for the lack of resources from the federal government.

Fundamentally, this can be a good law, and I think it would be a shame, and irresponsible to our children, if it cannot be implemented properly because Congress did not provide the resources it said it would.

SENATE RESOLUTION 22--EXPRESSING THE
WISDOM OF THE SENATE REGARDING THE
IMPLEMENTATION OF THE NO CHILD LEFT
BEHIND ACT OF 2001

Mr. DORGAN (for himself and Mr. CONRAD)
submitted the following resolution; which was referred
to the Committee on Health, Education, Labor, and
Pensions:

S. Res. 22

Whereas all students, no matter where they
live, should receive the highest quality education
possible, and Congress and the President enacted the
No Child Left Behind Act of 2001 (Public Law 107-
110) to ensure high academic standards and the tools
and resources to meet those standards;

Whereas the No Child Left Behind Act of 2001
imposes many new requirements and challenges for
States, school districts, and individual educators;

Whereas many States and school districts are
struggling to understand the requirements of the No
Child Left Behind Act of 2001, even as additional
regulations and guidance continue to be forthcoming
from the Department of Education;

Whereas the small size, remoteness, and lack of
resources of many rural schools pose potential
additional problems in implementing the No Child Left
Behind Act of 2001;

Whereas many rural schools and school
districts have very small numbers of students, such that
the performance of a few students on the assessments
required by the No Child Left Behind Act of 2001 can
determine the progress or lack of progress of that
school or school district;

Whereas the small number of students in many
rural schools can make the disaggregation of testing
results difficult and even statistically unreliable;

Whereas some of the options created for
students attending failing schools, including the choice
to attend another public school and the availability of

supplemental tutoring services, simply may not be
available in rural areas or may be prohibitively
expensive due to the cost of transportation over long
distances;

Whereas many rural schools already have
shortages of teachers in key subject areas, rural
teachers frequently teach in multiple subject areas,
and rural teachers tend to be older, and lower paid
than their urban counterparts;

Whereas many experienced teachers and
paraprofessionals in rural schools may not meet the
definition of "highly qualified" in the No Child Left
Behind Act of 2001 and rural school districts will
have difficulty competing with large school districts
in recruiting and retaining quality teachers;

Whereas the No Child Left Behind Act of
2001 imposes many new requirements on schools
and school districts, but the President's budget
request for fiscal year 2003 does not provide the
level of funding needed and authorized to meet those
requirements and in fact cuts funding by \$90,000,000
for programs contained in the No Child Left Behind
Act of 2001; and

Whereas a majority of the States are being
forced to cut budgets and local governments are also
struggling with revenue shortfalls that make it
difficult to provide the increased resources necessary
to implement the No Child Left Behind Act of 2001
in the absence of adequate federal funding: Now,
therefore, be it

Resolved, That--

(1) the Secretary of Education should provide
the maximum flexibility possible in assisting
predominantly rural States and school districts in
meeting the unique challenges presented to them by
the No Child Left Behind Act of 2001 (Public Law
107-110);

(2) the President should, in his fiscal year
2004 budget request, request the full levels of
funding authorized under the No Child Left Behind

Act of 2001 for all programs, including the Rural
ation Achievement Program (20 U.S.C. 7341 et
seq.); and

(3) it is the sense of the Senate that, if the
President does not request and Congress does not
provide full funding for the No Child Left Behind Act
of 2001 in fiscal year 2004, Congress should suspend
the enforcement of the implementation of the
requirements of the No Child Left Behind Act of 2001
until full funding is provided.

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TESTIMONY ON HB 1489
HOUSE EDUCATION COMMITTEE
January 29, 2003
By Gary Gronberg, Assistant Superintendent
Department of Public Instruction
328-1240

Madam Chair and Members of the House Education Committee:

Madam Chair, my name is Gary Gronberg, Assistant Superintendent within the Department of Public Instruction. I am here to support a discussion and policy change in existing statute with regard to teacher qualification in North Dakota. The state must amend in some fashion its current teacher qualification law in order to appropriately accommodate the provisions of the *No Child Left Behind Act (NCLBA)*. The state must amend in some fashion its current teacher qualification law to assure a just and equitable manner of certifying to the qualification of all teachers within the state. This committee now has two vehicles to review, HB 1181 drafted by the Department of Public Instruction and HB 1489 submitted for the Education Standards and Practices Board. Whatever policy change discussion that takes place, the Department of Public Instruction believes that the goals of the potential change should be: (1) to ensure that all students in North Dakota are taught by highly qualified teachers with the content knowledge and teaching skills in order that students receive full benefit of the instruction, and (2) to accord the teachers in the field a meaningful and learning-appropriate means of achieving and demonstrating these qualifications. These goals are not universally supported in both bills.

HB 1489 begins to address these goals but clearly steps short when it restricts its application to core content areas only.

When state policy is crafted, the DPI feels that it should apply to all teachers and institute a uniform licensure policy that will place our state in a comparable position with others in the country.

Complying with a federal requirement is a motivation, however, what should drive a law change is the need to improve the access of students to good teachers who know deeply the subjects they teach. You can't teach what you don't know well and

HB 1489
Department of Public Instruction

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January 29, 2003

Richard
Operator's Signature

10/6/03
Date

students can't learn with poor instruction. One of the best dollar values in student achievement is a well-trained teacher.

The DPI would be happy to work with this committee and the other constituent groups in bringing about a resolution of HB 1181 and HB 1489 before you.



Education Standards and Practices Board

600 E. Boulevard Ave., Dept. 202

Bismarck, ND 58505-0080

(701) 328-2264 Fax #328-2815

<http://www.state.nd.us/espb>

Testimony on HB 1489

By

Janet Placek Welk, Executive Director

Good morning, Mister Chairman and members of the Senate Education Committee. I am

Janet Welk, Executive Director of the Education Standards and Practices Board and wish to testify in favor of HB 1489. Amy Benz, ESPB chair will also be testifying on behalf of the board.

HB 1489 is the response of the Education Standards and Practices Board (ESPB) to the federal mandates of teacher quality within *No Child Left Behind*. The board spent many hours researching, reviewing, and gaining input from the field prior to developing their response.

North Dakota has provided authority for ESPB to regulate the licensure of teachers through NDCC 15.1-13. Under the authority of this law, the board has many requirements that are not actually in law, but administered through the administrative rules process which has the same affect as law. For example, beginning July 1, 2002, ESPB began requiring all initial applicants to take the Praxis 1/PPST (basic skills test) prior to receiving their license. The board issues minor equivalencies to those applicants who have completed certain requirements and wish to teach in a different content area. The actual requirements for the minor equivalencies are not in state law but identified in administrative rule meeting ND teacher education program approval standards. The Education Standards and Practices Board in their response to NCLB, has developed a "major equivalency" for those teachers that are not highly qualified as defined by NCLB or documented

The Education Standards and Practices Board does not advocate, permit, nor practice discrimination on the basis of sex, race, national origin, religion, age or disability as required by various state and federal laws.

1 through an official college transcript. We are asking that the actual requirements for the major
2 equivalency are not in state law but administered through the rules process.

3 The reason the board has used the administrative rules process versus putting the
4 requirements in law is based on response time. The legislative process takes approximately three
5 years to complete when taking into consideration the administrative rules process after the law has
6 been passed. When the board puts the major equivalency only into administrative rules, that process
7 takes one year to complete. If the requirements for NCLB are changed, as many people believe it
8 will be, the response time can be one year versus three years within the administrative rules process.
9 The federal rules for this section of NCLB are still in draft form which would lend the process to
10 further changes.

11 Attached to this testimony are the definitions of "highly qualified" and the definition of
12 "major equivalency" as drafted by the Education Standards and Practices Board.

13 I would like to offer two amendments to HB 1489:

14 Page 4, line 3, after the word "in" delete "elementary" and insert "early". The new sentence
15 would read: "Have a major in early childhood education;" This change is clerical in nature and
16 provides the correct major needed for the requirements.

17 Page 8, line 16, after the date "July 1," delete "2008" and insert "2006". The new sentence
18 would read: "Section 2 through 7 and section 9 of this Act become effective on July 1, 2006." This
19 change is brought forward by ESPB after much discussion and deliberation. The 2008 date was
20 recommended to try and give the teachers in North Dakota as much time as possible to complete the
21 requirements.

22 This concludes my testimony on HB 1489. I would be happy to address any questions at this
23 time.

24
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Testimony in Support of House Bill 1489

My name is Amy Benz and I am a teacher at Beulah Middle School where I have taught for 23 years, and I am not 'highly qualified' according to the new ESEA laws. I am here today to ask for your support of House Bill 1489. The Educational Standards and Practices Board has spent hours trying to develop a plan that will meet the federal guidelines of the No Child Left Behind Law or ESEA law yet, not go beyond the requirements.

There are three areas of great concern with the current ESEA law. In North Dakota teachers have taught with a major or minor in their fields. A minor will not meet the definition of a 'highly qualified' teacher according to the new ESEA law. These teachers, many who have taught for 15, 20, or even more years will have to become highly qualified.

Another requirement of this law is that all teachers are treated equally; however, the law itself demands inequity. Some subject areas are listed specifically as core academic areas. Four of those subject areas are in social studies—civics and government, history, geography, and economics. This requires social studies teachers to have majors or a major equivalency in four areas rather than a composite major that has been acceptable in North Dakota.

The No Child Left Behind Law does not acknowledge Middle Schools. We have worked hard in our state and across the country to create a learning atmosphere that is conducive to young adolescents. Middle School teachers often teach two or three core academic areas. This law

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10/16/03
Date

would require middle school staff to have a major or major equivalency in each of these subject areas.

The Educational Standards and Practices Board wrote House Bill 1489 to comply with federal guidelines. The specific requirements will be in administrative rules for two reasons. First if federal mandates change we can respond to those changes more quickly. Also even though we have worked diligently on reaching a definition of a highly qualified teacher in our state, we feel the timeline has been short. We would like more time to send the definition of 'highly qualified' to the field for review.

House Bill 1489 does restructure the teachers' licenses in North Dakota. Teachers would receive a 1-6, 5-8, or 7-12 license. This fits the school structure in our state. It would allow our office to start issuing licenses that would comply with NCLB.

The Educational Standards and Practices Board is trying to meet the federal regulations and yet keep teacher licensure as realistic as possible for North Dakota. Thank you for your time.

Please support House Bill 1489.

Amy Benz, teacher
Educational Standards and Practices Board Chair
Beulah Middle School
873-4135 (home) 873-4325 (school)
amy.benz.1@sendit.nodak.edu

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TESTIMONY ON ENGROSSED HB 1489
HOUSE EDUCATION COMMITTEE
March 18, 2003
By Gary Gronberg, Assistant Superintendent
Department of Public Instruction
328-1240

Mr. Chairman and Members of the Senate Education Committee:

My name is Gary Gronberg, Assistant Superintendent within the Department of Public Instruction. I am here to support a discussion and policy change in existing statute with regard to teacher qualification in North Dakota. The state must amend in some fashion its current teacher qualification law in order to appropriately accommodate the provisions of the *No Child Left Behind Act (NCLBA)* and to assure a just and equitable manner of certifying to the qualification of all teachers within the state. Whatever policy change discussion that takes place, the Department of Public Instruction believes that the goals of the potential change should be: (1) to ensure that all students in North Dakota are taught by highly qualified teachers with the content knowledge and teaching skills in order that students receive full benefit of the instruction, and (2) to accord the teachers in the field a meaningful and learning appropriate means of achieving and demonstrating these qualifications.

Engrossed HB 1489 begins to address these goals but clearly stops short when it restricts its application to core content areas only and continues to allow instruction in noncore content areas by individuals teaching in an area of minor preparation.

When state policy is crafted, the DPI feels that it should apply to all teachers and institute a uniform licensure policy that will place our state in a comparable position with other states in the country.

Engrossed HB 1489 continues to allow a practice clearly not allowed under NCLB by enabling a teacher to teach on a temporary basis (2 years) on a promise to obtain the appropriate qualifications.

Complying with a federal requirement is a motivation, however, what should drive a law change is the need to improve the access of students to good teachers who know deeply the subjects they teach before they begin to teach. You can't teach what

Engrossed HB 1489
Department of Public Instruction

1

Richard
Operator's Signature

10/16/03
Date

you don't know well and students can't learn with poor instruction. One of the best dollar values in student achievement is a well-trained teacher.

Finally Engrossed HB 1489 sets forth in Section 10. EFFECTIVE DATE a date that is two years beyond the NCLB deadline for states for all existing teachers to meet the "highly qualified" provision by the end of the 2005-2006 school year (Sec. 1119 qualifications for teachers and paraprofessionals. 20 USC 6319).

Engrossed HB 1489
Department of Public Instruction

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March 18, 2003

SENATE EDUCATION COMMITTEE
HB 1489

SENATOR FREBORG AND COMMITTEE MEMBERS:

My name is Jack McDonald. I am appearing today on behalf of the State Association for Non-Public Schools (SANS). SANS represents 62 nonpublic grade schools and high schools throughout North Dakota, with approximately 7,200 students. We urge your support of our amendment at the end of my testimony.

Non-public schools are generally not covered by the No Child Left Behind Act (NCLB). However, rules, regulations and legislation proposed or enacted in response to this Act can have a serious impact on our schools in the areas of school accreditation, course requirements and teacher licensing to name but a few.

This bill is an example of that. It puts into place many new requirements supposedly mandated by NCLB, but its effect on non-public schools, that are not supposed to be covered by NCLB, will be severe. It is especially onerous in the middle school area that is the focus of many non-public schools.

NCLB, and HB 1489, takes a one size fits all approach to education that is at odds with the very existence of non-public schools. That's why these schools exist in the first place; because their missions and goals did not coincide with those of public education. One size did not fit all.

State legislation in many instances appears to be losing some of its focus of improving the reality of education and instead is focusing on or over emphasizing rigid standards for teacher accreditation and course requirements.

Therefore, we respectfully request that non-public schools be temporarily exempted from the provisions of HB 1489 to give them an opportunity to fully assess all the ramifications of NCLB and to re-assess their approach to state accreditation and approval. We are seeking only a temporary exemption for changes made in response to NCLB, and do not wish to change current accreditation or approval procedures, or the inclusion in any existing programs.

If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL 1489

Page 8, line 16, delete "2008" and insert "2008 for public schools and 2012 for non-public schools"

Renumber accordingly

Jack McDonald
Operator's Signature

10/6/03
Date

4/11/03

LR

DRAFT
(DISCUSSION PURPOSES 2/26/03)
(DISCUSSION PURPOSES 3/11/03)
(DISCUSSION PURPOSES 4/09/03)

NORTH DAKOTA HIGHLY QUALIFIED DEFINITIONS
Effective July 1, 2006

A. EARLY CHILDHOOD EDUCATION

(Birth-grade 3)

1. Bachelor's degree in education and coursework equivalent to 32 semester hours in early childhood education.
2. Bachelor's degree with a major in elementary education and coursework equivalent to a minor in early childhood education.
3. Bachelor's degree with a major in elementary education and coursework equivalent to an early childhood education endorsement.
4. Bachelor's degree in education with a major in elementary education and pass a content based test in early childhood education.
5. Bachelor's degree in middle education, pass a content based and teaching skills test in early childhood education, and complete a clinical practice option program.
6. Secondary bachelor's degree with academic major, pass a content based and teaching skills test in early childhood education, and complete a clinical practice option program.
7. Bachelor's degree in elementary education and complete the portfolio for early childhood education.
8. Bachelor's degree in elementary, middle or secondary education and complete the national board for professional teaching standards certification for the early childhood education.
9. Bachelor's degree in elementary, middle or secondary education and complete an advanced degree in early childhood education.
10. Bachelor's degree with a major in elementary education and complete coursework for the kindergarten endorsement.

B. ELEMENTARY EDUCATION

(Grades 1-6)

1. Bachelor's degree in education with coursework equivalent to 32 semester hours in elementary education and pass a content based test and teaching skills test in elementary education
2. Bachelor's degree in middle education, pass a content based test and teaching skills test in elementary education and complete a clinical practice option program.
3. Secondary bachelor's degree with academic major, pass a content based test and teaching skills test in elementary education and complete a clinical practice option program.
4. Secondary bachelor's degree with academic major, an advanced degree in elementary education and pass a content based test and teaching skills test in elementary education.

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5. Bachelor's degree in middle education, complete an advanced degree in elementary education and pass a content based test and teaching skills test in elementary education.
6. Secondary bachelor's degree with academic major, complete national board certification at the elementary education level and pass a content based test and teaching skills test in elementary education.
7. Bachelor's degree in middle education, complete national board certification at the elementary education level and pass a content based test and teaching skills test in elementary education.
8. Bachelor's degree in early childhood education, complete the portfolio at the elementary level and pass a content based test and teaching skills test in elementary education.
9. Bachelor's degree in elementary education that have been under contract in the State of North Dakota prior to July 1, 2006.
10. Bachelor's degree in education with a minor or minor equivalency endorsement in elementary education that have been under contract in the State of North Dakota prior to July 1, 2006.

C. MIDDLE EDUCATION

(Grades 5-8)

(This would apply to only the core academic areas as identified in NCLB. Non-core academic areas would require a major, major equivalency, minor, minor equivalency endorsement or eight semester hours if licensed as an elementary teacher.)

1. Bachelors degree in elementary education, a middle school endorsement (minimum of 10 SH) and middle school major subject area specializations (minimum of 12 SH) and methods totaling a minimum of 32 SH.
2. Bachelor's degree in elementary education, grades 1-8, and middle school major subject area specializations (minimum of 12SH) and methods..
3. Bachelor's degree in elementary education, pass a content based test and teaching skills test in middle education and complete a clinical practice option program.
4. Bachelor's degree in elementary education, complete an advanced degree in middle level education with a content specialization and complete a clinical practice option program.
5. Bachelor's degree in elementary education and complete the national board for professional teaching standards certification in a content specific middle level certificate.
6. Bachelor's degree in elementary education and complete the portfolio in a content specific area at the middle level.
7. Bachelor's degree in middle level education that includes specializations (minimum of 12 SH) in the subject areas being taught.
8. Bachelor's degree in middle level education and complete a content test for the area being taught.
9. Bachelor's degree in middle level education and complete the portfolio for the content area being taught

10. Bachelor's degree in middle level education and complete the national board for professional teaching standards for the specific content area being taught.

11. Bachelor's degree in middle level education and complete an advanced degree in the content area being taught.

12. Secondary bachelor's degree with an academic major and a subject area specialization (minimum of 12 SH) in the subject areas being taught and complete a clinical practice option program.

13. Secondary bachelor's degree with an academic major and complete a content test in the area being taught and complete a clinical practice option program.

14. Secondary bachelor's degree with an academic major and complete the portfolio for the content area being taught

15. Secondary bachelor's degree with an academic major and complete the national board for professional teaching standards for the specific content area being taught.

16. Secondary bachelor's degree with an academic major and complete an advanced degree in the content area being taught and complete the clinical practice option program.

17. Effective January 1, 2006 a North Dakota licensed teacher with three or more years of successful teaching experience who holds a major, but not in the specific content area, will be considered highly qualified upon successful completion of a portfolio or a test in the area (s) in which the individual teaches, meeting or exceeding the minimum scores as determined by the education standards and practices board.

D. SECONDARY EDUCATION

(Grades 7-12)

(This would apply to only the core academic areas as identified in NCLB. Non-core academic areas would require a major, major equivalency, minor, minor equivalency endorsement.)

1. Secondary bachelor's degree with academic major with coursework equivalent to 32 semester hours of content specific to the subject being taught
2. Secondary bachelor's degree with academic major with coursework equivalent to 16 semester hours in content specific coursework and pass a content specific test
3. Secondary bachelor's degree with academic major and coursework equivalent to 16 semester hours in content specific coursework and complete a content specific portfolio in the subject being taught
4. Secondary bachelor's degree with academic major and an advanced degree in the content subject area being taught.
5. Secondary bachelor's degree with academic major and national board certification in the content subject area being taught
6. Bachelor's degree with a major in middle education and coursework equivalent to 32 semester hours of content specific to the subject being taught and the professional education coursework specific to secondary bachelor's degree with academic major.

7. Bachelor's degree with a major in middle education, coursework equivalent to 16 semester hours in content specific coursework, pass a content specific test and a teaching skills test at the secondary level.
8. Bachelor's degree with a major in middle education, coursework equivalent to 16 semester hours in content specific coursework, pass a content specific test and complete clinical practice option program.
9. Bachelor's degree with a major in elementary education and coursework equivalent to 32 semester hours of content specific to the subject being taught and the professional education coursework specific to secondary bachelor's degree with academic major and complete the clinical practice option program.
10. Bachelor's degree with a major in elementary education, coursework equivalent to 16 semester hours in content specific coursework, pass a content specific test and a teaching skills test at the secondary level and complete a clinical practice option program.
11. Bachelor's degree with a major in elementary education, coursework equivalent to 16 semester hours in content specific coursework, pass a content specific test and clinical practice option program.

E. DEFINITIONS

Composite degree definitions:

Composite majors in science: Secondary teachers with majors in the field of science (minimum of 32 SH) will be licensed to teach in each specific science discipline in which the individual has the minimum preparation for that specific science discipline stated in the ND standards (8 SH).

(m/s/p 02-11-03)

Composite majors in social studies: Secondary teachers with majors in history, geography, civics and government, economics, or composite social studies (minimum of 32 SH) will be licensed to teach in each specific social studies discipline in which the individual has a minimum number of semester hours aligned with the ND standards for the area: history 12 SH, geography 6 SH, civics and government 6 SH, and economics 6 SH, or a minimum of 6 SH aligned with the ND standards for any other specific social studies disciplines. m/s/p

Core academic areas defined:

English, Reading and Language Arts, Mathematics, Science, Foreign Languages, Civics & Government, Economics, Music, Visual Arts, History and Geography.

Major equivalency options defined:

- (1) A recognized minor with successful completion of a content test meeting or exceeding the minimum scores as determined by the education standards and practices board; or
- (2) A recognized minor with successful completion of a portfolio; or
- (3) Undergraduate or graduate coursework equivalent to a major; or
- (4) An advanced degree in a recognized content area; or
- (5) National Board for Professional Teaching Standards Certification in a recognized content area.

4-11-03

SECTION 1. AMENDMENT. Section 15.1-13-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1- 13-08 Board duties. The board shall:

1. Supervise the licensure of teachers.
2. Set standards for and approve teacher preparation programs.
3. Seek the advice of teachers, administrators, school board members, teacher education professors, and other interest citizens in developing and updating codes or standards of ethics, conduct, professional performance, and professional practices.
4. Adopt, in accordance with chapter 28-32, codes or standards of ethics, conduct, professional performance, and professional practices.
5. Made recommendations for the inservice education of individuals engaged in the profession of teaching.
6. Issue major equivalency endorsements and minor equivalency endorsements.
7. Appoint an executive director to serve at its discretion.
8. Authorize the executive director to employ personnel, subject to approval by the board.

SECTION 2. AMENDMENT. Section 15.1-18-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18-01. Early childhood education teaching license. The education standards and practices board shall issue an optional early childhood education teaching license or endorsement to an applicant who meets the requirements set by the board. The option early childhood education teaching license may be used in nonparental settings such as early childhood programs, preschool programs, and head start programs.

SECTION 3. AMENDMENT. Section 15.1-18-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18-02. Prekindergarten/kindergarten teacher qualifications – Exceptions.

In order to teach pre-kindergarten/kindergarten, an individual must be licensed to teach by the education standards and practices board and;

1. Have a major in elementary education and a kindergarten endorsement;
2. Have a major equivalency in elementary education and a kindergarten endorsement;
3. Have a major in elementary education and an early childhood education endorsement;
4. Have a major equivalency in elementary education and an early childhood education endorsement; or
5. Have a major in early childhood education.

SECTION 4. A new section to chapter 15.1-18 of the North Dakota Century Code is created and enacted as follows:

Elementary school teacher qualifications.

1. In order to teach any grade from one through six in an elementary school, an individual must be licensed to teach by the education standards and practices board and;
 - a. Have a major in elementary education; or
 - b. Have a major equivalency in elementary education.
2. Notwithstanding the provisions of subsection 1, an individual may teach any grade from one through three in an elementary school provided the individual;
 - a. is licensed to teach by the education standards and practices board; and
 - b. (1) has a major in early childhood education; or
(2) has a major equivalency in early childhood education.
3. In order to teach grades 1-8 in a self-contained classroom, an individual must be licensed to teach by the education standards and practices board and;
 - a. Have a major in elementary education; or
 - b. Have a major equivalency in elementary education.

SECTION 5. A new section to chapter 15.1-18 of the North Dakota Century Code is created and enacted as follows:

Middle school teacher qualifications.

1. In order to teach any grades 5-8 in a middle school, an individual must be licensed to teach by the education standards and practices board and;
 - a. Have a major in middle level education in the areas taught by the individual and defined by the education standards and practices board as core academic areas;
 - b. Have a major equivalency in middle level education in the areas taught by the individual and defined by the education standards and practices board as core academic areas; or
 - c. Have a major, a major equivalency, a minor, or a minor equivalency in each area taught by the individual and not defined by the education standards and practices board as a core academic area.

SECTION 6. A new section to chapter 15.1-18 of the North Dakota Century code is created and enacted as follows:

"Secondary school teacher qualifications. In order to teach grades seven through twelve, an individual must be licensed to teach by the education standards and practices board and;

1. Have a major in the areas taught by the individual and defined by the education standards and practices board as core academic areas;
2. Have a major equivalency in the areas taught by the individual and defined by the education standards and practices board as core academic areas; or

3. Have a major, a major equivalency, a minor, or a minor equivalency in each area taught by the individual and not defined by the education standards and practices board as a core academic area.

SECTION 7, 8, and 9 remain the same as the First engrossment with Senate Amendments of engrossed house bill no. 1489.

SECTION 10. Change effective date to July 1, 2006.

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4-15-03

DRAFT

(DISCUSSION PURPOSES 2/26/03)
(DISCUSSION PURPOSES 3/11/03)
(DISCUSSION PURPOSES 4/09/03)
(DISCUSSION PURPOSES 5/5/03)

NORTH DAKOTA HIGHLY QUALIFIED DEFINITIONS Including MAJOR EQUIVALENCY DEFINITIONS.

Effective July 1, 2006

A. EARLY CHILDHOOD EDUCATION MAJOR AND MAJOR EQUIVALENCIES.

(Birth-grade 3)

1. Bachelor's degree in education and coursework equivalent to 32 semester hours in early childhood education.
2. Bachelor's degree with a major in elementary education and coursework equivalent to a minor in early childhood education.
3. Bachelor's degree with a major in elementary education and coursework equivalent to an early childhood education endorsement.
4. Bachelor's degree in education with a major in elementary education and pass a content based test in early childhood education.
5. Bachelor's degree in middle education, pass a content based and teaching skills test in early childhood education, and complete a clinical practice option program.
6. Secondary bachelor's degree with academic major, pass a content based and teaching skills test in early childhood education, and complete a clinical practice option program.
7. Bachelor's degree in elementary education and complete the portfolio for early childhood education.
8. Bachelor's degree in elementary, middle or secondary education and complete the national board for professional teaching standards certification for the early childhood education.
9. Bachelor's degree in elementary, middle or secondary education and complete an advanced degree in early childhood education.
10. Bachelor's degree with a major in elementary education and complete coursework for the kindergarten endorsement.

B. ELEMENTARY EDUCATION MAJOR AND MAJOR EQUIVALENCIES.

(Grades 1-6)

1. Bachelor's degree in education with coursework equivalent to 32 semester hours in

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- elementary education and pass a content based test and teaching skills test in elementary education
2. Bachelor's degree in middle education, pass a content based test and teaching skills test in elementary education and complete a clinical practice option program.
 3. Secondary bachelor's degree with academic major, pass a content based test and teaching skills test in elementary education and complete a clinical practice option program.
 4. Secondary bachelor's degree with academic major, an advanced degree in elementary education and pass a content based test and teaching skills test in elementary education.
 5. Bachelor's degree in middle education, complete an advanced degree in elementary education and pass a content based test and teaching skills test in elementary education.
 6. Secondary bachelor's degree with academic major, complete national board certification at the elementary education level and pass a content based test and teaching skills test in elementary education.
 7. Bachelor's degree in middle education, complete national board certification at the elementary education level and pass a content based test and teaching skills test in elementary education.
 8. Bachelor's degree in early childhood education, complete the portfolio at the elementary level and pass a content based test and teaching skills test in elementary education.
 9. Bachelor's degree in elementary education that have been under contract in the State of North Dakota prior to July 1, 2006.
 10. Bachelor's degree in education with a minor or minor equivalency endorsement in elementary education that have been under contract in the State of North Dakota prior to July 1, 2006.

C. MIDDLE EDUCATION EDUCATION MAJOR AND MAJOR EQUIVALENCIES.

(Grades 5-8)

(This would apply to only the core academic areas as identified in NCLB. Non-core academic areas would require a major, major equivalency, minor, minor equivalency endorsement or eight semester hours if licensed as an elementary teacher.)

1. Bachelors degree in elementary education, a middle school endorsement (minimum of 10 SH) and middle school major subject area specializations (minimum of 12 SH) and methods totaling a minimum of 32 SH.
2. Bachelor's degree in elementary education, grades 1-8, and middle school major subject area specializations (minimum of 12SH) and methods..
3. Bachelor's degree in elementary education, pass a content based test and teaching skills test in middle education and complete a clinical practice option program.
4. Bachelor's degree in elementary education, complete an advanced degree in middle level education with a content specialization and complete a clinical practice option program.
5. Bachelor's degree in elementary education and complete the national board for professional teaching standards certification in a content specific middle level certificate.
6. Bachelor's degree in elementary education and complete the portfolio in a content specific area at the middle level.
7. Bachelor's degree in middle level education that includes specializations (minimum of 12 SH) in the subject areas being taught.
8. Bachelor's degree in middle level education and complete a content test for the area being taught.
9. Bachelor's degree in middle level education and complete the portfolio for the content area being taught
10. Bachelor's degree in middle level education and complete the national board for

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professional teaching standards for the specific content area being taught.

11. Bachelor's degree in middle level education and complete an advanced degree in the content area being taught.

12. Secondary bachelor's degree with an academic major and a subject area specialization (minimum of 12 SH) in the subject areas being taught and complete a clinical practice option program.

13. Secondary bachelor's degree with an academic major and complete a content test in the area being taught and complete a clinical practice option program.

14. Secondary bachelor's degree with an academic major and complete the portfolio for the content area being taught

15. Secondary bachelor's degree with an academic major and complete the national board for professional teaching standards for the specific content area being taught.

16. Secondary bachelor's degree with an academic major and complete an advanced degree in the content area being taught and complete the clinical practice option program.

17. Effective January 1, 2006 a North Dakota licensed teacher with three or more years of successful teaching experience who holds a major, but not in the specific content area, will be considered highly qualified upon successful completion of a portfolio or a test in the area (s) in which the individual teaches, meeting or exceeding the minimum scores as determined by the education standards and practices board.

D. SECONDARY EDUCATION MAJOR AND MAJOR EQUIVALENCIES.

(Grades 7-12)

(This would apply to only the core academic areas as identified in NCLB. Non-core academic areas would require a major, major equivalency, minor, minor equivalency endorsement.)

1. Secondary bachelor's degree with academic major with coursework equivalent to 32 semester hours of content specific to the subject being taught
2. Secondary bachelor's degree with academic major with coursework equivalent to 16 semester hours in content specific coursework and pass a content specific test
3. Secondary bachelor's degree with academic major and coursework equivalent to 16 semester hours in content specific coursework and complete a content specific portfolio in the subject being taught
4. Secondary bachelor's degree with academic major and an advanced degree in the content subject area being taught.
5. Secondary bachelor's degree with academic major and national board certification in the content subject area being taught

6. Bachelor's degree with a major in middle education and coursework equivalent to 32 semester hours of content specific to the subject being taught and the professional education coursework specific to secondary bachelor's degree with academic major.
7. Bachelor's degree with a major in middle education, coursework equivalent to 16 semester hours in content specific coursework, pass a content specific test and a teaching skills test at the secondary level.
8. Bachelor's degree with a major in middle education, coursework equivalent to 16 semester hours in content specific coursework, pass a content specific test and complete clinical practice option program.

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9. Bachelor's degree with a major in elementary education and coursework equivalent to 32 semester hours of content specific to the subject being taught and the professional education coursework specific to secondary bachelor's degree with academic major and complete the clinical practice option program.

10. Bachelor's degree with a major in elementary education, coursework equivalent to 16 semester hours in content specific coursework, pass a content specific test and a teaching skills test at the secondary level and complete a clinical practice option program.

11. 4/14/2003 11:03:32 AM Bachelor's degree with a major in elementary education, coursework equivalent to 16 semester hours in content specific coursework, pass a content specific test and clinical practice option program.

E. DEFINITIONS

Highly qualified teachers in secondary science: Secondary teachers with majors in the field of science (minimum of 42 SH) will be licensed to teach in each specific science discipline in which the individual has the minimum preparation for that specific science discipline as stated in the ND standards for the areas: chemistry 32 SH, biology 32SH, physics 32 SH, earth science 32 SH , composite science 42 SH or physical science 42 SH. (m/s/p 04-10-03)

Highly qualified teachers in social studies: Secondary teachers with majors in history 32 SH, geography 32 SH, civics and government 32 SH, economics 32 SH, or composite social studies 42 SH will be licensed to teach in each specific social studies discipline in which the individual has a minimum number of semester hours aligned with the ND standards for the area: history 18 SH, geography 12 SH, civics and government 12 SH, and economics 12 SH, or a minimum of 6 SH aligned with the ND standards for any other specific social studies disciplines. (m/s/p 4/10/03)

Core academic areas:

English, Reading and Language Arts, Mathematics, Science, Foreign Languages, Civics & Government, Economics, Music, Visual Arts, History and Geography.

Major equivalency options:

- (1) A recognized minor with successful completion of a content test meeting or exceeding the minimum scores as determined by the education standards and practices board; or
- (2) A recognized minor with successful completion of a portfolio; or
- (3) Undergraduate or graduate coursework equivalent to a major; or
- (4) An advanced degree in a recognized content area; or
- (5) National Board for Professional Teaching Standards Certification in a recognized content area, or
- (6) Meeting the requirements of highly qualified as identified in the previous sections of this document.

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Education Standards and Practices Board
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(701) 328-2264 Fax #328-2815
<http://www.state.nd.us/espb>

SUBSTITUTE TEACHERS
APRIL 17, 2003

67.1-02-02-10. Substitute teachers.

1. **Qualifications.** A substitute teacher must hold a valid North Dakota educator's professional license based upon the same qualifications as a contracted teacher. A substitute teacher holding a regular license may substitute in any area requiring regular elementary or secondary licensure. An individual with a restricted license may substitute only in the individual's area of restriction.
2. **Reeducation.** A substitute teacher who has not been under contract at any time during the person's current license does not need to submit reeducation hours to renew licensure. A substitute teacher who has been under part-time or full-time contract at any time during the person's current license, or who enters into a contract, must meet the reeducation requirements for contracted teachers.
3. **Shortages.** Interim licensure may be granted for substitute teachers as detailed in section 67.1-02-04-02 when a shortage of regularly licensed substitutes exists.

History: Effective October 16, 1998-April 14, 1999; amended effective June 1, 1999; March 1, 2000; August 2, 2002.

General Authority: NDCC 15.1-13-09, 15.1-13-10

Law Implemented: NDCC 15.1-13-09, 15.1-13-10

67.1-02-04-02. Interim licenses for substitute teachers. Interim licensure may be granted for substitute teachers who meet the initial requirements as outlined in subsections 1 through 6 and subsection 10 of section 67.1-02-04-01 when a shortage of regularly licensed substitutes exists. The interim license fee for substitute teachers is thirty dollars for one year. Renewal is contingent upon continued request from the school employing the substitute. Individuals who hold an interim substitute license and wish to accept a full-time or part-time contract must do so under the reentry requirements in sections 67.1-02-02-04 and 67.1-02-02-09, including reeducation hours.

History: Effective October 16, 1998; April 14, 1999; amended effective June 1, 1999; March 1, 2000; August 1, 2002

General Authority: NDCC 15.1-13-09, 15.1-13-10

The Education Standards and Practices Board does not advocate, permit, nor practice discrimination on the basis of sex, race, national origin, religion, age or disability as required by various state and federal laws.

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