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Deanna Hall
Operator's Signature

10/23/03
Date

2003 SENATE EDUCATION

SB 2414

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10/23/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2414

Senate Education Committee

☐ Conference Committee

Hearing Date 02-03-03

Tape Number	Side A	Side B	Meter #
1	x		0 - 30.1
1		x	43.6 - 45.5
Committee Clerk Signature <i>Danna 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 SB 2414 which requires the superintendent of public instruction to provide information on the No Child Left Behind Act; and to declare an emergency.

Testimony in support of SB 2414:

SENATOR FREBORG, Dist. 8, testified in support of the bill. He stated this would require DPI to flag any bill with NCLB required provisions.

SENATOR CHRISTENSON asked how DPI would disseminate information to the legislators.

SENATOR FREBORG understands that if any portion of a bill in a committee is required by the NCLB Act, DPI would have to produce evidence as such. He feels legislators are confused when a bill comes to them they don't know if the requirement is by DPI, NCLB, or the sponsor. The legislative committees need to have accurate information on this.

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Page 2
Senate Education Committee
Bill/Resolution Number SB 2414
Hearing Date 02-03-03

GREG GALLAGHER, DPI, testified in support of the bill. He further explained the bill. (see attached testimony)

SENATOR COOK stated that during the interim committee hearings, it was brought up about the sanctions included in NCLB through 2001 - 2007. DPI was to draft legislation to deal with all the aspects of NCLB. He asked if there is a bill stating how we are to deal with school governance should they fail to meet the requirements of NCLB. MR GALLAGHER stated that DPI has put forth all the proposals to deal with NCLB. They looked strongly at the open enrollment sanction as the only one that was desirable for ND. There are other means available to support the other sanctions such as JPA's. SENATOR COOK asked if DPI has made a decision as to the degree of sanctions that are going to be imposed on schools in ND. He asked where the legislative body fits into this. MR. GALLAGHER stated that DPI has only to propose the methods and the legislature has to decide to what extent to go. DPI put forth proposals that they felt were proper, given the current historical governance model in ND. They put forth proposals that they think address the elements of the law that will show they are adhering to the expanse of options that are stated in the law. They believe the options they put forth are minimal, yet address the law. Most sanctions are identified under Administrative Rules and can be dealt with there.

SENATOR COOK stated that he sees SB 2065 enabling DPI to administer standards and assessments required by NCLB. He wonders if this is a bill that would be flagged. He further feels there must have been many documents and communication between DPI and the US Dept. of Education that has to be quite in depth as to how we are to meet NCLB. MR. GALLAGHER stated that SB 2065 is an enabling language to expand the current state policy on assessing, not

Deanna Gallagher
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10/23/03
Date

Page 3
Senate Education Committee
Bill/Resolution Number SB 2414
Hearing Date 02-03-03

on requirements of standards in schools. In terms of that, what is stated here is from the Federal law of NCLB and in terms of the expectations that are placed for the state, there are a variety of documents of control of which the law itself is the most compelling. This requires the states to have in place these assessments in order to be in full compliance with the provisions of NCLB.

The authority is given to the Supt. to develop state content standards under state law.

MR. GALLAGHER stated NCLB states specifically that by 2005-2006 we need to have the assessments in place for the reading and math in grades K-3, 3-8, and one in high school. Then it adds a second part specifically addressing science, that the assessments must be in place by 2007, by three groupings, two in the grades and one in high school. has a minimum of three levels. SENATOR COOK stated that NCLB is moving toward three achievement levels and we seem to be moving toward four levels. Where is the legislation that creates four? MR.

GALLAGHER stated there is a minimum of three. By bringing in the lowest level (novice), it quickly shows if you are moving upward. It is critical where you put the "proficiency level".

The state has had the administrative practice of reporting out student performance from four levels since 1997. There is no authorizing legislation that requires four versus three.

SENATOR COOK stated many educators have concerns over what is actually "required".

MR. GALLAGHER said ND uses the "bookmark" method in evaluating test scores (cut scores).

SENATOR CHRISTENSON asked what input is there from the teachers in our state.

MR. GALLAGHER stated 150 teachers participated in setting the parameters in the proficiency testing. SENATOR COOK asked if the 150 teachers would still be supportive of what they helped create. MR. GALLAGHER stated the teachers were asked to look at the state standards

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10/23/03
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Page 4

Senate Education Committee
Bill/Resolution Number SB 2414
Hearing Date 02-03-03

and describe what "proficiency" was. They distanced themselves from the politics involved and they were comfortable with the "adequate yearly progress" application as described in Fed. law.

SENATOR FREBORG stated this bill is not a reflection of DPI not sharing information. It is asking them to bring to the committee the Act which requires the action.

LARRY KLUNDT, ND Council of Educational Leaders, believes this makes good sense. It is for the purpose of implementing a Federal law and makes sure it is germane and supports the legislation that is introduced. SENATOR COOK asked if we should be looking at more legislation. MR. KLUNDT asked that we not put into law anything that reduces the flexibility or goes beyond the requirements of NCLB.

Testimony from BEV NIELSON, NDSBA, was distributed to the committee in support of SB 2414.

Testimony from Dr. Wayne Sanstead, DPI, was distributed to the committee members. It was information as to the web site of NCLB.

There was no opposition to SB 2414.

The hearing was closed on SB 2414.

Tape 1, Side B, 43.6 - 45.5

SENATOR COOK stated to CHAIRMAN FREBORG that he would rather not put the bill out today. He feels there are some issues that need addressing. In some ways, he feels this should be the last bill out of committee.

The committee was adjourned.

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2414

Senate Education Committee

☐ Conference Committee

Hearing Date 2-10-03

Tape Number	Side A	Side B	Meter #
1	x		24.5 - 25.9
Committee Clerk Signature <i>Andrea Johnson</i>			

Minutes: CHAIRMAN FREBORG called the committee to order. Roll Call was taken with (5) members present and (1) member absent.

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

Roll Call Vote: 5 YES. 0 NO. 1 Absent. Motion Carried.

Senator Flakoll was allowed to vote: His vote was YES. Roll Call Vote was 6 YES. 0 NO.

0 Absent. Motion Carried.

Carrier: SENATOR CHRISTENSON

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10/23/03
Date

FISCAL NOTE
Requested by Legislative Council
01/30/2003

Bill/Resolution No.: SB 2414

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Greg Gallagher	Agency:	Public Instruction
Phone Number:	328-1838	Date Prepared:	01/31/2003

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

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2414

Senate EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen Cook Seconded By Sen Christenson

Senators	Yes	No	Senators	Yes	No
LAYTON FREBORG, CHAIR.	✓		LINDA CHRISTENSON	✓	
GARY A. LEE, V. CHAIR.	✓		RYAN M. TAYLOR	✓	
DWIGHT COOK	✓				
TIM FLAKOLL	✓				

Total (Yes) 5 6 No 0

Absent 0

Floor Assignment Sen. Christenson

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

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REPORT OF STANDING COMMITTEE (410)
February 10, 2003 2:43 p.m.

Module No: SR-25-2157
Carrier: Christenson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2414: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2414 was placed on the
Eleventh order on the calendar.

(2) DESK. (3) COMM

Page No. 1

SR-25-2157

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2003 HOUSE EDUCATION

SB 2414

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10/23/03
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2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. SB 2414
House Education Committee

☐ Conference Committee

Hearing Date March 11, 2003

Tape Number	Side A	Side B	Meter #
2		x	3402-4250
3	x		00-200
Committee Clerk Signature <i>Linda Fiechter</i>			

Chairman Kelsch opened the hearing on SB 2414.

Sen. Layton Freborg, District 8, Underwood

Read the parts of bill. "When any bill or amendment under consideration by any committee of the Legislative assembly contains a provision required by the NCLB act, Superintendent shall provide . . for the regulations." Hopefully, if it passes it will help out in this session, might be a little late. With or without 2414, Department of Public Instruction in most cases has upon request would provide the fore mentioned information. This came about from a couple of occasions this session. NCLB is so new that everyone that has read it six times, at least, everyone has a little different interpretation. In some cases they thought some of what was coming down to be connected to NCLB, they felt really was not, a couple of times we found out it was, on one occasion it was not. Department of Public Instruction says they would and were doing it anyway. I don't argue with that, but I think with this in place we would not wonder.

Rep. Hawken: Would this be like a committee, the interim education committee, when we are not in session, and then the education committee when we are in session.

Freborg: Yes, it would include interim committees, and any Legislative committee that is

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10/23/03
Date

Page 2
House Education Committee
Bill/Resolution Number SB 2414
Hearing Date March 11, 2003

dealing with education.

Rep. Hawken: So we are not talking about setting up a separate committee. **Freborg:** No

Chairman Kelsch This is just requests for information.

Bev Nielsen, ND School Boards Association

Yes

Greg Gallagher, Education Improvement Director within the Department of Public

Instruction, See Attached Testimony (3900-4175)

Joe Westby, NDEA (4175-4195)

We support this bill.

Closed hearing.

Tape 3, 00-200 Committee work

Chairman Kelsch technically they are not standing committee because they are considered, while the interim committees are offshoots of the standing committee. So I think perhaps it should say: under consideration of a standing committee, interim committee, or by a conference committee of the Legislative Assembly.

Rep. Mueller moved the amendment, **Rep. Meier** second

voice vote on amendment passed

Rep. Mueller recommended a DO PASS as amended, **Rep. Sitte** seconded the motion

Roll vote: 12-0-1, Rep. Sitte will carry the bill to the floor.

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House Amendments to SB 2414 - Education Committee 03/12/2003

Page 1, line 6, after the first "by" insert "an interim committee of the legislative council or by"
and remove the second "by"

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Date

Date: 3/11/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2414

House HOUSE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Amendment

Action Taken ~~Roll Call~~

Motion Made By Mueller Seconded By Meier

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

Total (Yes) Yolse No

Absent vote passed

Floor Assignment

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

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10/23/03
Date

Date: 3/11/03
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2414

House HOUSE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

Do Pass As Amended

Motion Made By

Mueller

Seconded By

Sitte

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	AB				
Rep. Williams	✓				

Total (Yes)

12

No

0

Absent

1

Floor Assignment

Sitte

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

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10/23/03

REPORT OF STANDING COMMITTEE (410)
March 12, 2003 1:38 p.m.

Module No: HR-44-4582
Carrier: Sltts
Insert LC: 30782.0101 Title: .0200

REPORT OF STANDING COMMITTEE
SB 2414: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS**
AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS,
1 ABSENT AND NOT VOTING). SB 2414 was placed on the Sixth order on the
calendar.

Page 1, line 6, after the first "by" insert "an Interim committee of the legislative council or by"
and remove the second "by"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-44-4582

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2003 TESTIMONY

SB 2414

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**NORTH DAKOTA
SCHOOL BOARDS
ASSOCIATION**
INCORPORATED

Excellence in North Dakota public education through local school board governance

SENATE EDUCATION COMMITTEE

SB2414

Monday, February 3, 2003

Bev Nielson, North Dakota School Boards Association

The North Dakota School Boards Association supports SB2414. Given the extensive and systemic mandated changes in public education policy included in the No Child Left Behind Act, it behooves the Legislature to verify to its satisfaction that changes made in North Dakota law are required.

NCLB is a very expensive mandate, both in dollars and in loss of state and local control of public schools. We believe it is crucial that the North Dakota Legislature not make any policy changes it would not make voluntarily unless there is proof positive that it absolutely must.

We believe there must be substantiation as to which changes are clearly required and which proposed changes go beyond clear mandates. Topics for review would include curricular standards, assessment breadth and depth, annual yearly progress cut-offs, sanctions, and teacher qualifications.

Thank you for considering this important step in the process. We urge a do pass on SB2414.

110 North Third Street • P.O. Box 2276 • Bismarck, North Dakota 58502
1-800-932-8791 • (701) 255-4127 • FAX (701) 258-7992
www.ndsba.k12.nd.us

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10/23/03
Date

**TESTIMONY on SB 2414
By Greg Gallagher
Department of Public Instruction
February 3, 2003**

Mr. Chairman and Members of the Senate Education Committee,

I am Greg Gallagher, Education Improvement Director within the Department of Public Instruction. I am here on behalf of the Department to support SB 2414.

Since the passage of the *No Child Left Behind Act*, the States have encountered numerous challenges in meeting its many provisions. The U.S. Department of Education (USDE) has itself encountered tremendous stressors in clearly drafting and communicating working rules for the administration of the Act. The USDE has issued a variety of regulations, guidance documents, "dear colleague" letters, and informal memoranda. Additionally, the USDE has supplied technical assistance to the States varying among national and regional meetings to official visitations to guidance phone conferences. The reliability of these guidance efforts has varied depending on the subject.

This is a complex law. We understand the inherent difficulties in administering this law with fidelity to its intent and with respect to the States' varying governance models. There is much about this Act that has yet to emerge with clarity.

As the North Dakota Legislative Assembly considers the enactment of policy related to the Act, the Department of Public Instruction commits itself to provide any and all information required by the Legislative Assembly to perform its constitutional duty. The Legislative Assembly and, indeed, all citizens of this State are entitled to this information, and the Department will continue to make every effort to provide this information, based on our best understanding of the Act.

Strictly speaking, SB 2414 is unnecessary. The Legislative Assembly has every right to this information now. The Department wishes to work closely with the Legislative Assembly to provide this information in the most meaningful format possible. Regardless of the final disposition of SB 2414, it is both the responsibility and the desire of the Department of Public Instruction to honor the provisions of this bill.

Mr. Chairman, this completes my testimony. I am available for questions.

HR 2414

1

February 2 2003

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Department of Public Instruction

600 E Boulevard Ave., Dept. 201, Bismarck, ND 58505-0440
(701) 328-2260 Fax - (701) 328-2461
<http://www.dpi.state.nd.us>

Dr. Wayne G. Sanstead
State Superintendent

Chair Freborg + Senate Education Committee 2-3-03
Re: Senate Bill 2414

I am pleased to provide the source
I use to secure information on NCLB
sections of the law. This Desktop
Reference available on line covers
all requirements of the law. I will
be in LBL this am but know they
will be with you to give testimony.
Wayne

ONE-STOP GUIDE

Desktop Reference for No Child Left Behind



The U.S. Department of Education just produced a 180-page desktop reference manual to the landmark education reform law *No Child Left Behind*.

The guide, *No Child Left Behind: A Desktop Reference*, offers a program-by-program look at the major reforms under the new law. It describes how the act's four guiding principles—accountability, flexibility and local control, parent options and research-based practices—bear on many of these programs. The manual covers the following sections of the law:

- Title I: Improving the Academic Achievement of the Disadvantaged
- Title II: Preparing, Training and Recruiting High-Quality Teachers and Principals
- Title III: Language Instruction for Limited English Proficient and Immigrant Students
- Title IV: 21st-Century Schools
- Title V: Promoting Informed Parental Choice and Innovative Programs
- Title VI: Flexibility and Accountability
- Title VII: Indian, Native Hawaiian and Alaska Native Education
- Title VIII: Impact Aid
- Title IX: Unsafe School Choice Option
- Title X: McKinney-Vento Homeless Education Assistance

It details the purpose of the program, what's new in the law, how the program works, key requirements, how to achieve quality, how performance is measured and key activities and responsibilities for state education departments. An online version of the publication is available at www.ed.gov/offices/OESE/reference.html.

School for the Deaf
Devils Lake, ND
(701) 682-9000

School for the Blind
Grand Forks, ND
(701) 795-2700

State Library
Bismarck, ND
(701) 328-2492

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Date

**TESTIMONY on SB 2414
HOUSE EDUCATION COMMITTEE
By Greg Gallagher
Department of Public Instruction
March 11, 2003**

Madam Chairperson and Members of the House Education Committee,

I am Greg Gallagher, Education Improvement Director within the Department of Public Instruction. I am here on behalf of the Department to support SB 2414.

Since the passage of the *No Child Left Behind Act*, the States have encountered numerous challenges in meeting its provisions. The U.S. Department of Education (USDE) has itself encountered stressors in clearly drafting and communicating working rules for the administration of the Act. The USDE has issued a variety of regulations, guidance documents, "dear colleague" letters, and informal memoranda. Additionally, the USDE has supplied technical assistance to the States ranging from national and regional meetings to official visitations to guidance phone conferences. The reliability of these guidance efforts has varied depending on the subject.

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Strictly speaking, SB 2414 is unnecessary. The Legislative Assembly has every right to this information now. The Department commits itself to work closely with the Legislative Assembly to provide this information in the most meaningful manner possible. Regardless of the final disposition of SB 2414, it is both the responsibility and the desire of the Department of Public Instruction to honor the provisions of this bill.

Madam Chairperson, this completes my testimony. I am available for questions.

SB 2414
Department of Public Instruction

1

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Deanna Gallagher
Operator's Signature

10/23/03
Date