

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1434

2005 HOUSE EDUCATION

HB 1434

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1434**

House Education Committee

☐ Conference Committee

Hearing Date **26 Jan 05**

Tape Number	Side A	Side B	Meter #
2		x	100 - 1469
Committee Clerk Signature <i>Jan Prindle</i>			

Minutes:

Vice Chairman Johnson opened the hearing on HB 1434.

Rep. Kelsch introduced the bill. It requires that before the DPI can make any amendments to the state accountability plan under the NCLB Act, they shall provide Legislative Council written notice of the proposed amendment. Legislative Council may assign responsibility to hold a public hearing to a committee designated by them. The Interim Committee on NCLB would be the ideal vehicle to hear these amendments. It would allow the Interim Committee to have input to the process.

Rep. Sitte: As a point of clarification are we protecting individual student data or can it be tracked under NCLB.

Rep. Kelsch: It is my understanding that individual data was not being tracked, it was cumulative data that was being tracked.

Bev Nielson, ND School Board Association, testified in favor of the bill. The only suggestion I would make is in the wording. In line 14, it would be nice if we could say, "the committee may direct the superintendent as to the disposition of amendment of the plan."

Chairman Kelsch: There will be advice given.

Nancy Sand, NDEA spoke in support of the bill. I have a question regarding timeliness to allow the committee to be called together.

Chairman Kelsch: If there is an amendment proposed during the session, then it would come before a joint meeting of the House and Senate Education Committees. The Interim Committee would be the vehicle when we are not in session.

Greg Gallagher, DPI, provided information on behalf of DPI. (**Testimony attached.**)

Rep. Sitte: Is it your understanding that no individual data is being tracked.

Gallagher: It is a federal law that no individual data may be reported.

Rep. Sitte: I scanned the ND accountability workbook and see on page 67 (**attached**) that ND has contracted with TetraData Corporation. (She read the underlined part.)

Gallagher: The linkage of individual students an essential element of any data base system for the purposes of rolling up. The end result is that no individual is able to be tracked.

Rep. Haas: I cannot for the life can't how that line of questioning has any relation to the bill in front of us and I object to that. I would like to ask a question of Mr. Gallagher. Do you consider an amendment to the state accountability plan synonymous with rule making?

Gallagher: The term rule making in Century Cole is a delimiting term. It's too limiting. It must be more robust and open so we interpret this as a policy statement saying that before any amendment occurs there needs to be notification to Legislative Council so they can exercise its

right to conduct a hearing if it wants. It may serve the purposes of consolidating Century Code to take the language of this bill and insert it where #4 is and I believe the true intent would be there then. We see that as a friendly amendment.

Vice Chairman Johnson closed the hearing on HB 1434 and relinquished the gavel to Chairman Kelsch.

Rep. Hanson: I move **Do Pass** on **HB 1434**.

Rep. Meier: I second

The question was called.

Yes: 12 **No:** 0 **Absent:** 2 **Motion passed.**

Rep. Mueller will carry the bill. ☐

FISCAL NOTE
Requested by Legislative Council
04/11/2005

Amendment to: HB 1434

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

This bill, with conference committee amendments, provides for 11 legislative members on the interim committee studying the federal No Child Left Behind Act of 2001, the same number as in current law.

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.*

Provisions of this bill, as amended by the conference committee, continue the same number of legislators on the interim No Child Left Behind Committee as in current law; therefore, there will be no change in expenditures of the Legislative Council.

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.*

No change in appropriations is needed, funding for this interim committee is included in the Legislative Council's 2005-07 biennium budget.

Name:	Jim W. Smith	Agency:	Legislative Council
Phone Number:	328-2916	Date Prepared:	04/11/2005

FISCAL NOTE
Requested by Legislative Council
03/14/2005

Amendment to: HB 1434

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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

This bill, as amended by the Senate, reduces the number of legislative members on the interim committee studying the federal No Child Left Behind Act of 2001 by two members, from eleven to nine.

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.*

Provisions of this bill will reduce Legislative Council expenditures by less than \$5,000 for the 2005-07 and 2007-09 bienniums.

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:	Jim W. Smith	Agency:	Legislative Council
Phone Number:	328-2916	Date Prepared:	03/14/2005

Date: 26 Jan
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1434

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Hanson

Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep. Hanson	✓	
Vice Chairman Johnson	✓		Rep. Hunsakor	✓	
Rep. Haas	✓		Rep. Mueller	✓	
Rep. Hawken	✓		Rep. Solberg	0	
Rep. Herbel	✓				
Rep. Horter	✓				
Rep. Meier	✓				
Rep. Norland	✓				
Rep. Sitte	0				
Rep. Wall	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Queller

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

REPORT OF STANDING COMMITTEE (410)
January 26, 2005 5:13 p.m.

Module No: HR-17-1149
Carrier: Mueller
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1434: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1434 was placed on the
Eleventh order on the calendar.

2005 SENATE EDUCATION

HB 1434

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1434**

Senate Education

Business and Conference Committee

Hearing Date February 16, 2005

Tape Number	Side A	Side B	Meter #
1	x		830-2471
Committee Clerk Signature <i>Patty Wilkins</i>			

Relating to amendment of the state accountability plan under the No Child Left Behind Act.

(meter #830)

Representative RaeAnn Kelsch - District 34 - Introduced the bill saying that it is a simple bill that says before the Superintendent of Public Instruction can amend the State Accountability Plan that the Legislature must receive notice of the proposed amendment. The proposed amendment would go to Legislative Council and they would determine the proper committee to hear the proposed amendment. This would allow the legislature impute. We did not want to limit it to just the No Child Left Behind Interim Committee because we know there times where an amendment could come up during the legislative session.

Senator Freborg - Asked if it would be more of a situation to be kept in the loop rather than to be able to have some real impute on what going to happen.

Rep. Kelsch - Believes it is both.

Senator Flakoll - Asked if she carried this bill to the floor.

Rep. Kelsch - Said she did not.

(meter #1171)

Gloria Locken - President of NDEA - Said she is a highly qualified 4th grade teacher because of the support of the Legislature, the Governor, and our Congressional team and our educational groups. We know that we can make a difference. She sees this bill as opportunity for checks and balances.

(meter #1264)

Mary Wahl - ND Council of Educational Leaders- She told of when she sat down with Terry Klundt and they came across the term NCLB. She was not familiar with it. They talked of the concerns that have developed around the implementation of No Child Left Behind. He acknowledged there was a great deal of stress with those involved in making the plan happen. He also talked frankly about the lack of trust among the people that were being involved with the implementation of this plan. She took these two concepts into the last session wondering how it would all play out and was surprised to discover they were on opposite sides of the Dept. Of Public Instruction. As the session unfolded she became aware of how much stress was involved. She said it became apparent to her they were not working together as a team, meaning the Dept. of Education and other entities that are involved in education. She suggests that maybe some of that has improved somewhat but there is still stress and there still is not the trust and cooperation

that there needs to be to make this work for ND. She thinks this bill is important for accountability and if there is going to be a change in the plan those changes must be brought before the legislative committee who can decide if the impact of those changes would be significant. That assures communication for those people involved in making this plan work.

(meter #1687)

Bev Nielson - SBA - In support of this bill - Said this is a good way to develop trust and have everyone come together for their impute. She said if everyone is in one place and hears what is being proposed and why its proposed it will go a long ways in helping with communication.

(meter #1807)

Greg Gallagher - Director of Standards and Achievement in the Dept. of Public Instruction -

See written testimony.

(meter #2200)

(meter 2348)

Senator Freborg - Asked Senator Taylor and Senator Flakoll to review bills 1038, 1408, and 1434 and come back with a report.

(end, meter #2471)

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1434

Senate Education Committee

☐ Conference Committee

Hearing Date 02/23/05

Tape Number	Side A	Side B	Meter #
1	x		1090-1195
Committee Clerk Signature <i>Dorothy Wilkins</i>			

Minutes: Relating to amendment of the state accountability plan under the No Child Left Behind Act.

Senator Freborg : Call the meeting to order on **HB 1434**

Senator Flakoll : I think in respect with HB 1434 and HB 1038 I think what will have to be done is, that sub committee that you appointed will have to visit on those just to make sure they either work together or we get rid of what we don't need or whatever else needs to be done. I think they would seem best at this time until that committee can meet again on this issue that we postpone action. Unless someone has discussion points that they want.

Senator Freborg : We have a couple of committees now, if we have the interim NCLB committee we will have three, if we add a couple more we can get everyone on a committee.

Senator Freborg closed the hearing.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1434

Senate Education Committee

☐ Conference Committee

Hearing Date 03/08/05

Tape Number	Side A	Side B	Meter #
1		x	3315-4320
Committee Clerk Signature <i>Patty Wilkens</i>			

Minutes: Relating to amendment of the state accountability plan under the No Child Left Behind Act.

Senator Freborg : Call the meeting to order on **HB 1434**

Senator Flakoll : I met with LC representative this past week with the intent to try and accomplish what we hope to with the studies in the interim but tried to pair them down to make them a little more watchful and fitting with the relationships one to another. We had at least 11 live study resolutions or bills that require study resolutions, these two specifically deal with NCLB act. That being 1038 and 1434 that we thought would be the better vehicle, in respect with concerns, to 1038 this is a little too much specificity in some areas that would set us up for sure fired failure b/c of all the things that the committee needed to do. We would have to meet on a near weekly basis to accomplish those and we thought rather than deal with that we left it a little more open ended so they can go through and be a little more flexible in their responses. Also taken out of 1038 we added some language as far as the stakeholders on the amendments, that

were included in the 1038 bill section 1. Also with the amendments we paired down the committee and made it a smaller committee in terms of legislators changed it from 5 to 4 members from the Senate and 6 to 5 members from the House, as far as the NCLB committee goes. The thinking is by allowing by them to be the head group responsible for this, they could set up a round table type format and go off and do their work.

Senator Taylor : Senator Flakoll has explained this pretty well, the guts of the bill as we added to it of course is still the legislative review of the accountability plan of NCLB, then leaving the interim committee b/c that is the legislative vehicle, legislators who are responsible to submit legislation for the next session. Working with ESPB, NDEA, and SBA etc, having them listed here is a good effort to make sure they are in the process, I think we would expect the committee to, if it is a matter of whether or not these folks are at a podium VS a table that they are at a table when testimony is taken to help the legislators in their recommendations for the accountability plan. Pairing down the committee, is looking at who are the real players in either body. One other thing that maybe came into play, we looked at the 11 or 12 study resolutions and quite a few of them had committees assigned, to be mindful of LC's staffing. They can only do so much also.

Senator Freborg : I know you referred to one other bill, will you make any recommendations on any of the other bills?

Senator Flakoll : I think with what happened yesterday with the two bills before us, and the Erbele, Seymour subcommittee that we will be dealing with it eventually, with the exception of the delayed bill that Senator Cook has brought in, that deals with some of the 1512 information. So essentially we will have taken three bills and taken it down to one bill.

Senator Freborg : OK

Senator Flakoll : The other thing is if we were to pass this bill with the amendments. I would think it would be appropriate to discontinue the life of 1038.

Senator Freborg : Said he needed to hear that.

Senator Flakoll moved to adopt amendments titled **50128.0101 to HB 1434**

Senator Taylor second the motion.

Discussion :

No further discussion

Senator Freborg asked the clerk to take roll on amendment

Hearing None, Clerk took roll: Vote 6 Yea 0 Nay 0 Absent

Senator Flakoll moved a Do Pass as amended to **HB 1434**

Senator Taylor second the motion.

Discussion :

Senator Flakoll : Just a point of assurance, we listed a lot of people on the back the second pg. of the amendment as drafted and that certainly would include parents with special needs or special ed children. We are in agreement that they would be some of the stakeholders involved in the process. They being the most arguable susceptible to being left behind.

Senator Freborg asked the clerk to take the roll for a Do Pass as amended.

Hearing None, Clerk took roll: Vote 6 Yea 0 Nay 0 Absent

Senator Taylor will carry the bill.

Senate Amendments to HB 1434 - Education Committee 03/08/2005

Page 1, line 3, after "Act" insert "; and to amend and reenact section 54-35-21 of the North Dakota Century Code, relating to the interim no child left behind committee"

Page 1, replace lines 7 through 16 with:

"State accountability plan - Legislative review. Before the superintendent of public instruction may submit to the United States secretary of education any proposed changes in the state accountability plan required under the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301, et seq.], the superintendent shall present the proposed changes to the interim no child left behind committee. The committee shall review the proposed changes; accept testimony and documentary evidence regarding the impact of the proposed changes on the students, schools, school districts, and taxpayers of this state; and provide advice and recommendations regarding the proposed changes to the superintendent.

SECTION 2. AMENDMENT. Section 54-35-21 of the North Dakota Century Code is amended and reenacted as follows:

54-35-21. No Child Left Behind Act of 2001 - ~~Select~~ Interim committee - Appointment - Duties.

1. The legislative council shall appoint ~~a select~~ an interim committee consisting of ~~five~~ four members of the senate and ~~six~~ five members of the house of representatives ~~for the purpose of investigating the adoption of.~~ The committee shall study the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.], its rationale, the promulgation of any including amendments to the Act, changes to federal regulations implementing the No Child Left Behind Act of 2001, the direct and indirect impact of the Act and its regulations on the school districts of this state, and the financial impact of the Act and its regulations on the budget of this state and on the taxpayers of this state Act, and any policy changes and letters of guidance issued by the United States secretary of education.
2. The legislative council shall designate the chairman and vice chairman of the committee.
3. The committee shall operate under the rules applicable to other legislative council committees, except that ~~the committee has the power to~~ may communicate directly with the United States secretary of education, employees of the United States department of education, and any other federal officials, both elected and appointed, regarding implementation of the ~~No Child Left Behind Act of 2001.~~
4. ~~When an agency files a notice of proposed rulemaking with the office of the legislative council under subsection 1 of section 28-32-10 on any matter governed by the No Child Left Behind Act of 2001, the agency shall provide a copy of the notice to the chairman of the committee. The chairman shall convene the committee within sixty days of receiving the notice, or as soon thereafter as practicable, for the purpose of receiving a presentation by the agency regarding the nature and scope of the proposed rules and for the purpose of receiving presentations by members of the public regarding the nature and scope of the proposed rules. The committee shall work with and encourage the testimony of public and private officials, including the~~

superintendent of public instruction, the education standards and practices board, the state board of higher education, the North Dakota council of educational leaders, the North Dakota education association, the North Dakota school boards association, and the North Dakota Indian affairs commission. In addition, the committee shall actively seek the participation of students, parents, classroom teachers, school administrators, and other citizens of this state. The committee shall direct its efforts to ensuring that no child in this state is left behind and to further ensuring that no law or rule, be it federal or state, hinders or otherwise impedes the ability of this state's teachers, schools, and school districts to achieve this goal.

5. The committee shall report to the fifty-ninth its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative assembly if the committee determines the state is not in compliance with any requirement of the No Child Left Behind Act of 2001."

Renumber accordingly

Roll Call Vote #: /

BILL/RESOLUTION NO. 1434

Committee



Legislative Council Amendment Number _____

Action Taken Do Pass amendment 128-0101

Motion Made By Jakob Seconded By Taylor

Taylor

[illegible]

Total (Yes) 6 No 0

0

Absent _____

Floor Assignment

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

Date: 5/1
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1434

Senate SENATE EDUCATION _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass as amended

Motion Made By FlaBoLL Seconded By Vay101-

[illegible]

Total (Yes) 6 No 0

Absent

Floor Assignment Senator Lay/02 -

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

REPORT OF STANDING COMMITTEE

HB 1434: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1434 was placed on the Sixth order on the calendar.

Page 1, line 3, after "Act" insert "; and to amend and reenact section 54-35-21 of the North Dakota Century Code, relating to the interim no child left behind committee"

Page 1, replace lines 7 through 16 with:

"State accountability plan - Legislative review. Before the superintendent of public instruction may submit to the United States secretary of education any proposed changes in the state accountability plan required under the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301, et seq.], the superintendent shall present the proposed changes to the interim no child left behind committee. The committee shall review the proposed changes; accept testimony and documentary evidence regarding the impact of the proposed changes on the students, schools, school districts, and taxpayers of this state; and provide advice and recommendations regarding the proposed changes to the superintendent.

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54-35-21. No Child Left Behind Act of 2001 - ~~Select~~Interim committee - Appointment - Duties.

1. The legislative council shall appoint ~~a select~~ an interim committee consisting of ~~five~~ four members of the senate and ~~six~~ five members of the house of representatives ~~for the purpose of investigating the adoption of.~~ The committee shall study the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.], its rationale, the promulgation of any including amendments to the Act, changes to federal regulations implementing the No Child Left Behind Act of 2001, the direct and indirect impact of the Act and its regulations on the school districts of this state, and the financial impact of the Act and its regulations on the budget of this state and on the taxpayers of this state Act, and any policy changes and letters of guidance issued by the United States secretary of education.
2. The legislative council shall designate the chairman and vice chairman of the committee.
3. The committee shall operate under the rules applicable to other legislative council committees, except ~~that the committee has the power to~~ may communicate directly with the United States secretary of education, employees of the United States department of education, and any other federal officials, both elected and appointed, regarding implementation of the ~~No Child Left Behind Act of 2001.~~
4. ~~When an agency files a notice of proposed rulemaking with the office of the legislative council under subsection 1 of section 28-32-10 on any matter governed by the No Child Left Behind Act of 2001, the agency shall provide a copy of the notice to the chairman of the committee. The chairman shall convene the committee within sixty days of receiving the notice, or as soon thereafter as practicable, for the purpose of receiving a presentation by the agency regarding the nature and scope of the~~

~~proposed rules and for the purpose of receiving presentations by members of the public regarding the nature and scope of the proposed rules. The committee shall work with and encourage the testimony of public and private officials, including the superintendent of public instruction, the education standards and practices board, the state board of higher education, the North Dakota council of educational leaders, the North Dakota education association, the North Dakota school boards association, and the North Dakota Indian affairs commission. In addition, the committee shall actively seek the participation of students, parents, classroom teachers, school administrators, and other citizens of this state. The committee shall direct its efforts to ensuring that no child in this state is left behind and to further ensuring that no law or rule, be it federal or state, hinders or otherwise impedes the ability of this state's teachers, schools, and school districts to achieve this goal.~~

5. The committee shall report ~~to the fifty ninth~~ its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative assembly ~~if the committee determines the state is not in compliance with any requirement of the No Child Left Behind Act of 2001.~~

Renumber accordingly

2005 HOUSE EDUCATION

CONFERENCE COMMITTEE

HB 1434

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1434**

House Education Committee

☒ Conference Committee

Hearing Date **6 April 2005**

Tape Number	Side A	Side B	Meter #
1	X		0 - 1006
Committee Clerk Signature <i>Jan Trindle</i>			

Minutes:

Representative G. Herbel, Chair, opened the conference committee's discussion of HB 1434.

Members Present:

For the House: G. Herbel (Chair), L. Meier, B. Hunskor,

For the Senate: G. Lee, R. Erbele, R. Taylor

Chairman Herbel: What I would like us to do since the Senate has amended the house version of the bill is have the Senate go through the changes that they have made to the bill and explain what the changes do and give us any reasons. We would like to leave some time for questions and at that point we probably will adjourn until tomorrow so that each side can sit back and discuss the changes and anything that we may want to recommend for the following day and hopefully by looking at what we've gotten here we can wind this up tomorrow. Senator Lee do you want to take this time to explain the changes and why you put these on your amendments.

Sen. Lee: We did have a subcommittee that looked at this bill, 1434, and 1038. Senator Taylor was a part of that subcommittee and he can certainly fill in the gaps from the level I offer. We used 1434 to be the vehicle in combining those two bills. Section I is essentially 1434 in its original form except that have the accountability and review reporting to the Interim No Child Committee rather than the Legislative Council as in the original bill. Section 2 is parts of 1038 and in what's left there is the Interim Committee on No Child as was formed in the 2003 session. I think much of the responsibilities of that committee are still there. We did reduce the numbers of that committee to four members of the Senate and five members of the house. We did take out the portion that had to do with the Advisory Commission of NCLB, thinking that the mission and strategies and goals of the Interim Committee were similar to that group but did recognize the importance of those groups and individuals in participating so included them in Subsection 4 by title and group and some of the parents and teachers, etc., that were expected to give input to the Interim Committee. So those are the high lights of the changes and Senator Taylor wants to fill in some of the gaps as he worked with Senator Flakoll in pulling these two together.

Sen. Taylor: As Senator Flakoll worked with Council in drawing up these amendments we were being faced with a number of study resolutions and different groups being proposed and we knew we were only going to get so much done in the interim so we thought it wise to bring these two bills together. We named the Committee instead of having Legislative Council name a committee to hear the changes to the accountability plan for NCLB seemed to make sense in that Interim NCLB Committee would have the most background on the topic. We did decrease the number on the NCLB Committee from 11 to 9. In looking at how many legislative members really have a background in education and in NCLB we're going to be spread a bit thin when

members of our committee that would want to be on the Education Interim would also want to be on the NCLB Committee so there are only going to be so many of us to go around. That was our main reason to go to 9 from 11.

Chairman Herbel: Is it possible that they could serve on both or is that going to be too much of time commitment?

Sen. Taylor: In the last session I served on the NCLB but not on Education and I think a couple of the others from the Senate side did serve on both. It would depend on what gets assigned to the Education Interim. I think this interim is going to have a lot going on with funding issues and lawsuit type issues to where they are going to have a heavier workload than they did last interim. It may get tough to be on both. Rather than having an official advisory commission named that would require its own set of Legislative Council staff, we thought that the NCLB Committee could take testimony from those groups. We would hope that the chairman and vice chairman of the NCLB would make a spot at the table for the stakeholders: the associations, the parents, the teachers and they convene meetings in a way that would put them at the table with legislators and then at a session afterwards, the legislators would get together to actually discuss legislation that may arise from their recommendations.

Rep. Hunskor: Reducing the number from 11 to 9, what's the rationale?

Sen. Taylor: In the last interim it wasn't exactly a committee that people were dying to be on already. We have 6 education Senate members and you have 14 so maybe there's a little more latitude in the House committee. Pulling five members from our committee that would have some background with NCLB is not going to be easy to find. Four would be easier to find.

Outside of the Education Committee within the Senate chambers there's going to be a handful of

folks that have some interest but pretty much you are going to be pulling folks from the Education Committee to serve on NCLB and it just gives you a smaller number because it's going to be hard to recruit.

Rep. Hunsakor: I also think we sometimes can get too many on committees. They function better often with fewer.

Rep. Taylor: I always think groups work best if they all fit in one van.

Chairman Herbel: Would you have any objection to going with 4 members from the Senate and leaving the House at 6? From our standpoint going to the summer interim committees that we have about 10-20% that don't show up and perhaps even with 11 of them, they may all fit in van because there are other commitments and when you schedule meetings like this, you can't always schedule for everybody to make it. Would that be a consideration?

Rep. Lee: I would hope we don't get outnumbered too badly on the committee. I would like to see it in the ratio that it is.

Rep. Meier: Did you discuss at all if you should move the number for Senators to 4 and keep the House members at 6?

Sen. Taylor: We actually had not discussed it. We just looked at paring it down and we had 5 and 6 so we just subtracted one from each group. If we had gone to 4 and 6 then you have an even number that may or may not be an issue on a committee like this. We wanted to have an odd number.

Rep. Meier: In the last interim I served on both committees and I found it no problem.

Chairman Herbel: For your interim committee on NCLB did you find that the attendance was very high or was it down some. My question is related to the number that may be there because

I hate to have an interim committee call and then only 5 people showing up. You can't get a whole lot done if you don't have a fairly decent majority.

Rep. Meier: My recollection of the interim committee was that there was good attendance.

There was myself, Rep. Hunsakor, Sen. Taylor and the attendance was always good.

Rep. Hunsakor: I was on both and we didn't have any problems conflicting in terms of meeting dates and I thought the attendance was both was generally pretty good.

Senator Lee: I was on the Education Interim Committee and I know that the attendance was always quite good there.

Chairman Herbel: But when you start having so many meetings to go to it might be a little different.

Rep. Hunsakor: I was on both committees and it was an advantage to be on both. If there was information that would lap over from one to other it was a good experience to carry information from one back to the other.

Chairman Herbel: Does any one recall how many people were duplicating?

(Discussion of dual membership around the table.)

Chairman Herbel: I think we would like to go back and discuss the changes that have been made and then we can meet tomorrow if that is okay for both groups.

Adjourned.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1434**

House Education Committee

☒ Conference Committee

Hearing Date **7 April 2005**

Tape Number	Side A	Side B	Meter #
1	X		0 - 600
		1	
Committee Clerk Signature <i>Jan Prindle</i>			

Minutes:

Representative G. Herbel, Chair, opened the of the conference committee's second discussion of HB 1434.

Members Present:

For the House: G. Herbel (Chair), L. Meier, B. Hunskor,

For the Senate: G. Lee, R. Erbele, R. Taylor

Chairman Herbel: Yesterday we went through the changes. It gave us a chance to understand why the changes took place. We met afterwards as a House group and I think there are a couple of concerns that we have. Does anyone want to express any interests, changes or concerns?

Rep. Hunskor: Regarding the membership (on the Interim NCLB Committee) 6 to 5 and 5 to 4 we felt it should stay at 6 and 5 and the reason is that often there are people who cannot make it. This allows for those who may not be able to make it so you would still have enough members to conduct business.

Rep. Meier: Rep. Hunsakor and I served on both committees and we discussed whether or not it was difficult to make those committee meetings and I think a majority of the time we all were there. We discussed too the importance of serving on both committees because one complemented the other. I thought it was a good idea also to leave the membership 6 and 5. With that **I move to accede to the Senate amendments and then further amend to 6 members from the Representatives and 5 from the Senate.**

Rep. Hunsakor: I second.

Sen. Lee: In terms of the membership, the Senate is accustomed to working with smaller numbers of committee members and we're content with small numbers but I will support the amendment in terms of interest in getting people there. I think it is a committee that will be hard to draw members to anyway. I hope we don't have difficulty getting Education Committee members there that should be there.

Rep. Herbel: Do you have a feeling about the number of meetings that this committee may hold during the interim or what they should hold. Has that been discussed at all within the Senate?

Sen. Lee: I don't think we did discuss that in terms of numbers of meetings. Maybe during the interim last time, this committee met four or five times.

I know there was some further interest in the associations and commissions that was left out of this particular bill by some of the parties that brought that forward. We certainly value, and it's a vital part of, input that we get in terms of decision making. They are included in the bill in the bill in subsection four so I think that we weren't leaving them out in terms of dismissing the importance of their input. I think in the accountability plan in section 1 rather than the superintendent going to the legislative council for direction, this puts it right back to the interim

committee so that those groups will a greater opportunity for input and getting their information to this committee versus the legislative council. I think the changes that are made are good and even though we didn't put the advisory commission in there but I'm comfortable the way that it's laid out here. It makes their input a little bit stronger and more readily known by reporting to the Interim Committee.

A roll call vote was taken:

Yes: 6 No: 0 Absent: 0 The motion carried.

Rep. Herbel will carry the bill.

NOTE FOR THE RECORD: These minutes read that the House Accede and Further Amend. Anita Thomas, Legislative Council, was at the meeting and she advised the two chairman that the Senate must Recede from their amendment and then the House could add an amendment. That amendment was the same as the Senate amendment but changed only two words. Since all were in accord with the change, the two chairman agreed to write the motion correctly and that motion is attached to these minutes.

April 7, 2005

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1434

That the Senate recede from its amendments as printed on pages 1135 and 1136 of the House Journal and pages 791 and 792 of the Senate Journal and that House Bill No. 1434 be amended as follows:

Page 1, line 3, after "Act" insert "; and to amend and reenact section 54-35-21 of the North Dakota Century Code, relating to the interim no child left behind committee"

Page 1, replace lines 7 through 16 with:

"State accountability plan - Legislative review. Before the superintendent of public instruction may submit to the United States secretary of education any proposed changes in the state accountability plan required under the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301, et seq.], the superintendent shall present the proposed changes to the interim no child left behind committee. The committee shall review the proposed changes; accept testimony and documentary evidence regarding the impact of the proposed changes on the students, schools, school districts, and taxpayers of this state; and provide advice and recommendations regarding the proposed changes to the superintendent.

SECTION 2. AMENDMENT. Section 54-35-21 of the North Dakota Century Code is amended and reenacted as follows:

54-35-21. No Child Left Behind Act of 2001 - ~~Select~~ Interim committee - Appointment - Duties.

1. The legislative council shall appoint ~~a select~~ an interim committee consisting of five members of the senate and six members of the house of representatives ~~for the purpose of investigating the adoption of. The committee shall study the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.], its rationale, the promulgation of any including amendments to the Act, changes to federal regulations implementing the No Child Left Behind Act of 2001, the direct and indirect impact of the Act and its regulations on the school districts of this state, and the financial impact of the Act and its regulations on the budget of this state and on the taxpayers of this state Act, and any policy changes and letters of guidance issued by the United States secretary of education.~~
2. The legislative council shall designate the chairman and vice chairman of the committee.
3. The committee shall operate under the rules applicable to other legislative council committees, except ~~that~~ the committee has the power to may communicate directly with the United States secretary of education, employees of the United States department of education, and any other federal officials, both elected and appointed, regarding implementation of the ~~No Child Left Behind Act of 2001.~~
4. ~~When an agency files a notice of proposed rulemaking with the office of the legislative council under subsection 1 of section 28-32-10 on any matter governed by the No Child Left Behind Act of 2001, the agency shall provide a copy of the notice to the chairman of the committee. The chairman shall~~

~~convene the committee within sixty days of receiving the notice, or as soon thereafter as practicable, for the purpose of receiving a presentation by the agency regarding the nature and scope of the proposed rules and for the purpose of receiving presentations by members of the public regarding the nature and scope of the proposed rules. The committee shall work with and encourage the testimony of public and private officials, including the superintendent of public instruction, the education standards and practices board, the state board of higher education, the North Dakota council of educational leaders, the North Dakota education association, the North Dakota school boards association, and the North Dakota Indian affairs commission. In addition, the committee shall actively seek the participation of students, parents, classroom teachers, school administrators, and other citizens of this state. The committee shall direct its efforts to ensuring that no child in this state is left behind and to further ensuring that no law or rule, be it federal or state, hinders or otherwise impedes the ability of this state's teachers, schools, and school districts to achieve this goal.~~

5. ~~The committee shall report to the fifty-ninth its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative assembly if the committee determines the state is not in compliance with any requirement of the No Child Left Behind Act of 2001."~~

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE (ACCEDE/RECEDE)

Bill Number 1434 (, as (re)engrossed):

Date: 7 April 2005

Your Conference Committee Education

For the Senate:

YES / NO

For the House:

YES / NO

<input checked="" type="checkbox"/> Sen G. Lee	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Rep G. Herbel	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Sen R. Erbele	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Rep L. Deier	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Sen R. Tylor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Rep B. Lunsford	<input checked="" type="checkbox"/>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1135 -- 1136

ST 791-792

and place _____ on the Seventh order.

☒ (adopt/further) amendments as follows, and place 1434 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: 7 Apr 05

CARRIER: Herbel

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment <u>Increase # of persons on Interim</u>	

MOTION MADE BY: Deier

SECONDED BY: Lunsford

VOTE COUNT 6 YES 0 NO 0 ABSENT

Revised 4/1/05

NCBB Cmte
(revert to House #3)

REPORT OF CONFERENCE COMMITTEE

HB 1434: Your conference committee (Sens. G. Lee, Erbele, Taylor and Reps. Herbel, L. Meier, Hunsakor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1135-1136, adopt amendments as follows, and place HB 1434 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1135 and 1136 of the House Journal and pages 791 and 792 of the Senate Journal and that House Bill No. 1434 be amended as follows:

Page 1, line 3, after "Act" insert "; and to amend and reenact section 54-35-21 of the North Dakota Century Code, relating to the interim no child left behind committee"

Page 1, replace lines 7 through 16 with:

"State accountability plan - Legislative review. Before the superintendent of public instruction may submit to the United States secretary of education any proposed changes in the state accountability plan required under the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301, et seq.], the superintendent shall present the proposed changes to the interim no child left behind committee. The committee shall review the proposed changes; accept testimony and documentary evidence regarding the impact of the proposed changes on the students, schools, school districts, and taxpayers of this state; and provide advice and recommendations regarding the proposed changes to the superintendent.

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2. The legislative council shall designate the chairman and vice chairman of the committee.
3. The committee shall operate under the rules applicable to other legislative council committees, except ~~that the committee has the power to~~ may communicate directly with the United States secretary of education, employees of the United States department of education, and any other federal officials, both elected and appointed, regarding implementation of the ~~No Child Left Behind Act of 2001.~~
4. ~~When an agency files a notice of proposed rulemaking with the office of the legislative council under subsection 1 of section 28-32-10 on any matter governed by the No Child Left Behind Act of 2001, the agency shall provide a copy of the notice to the chairman of the committee. The~~

~~chairman shall convene the committee within sixty days of receiving the notice, or as soon thereafter as practicable, for the purpose of receiving a presentation by the agency regarding the nature and scope of the proposed rules and for the purpose of receiving presentations by members of the public regarding the nature and scope of the proposed rules. The committee shall work with and encourage the testimony of public and private officials, including the superintendent of public instruction, the education standards and practices board, the state board of higher education, the North Dakota council of educational leaders, the North Dakota education association, the North Dakota school boards association, and the North Dakota Indian affairs commission. In addition, the committee shall actively seek the participation of students, parents, classroom teachers, school administrators, and other citizens of this state. The committee shall direct its efforts to ensuring that no child in this state is left behind and to further ensuring that no law or rule, be it federal or state, hinders or otherwise impedes the ability of this state's teachers, schools, and school districts to achieve this goal.~~

5. ~~The committee shall report to the fifty-ninth its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative assembly if the committee determines the state is not in compliance with any requirement of the No Child Left Behind Act of 2001."~~

Renumber accordingly

HB 1434 was placed on the Seventh order of business on the calendar.

2005 TESTIMONY

HB 1434

TESTIMONY on HB 1434
By Greg Gallagher
Department of Public Instruction
January 26, 2005

*same
given to
Senate*

Madam Chair and Members of the House Education Committee,

I am Greg Gallagher, Director of Standards and Achievement within the Department of Public Instruction. I am here on behalf of the Department to provide background information regarding HB 1434.

HB 1434 requires the State Superintendent to provide to the Legislative Council written notification of any amendments to the state's accountability plan under the No Child Left Behind Act prior to its submission to the U.S. Department of Education. In the event that the Legislative Council determines that any amendment may significantly impact the state or any political subdivision, the Legislative Council may hold a public hearing in order to provide advice and recommendations to the State Superintendent.

The identified purpose of HB 1434 currently exists as the stated responsibility of the No Child Left Behind Committee as provided in NDCC 54-35-21. State law currently requires the State Superintendent to report any amendments to the state's accountability plan to the No Child Left Behind Committee in a similar manner as that presented within HB 1434.

The Department of Public Instruction supports the reporting of any amendments to the state accountability plan and has done so under current law. The Department will continue to honor this obligation by submitting a complete report regarding all aspects of any amendments to the No Child Left Behind Committee specifically and the Legislative Council generally.

This Committee has reviewed HB 1038, which contains many of the same provisions of NDCC 54-35-21. It is a procedural goal of the Legislative Council to avoid redundancy in Century Code. Regardless of the manner or placement of any reporting requirement in Century Code, every effort should be made to place the provision in a single, appropriate section of Century Code. Duplicate or related citations should be avoided.

On behalf of the Department of Public Instruction, I pledge our cooperation in supplying the Legislative Council with the most current and complete accounting of all activities associated with the administration of the No Child Left Behind Act. This

commitment is consistent with the tone and governance within the state accountability plan.

Madam Chair, this completes my testimony. I am available to answer any questions from members of the Committee. Thank you.

term, the chairman of the legislative council shall appoint another member to complete the term. The insurance commissioner shall pay the necessary expenses of the legislative members for attending functions of the national conference of insurance legislators.

54-35-21. No Child Left Behind Act Of 2001 - Select Committee - Appointment - Duties.

1. The legislative council shall appoint a select committee consisting of five members of the senate and six members of the house of representatives for the purpose of investigating the adoption of the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.], its rationale, the promulgation of any federal regulations implementing the No Child Left Behind Act of 2001, the direct and indirect impact of the Act and its regulations on the school districts of this state, and the financial impact of the Act and its regulations on the budget of this state and on the taxpayers of this state.
2. The legislative council shall designate the chairman and vice chairman of the committee.
3. The committee shall operate under the rules applicable to other legislative council committees, except the committee has the power to communicate directly with the United States secretary of education, employees of the United States department of education, and any other federal officials, both elected and appointed, regarding implementation of the No Child Left Behind Act of 2001.
4. When an agency files a notice of proposed rulemaking with the office of the legislative council under subsection 1 of section 28-32-10 on any matter governed by the No Child Left Behind Act of 2001, the agency shall provide a copy of the notice to the chairman of the committee. The chairman shall convene the committee within sixty days of receiving the notice, or as soon thereafter as practicable, for the purpose of receiving a presentation by the agency regarding the nature and scope of the proposed rules and for the purpose of receiving presentations by members of the public regarding the nature and scope of the proposed rules.
5. The committee shall report to the fifty-ninth legislative assembly if the committee determines the state is not in compliance with any requirement of the No Child Left Behind Act of 2001.

so requires a data analysis and reporting tool capable of managing such linkages among different databases.

The State of North Dakota has never possessed the ability to track the performance of individual student or system performance levels in a meaningful manner based on quality disaggregated data analysis. The State has never owned, developed, or accessed a single, statewide student data system. This absence of a statewide data system has resulted in an inability to access accurate, meaningful information regarding student demographics, student achievement levels, school performance, teacher quality indicators, systemic improvements, or statewide systems monitoring. In the area of assessment, this absence of a statewide data system has resulted in an inability to sufficiently study correlations of student achievement among assessment tools or instructional methods of varying quality.

To eliminate these deficiencies and to advance meaningful school improvement measures, the Department of Public Instruction has contracted with TetraData Corporation, in October 2002, to develop and administer a statewide data analysis and reporting system. This data analysis and reporting system will allow for the linkage of various databases in order to track individual student, staff, and institutional achievement levels, including the correlation of student achievement across different assessment tools.

Included in this capability, is the capacity of the State to compile, compare, and validate student achievement on all grade-level State assessments and to compare these with other assessment tools or classroom grading. Official student files will be linked to State Assessment files that will, in turn, be linked to other assessment tools and classroom grading in order to conduct correlation studies. This will offer the State an auditing capability that will approach 100% accuracy, thereby ensuring a high degree of confidence in any correlation study. Refer to **Appendix R: TetraData Data Analysis and Reporting System Summary** for an overview of the project. The system will be functional statewide by March 2003.

With the development of this statewide data analysis and reporting system, the State will be able to monitor and confirm the contextual validity of its State Assessment.

(d) Consequential validity.

The fundamental purpose for the administration of any assessment is to learn how well individual students and populations of students perform against a standard. The intended consequence of such learning is to apply this knowledge to the improvement of instruction for each student individually and for all students collectively and by subgroup. Consequential validity means that the State Assessment is designed in such a manner as to accomplish this aim with end users. Does the assessment lend itself to reaching correct conclusions from the data?

North Dakota has never conducted follow up studies to record the application of its assessments to enhance instruction. This analysis has never been attempted because of the difficulty in accurately measuring the effort of schools to integrate assessment data into school improvement or, more importantly, measuring the effect of such improvement efforts on students' achievement. Beginning with the 2001-02 baseline data generated through the first administration of the standards-based North Dakota State Assessment, the State of North Dakota will begin a process of confirming the contextual validity of its State Assessment.

The Department of Public Instruction has contracted with TetraData Corporation, in October 2002, to develop and administer a statewide data analysis and reporting system. This data analysis and reporting system will allow for the linkage of various databases in order to track individual student, staff, and institutional achievement levels, including the correlation of student achievement across different assessment tools. Additionally, the Department of Public Instruction will contract with an independent, outside contractor to conduct a study of how well schools use the data from the State Assessment to improve standards-based instruction.

This study will use survey tools with teachers and administrators to assess the degree that data from the state assessment are used for overall school improvement, especially instruction. This study will also