

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

1194

2007 HOUSE EDUCATION

HB 1194

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1194**

House Education Committee

Check here for Conference Committee

Hearing Date: **29 January 2007**

Recorder Job Number: **2189 and 2191**

Committee Clerk Signature

Minutes

Vice Chairman Meier opened the hearing of 1194.

Representative R. Kelsch, District 34, introduced the bill. This bill comes out of conversations that were had during the P-16 Task Force meetings this summer. We had a legislator from SD come up and talk to us about their Pathways to Education. SD has a 2010 initiative that was proposed by the governor and accepted very well by the legislature. They have certain standards and goals that want to meet by the year 2010. It was passed in 2004 and this is the first year that students have participated and began the program. While there is no concrete evidence as to whether or not it is successful, it seemed to me that it wasn't too bad an idea for us to at least look at this issue and determine if we think this is a good idea. We know that students in high school take rigorous courses; they will be prepared for college and their career. Do all students need to be taking rigorous courses? Perhaps not all students are going to be going to a four-year college. Some may go to a 9-month technical program. Some may not plan any further education when they are first out of high school. If you are going to go to any one of the postsecondary education programs, you need to be prepared. I think that our goal should be that we take a look at this and determine that students have the best education possible and life long learning including those students who are most likely to drop out. We need to keep kids interested and involved in school. We

need to develop a core curriculum that all students need. We need to make sure they have access to as much as they possibly can. There are three standards here: basic, standard and advanced courses of instruction. Basic would be the basic standards for graduation; that would prepare students for entry level jobs and some technical programs. An agreement must be signed by the student, the parents and a school administrator or counselor to pursue this path. The standard level prepares students for education beyond high school. It fulfills the minimum requirement to admission to most universities and technical institutes. The advanced course of instruction would meet the state's highest level of standards for graduation and will fulfill the requirements of most major colleges and universities. One of the issues we face is the need for career counselors. What the goal of this would be is to get students into a pathway that best meets their needs. If they all go into the advanced pathway, you would be challenging all the students. I don't think that's realistic. There will be students who look at entering the basic or standard pathway. This would give those students who aren't sure of their goals in high school an opportunity to say, I have a direction, I have a goal, and I'm going to meet it. There is nothing to say that you have to stay on a pathway. You can move into another. You will have to have your parents and counselor sign off on it. We are not sitting down with kids when they take their plan tests and making sure that they are looking at areas where they are deficient or very strong and getting them moving forward in the right direction. There are a couple of areas where the credit hours needed to be looked at more closely. I have had an email stating that having 3 credits in math may be difficult for some students. In today's society in order for our students to compete globally regardless if you go to a technical college, a community college or a university, you need to be well prepared in math as you can be. The issue is that the minimum graduation requirement is raised from 21 units to 22 units. ND is one of the states that have the lowest minimum graduation requirements. It is time we

moved our students up so they can compete better. Some districts already have increased those credit requirements.

Representative Hunskor: If this becomes law, would the path be indicated on the diploma?

Representative Kelsch: That is not the intent. They would have the same diploma.

Representative Mueller: You mentioned doing some tweaking with the required units. I see we have dropped ½ unit of health and ½ unit of PE.

Representative Kelsch: That one slipped by me and believe me I have heard about it. It was not my intent to reduce that one so it needs to be changed.

Representative Herbel: Is this similar to what European countries are doing?

Representative Kelsch: Yes, that is correct.

Representative Mueller: What impact would this have on teaching staff needs.

Representative Kelsch: SD felt there was enough crossover that setting up the more rigorous courses did not have an impact.

Representative Haas: I attended a couple of P-16 meetings and there was discussion that the senior year was a wasted year. I support this. I think it is a wonderful piece of work and something we have to implement. Will this add enough rigor to the senior year so we will get rid of that "wasted year?" How do we get out of the remediation requirement at the university level? This is the first step, but we need to add extreme rigor to avoid the remediation at the postsecondary level.

Representative Kelsch: That would be my hope. I'm hoping that by putting them on a path to get the best college prep they can get, it will keep them interested in school. We do have to add more rigor to each course. I don't believe this is the end of remedial courses. I do think it is something that we should look at seriously because I think it will cut down on remedial coursework at the college level.

One of the concerns I have is that it seems to me that in ND we have this thought that all students must go to a four-year college. I think this will say to those students that aren't going to go to a four-year college that it's okay. I know of one young man whose parents insisted he go to a four-year college, he rebelled. He just has just completed course work at BSC—a nine month course. He will be making \$40.0 a year. We need plumbers, electricians, we need journeymen, and we need people in oilfields. Not all are requiring four-year degrees. Perhaps this will also help in that area.

Representative Herbel: I can see adding rigor. I'm not so sure if students take one of those other pathways, they will still take the year off. I am concerned they may tend to want to give into the easier route. I've see kids who didn't take calculus because they wanted to be valedictorian.

Representative Myxter: If we have to pay off the salary schedule to get in to small schools, is it going to be a difficulty to find teachers to teach for the advanced.

Representative Kelsch: I would hope that with our JPAs that if coursework was not available in their district, they would be able to take those remotely and the district would accommodate them if they did not have a teacher in the classroom. We do not want to deprive a child living in a small rural community the opportunity students have in a large school district.

Dave Monson, District 10, testified in favor of the bill. I was in on most of the discussion that Representative Kelsch gave on this bill. There are a couple of areas that I have some concerns and I hope you address. One of them is that I don't see a provision for kids on an IEP. Even your basic program requires three credits of math and that is one jump up from where we are now. I think they should if they are capable and I do have some students who have problems with 2 credits of math.

Representative Haas: The IEP because a quasi legal document and overrides.

Representative Monson: I would hope that you get an answer to that. I would hate to see kids that are on IEP not being able to get that diploma.

Representative Mueller: You are a school man. How will these requirements affect your school at Edmore in terms of staffing?

Representative Monson: I look through all of these in detail and I think every school however small they are should be able to do it. Some may not offer the career and tech ed required and that may be where they work through the JPA. The only one in which I don't have anyone on my staff that could teach would be economics. We all have access to ITV and you can also get it through independent study.

Representative Wall: Not many students know what they want to be in the future and will choose basic.

Representative Monson: I think our work ethic in ND is still very high. I would have to say most of my students push themselves.

Bev Neilson, representing the ND School Boards Association, testified in favor of the bill. We passed a resolution to support the P-16 Task Force. This concept needs to be in the mix. We need to push for more rigorous class work. Expecting it not to cost more is unrealistic. Space and lab equipment is needed. Different paths are most accomplishable. It offers more opportunity for students to study relevant material. I do not believe they will choose the easy route.

Doug Johnson, representing the ND Council of Educational Leaders, testified in favor of the bill. P-16 looked at lots of models in different states. The SD model looked like it gave the best option. One of the things we have some concerns about in this model is that diplomas not have the path on it. As you increase the number of credits you will increase the hours of contact those students have and that will help them to do better. We do support the concepts behind 1194. We need to have this discussion.

Wayne Kutzer, Director of the Department of Career and Technical Education, testified in opposition to the bill. **(Testimony Attached.)**

Representative Johnson: The concept was talked about at P-16 but was not one of the recommendations.

Kutzer: That's correct what came out is closer to what is in SB 2309. P-16 really talked about being flexible.

Representative Hanson: Do you think the drop out rate will go up with courses are more rigorous?

Kutzer: If students take two consecutive career ed courses the drop out rate is 3%.

Statewide it's 13 to 14% for all students. If students are engaged, that tends to keep them in school.

Chairman Kelsch: In the bill if we make all the changes that you ask for, do you really believe that the drop rate will increase when you have buy in from the parent, the student, and the school district? I think what happens with students that drop out is that they feel as though they don't have a direction. They feel lost in the process. I thought this would help those students.

Kutzer: It will help in direction to build in more relevance. Philosophically, I have a problem with three classes of students.

Neutral:

June Herman, senior director of advocacy for the American Heart Association, testified neutral on the bill. **(Testimony Attached.)**

LeAnn Nelson, director of Professional Development for the NDEA, testified neutral on the bill. The reason we are neutral is that we have so many questions about the bill.

Chairman Kelsch closed the hearing of HB 1194.

At a later time on the same date the Committee discussed HB 1194.

Representative Haas: It is important that we keep the debate alive. If we can refine it according to some of the input we had today we should keep it alive.

Chairman Kelsch: One thing I did not bring up, a concern was raised by David Gipp was that all Native American students would take the easier path. I sat down with three Native American girls and asked what classes they were taking and all three would have been on the advanced path.

Representative Mueller: Although spoken to in this bill, until we get career counselors on line we aren't going to get the job done. I can see this being a very good interim study issue.

Vice Chairman Meier: How does this apply to private schools?

Representative Hanson: It applies.

Representative Wall: Are there are other bills out there that increase study requirements.

Chairman Kelsch: Apparently there must be something in the senate. This was the first I have heard of it was today. It may have one that came in right at the end. I am going to look at some amendments for this and at least keep it alive. I think it would be good if we send it over to senate with the thought that it could be amended into part of the study by the Interim Education Committee. It may be bad idea that we have the discussion here and the senate have the discussion also.

Representative Hanson: There were no administrators here today. Maybe they don't care one way or the other. If they liked it they should have been here, if they didn't like it they should have been here.

Chairman Kelsch: I've only heard from a couple and they didn't say they didn't like it. They were concerned that some of the course offerings were reduced. That's all I heard.

Discussion closed.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1194**

House Education Committee

Check here for Conference Committee

Hearing Date: **7 February 2007**

Recorder Job Number: **3010**

Committee Clerk Signature



Minutes:

Chairman Kelsch opened discussion on HB 1194.

Representative Herbel: I move Do Not Pass

Representative Myxter: I Second.

Representative Herbel: While I appreciate the visionary outlook of the sponsor of the bill, I do believe there are opportunities there right now for kids to go through the advanced programs without being labeled.

Vice Chairman Meier: Do you know how this is going in South Dakota?

Chairman Kelsch: SD has started the program and you are automatically in the advanced category unless you and parents go in and sign off to go into the standard or the basic. It's going very well so far in SD. They have not had any graduates because the bill has not been in place long enough. The initial sign up has gone very well. Not all students took the advanced. There were students who knew that was not for them and their parents and counselors also acknowledged that because they had gone through their plan with them. We will probably know more in two years. The reason I introduced this is because I firmly believe that we cannot continue to be status quo in the state of North Dakota where our students are concerned. If we don't start challenging our students, no one else will. I believe that as we move forward as a country, ND is going to either remain stagnant, or start to decrease in their

test scores, or at least not be at the top. We are going to see states that we would never imagined taking over those top positions and the reasons for that are: pre-kindergarten, all day kindergarten, and more rigorous high school course work and making sure those kids are well prepared for college. It doesn't matter if we are preparing them for college or if we are preparing them for technical programs or work. We need to make sure those kids are performing at highest level they possibly can. We have already seen ACT scores stabilize; they are not increasing a whole lot any longer. We used to be one of the tops in nation for ACT scores. We are not seeing our math and science scores at the top any longer. Our reading scores are not at the top any longer. There are other states that are catching on to what we have been doing. Unfortunately, we haven't done anything really progressive for years. I'm fine with the Do Not Pass, I thought about putting in amendment to turn it to a study but I believe there will be an ad hoc P-16 commission that's going to keep on working during the interim. I believe the Education Improvement Commission will continue through the interim and as they look at adequacy this will be an issue that they look at. Certainly this is not the end of the session and if I feel this is something I want to reintroduce or amend to 2200 to specifically look at, the options are still there. I want the Committee to know that I truly believe that we need to start looking more globally at our students because we have got to do something to give them that extra push so that we are graduating in the tops of the nation and that we have the best and greatest coming out of North Dakota again.

Representative Haas: I totally agree with everything you said. The one thing I have always struggled with is we talk about adding rigor and intensity to coursework and having our students score at a higher level and be higher performing in math and science and literature and English, etc., etc., We in the legislature can do anything we want, we can add as many requirements as want, but the only way that we add rigor and intensity is at the teacher level.

That's where mastery learning comes in. I think you would get an affirmative nod from any one who has been teacher in that regard. That has to be stressed, and relates directly to highly qualified staff and getting top notch people in teaching positions. That's where we add the rigor.

Representative Herbel: Being a teacher myself, I understood the value of rigor. As a parent, my kids couldn't get through high school without four years of math and four years science and foreign language. I required them to take it, that wasn't an option for them. Consequently, I agree that the teacher can provide the rigor; but if you need to have the guidance behind the student at home. I bet if you went to parents and asked what subjects your kids are taking, they couldn't name three classes their kids were taking. I think that's where the problem lies. I agree that the teacher has a great deal of influence, but the teacher cannot have any input to that kid until they can get them into their classroom. If we can somehow focus on that, we need to go there. The point is they need the proper guidance. I agree that this may help but I don't see it helping unless there is that focus that I have just described.

Chairman Kelsch: I did put in this that you have to have buy in from your parents. You were in the top level or you had buy in from your parents to put you someplace else. This is why it works in SD is because they got the parents involved and they did it in statute. I thought that was the most incredible thing that I have ever seen. That was one of the reasons I found this to be quite interesting. We will watch and see what SD does and if this is something we know we are interesting in we will look at it in the interim and also look at some other ways that we can increase the adequacy in the State of North Dakota. This was an idea and I wish we could have at least gotten it over to the senate so that a discussion could have been held there. It may be one of those bills that are well before it's time.

A roll call vote was taken: Yes: 10, No: 2, Absent: 1 (Solberg)

Representative Mueller will carry the bill.

FISCAL NOTE
Requested by Legislative Council
01/10/2007

Bill/Resolution No.: HB 1194

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 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.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides for three different high school diplomas beginning with the 2008-2009 school year and raises the state high school graduation requirement to 22 credits.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Unless a school would have to hire additional teachers or expand materials or textbooks or classroom space, there would likely be no fiscal impact.

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.*

None.

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.*

None.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

None.

Name:	Anita Decker	Agency:	Public Instruction
Phone Number:	328-1718	Date Prepared:	01/15/2007

Date: 7 Feb 07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1194

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do Not Pass

Motion Made By Herbel Seconded By Myxter

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch		✓	Rep Hanson	✓	
V Chairman Meier		✓	Rep Hunskor	✓	
Rep Haas	✓		Rep Mueller	✓	
Rep Herbel	✓		Rep Myxter	✓	
Rep Johnson	✓		Rep Solberg		
Rep Karls	✓				
Rep Sukut	✓				
Rep Wall	✓				

Total Yes 10 No 2

Absent 1 (Solberg)

Floor Assignment Mueller

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

REPORT OF STANDING COMMITTEE (410)
February 7, 2007 11:28 a.m.

Module No: HR-26-2362
Carrier: Mueller
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1194: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS
(10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1194 was placed on the
Eleventh order on the calendar.

2007 TESTIMONY

HB 1194

House Education Committee
Testimony on HB 1194
January 29, 2007

Madam Chair and members of the House Education Committee, my name is Wayne Kutzer, Director of the Department of Career and Technical Education. I am opposed to HB 1194. This concept was presented to the P-16 Task Force and did not become one of its recommendations. I feel that the three levels of diplomas would divide up the students in our schools creating three classes of students.

Additionally, a number of places in this bill the course requirements refer to career and technical education courses approved by the superintendent of public instruction -on page 2, lines 18 and 19 and on page 3, lines 25 and 26. The State Board for Career and Technical Education establishes the approval requirements for CTE courses. For existing courses and for newly designed courses we work with DPI to secure a course code number and it is then entered in the listing of courses available to schools to place in their curriculum offerings. Approval of CTE course should stay with the State Board for CTE.

On page 5, under the required units that high schools need to make available to students, the number of units for career and technical education has been reduced to one, it currently is two. We should not be reducing the requirements from where it is now.

In the advanced course of instruction scenario, found on the bottom of page two and the top of page three it does not include CTE as an optional requirement, such as foreign language or career and technical education. I would argue that career and technical education also benefits the "best and brightest" and those "best and brightest" are needed for the 65% of job that require education and training that is less than a four year degree. If someone's career goal is to be an electrical engineer courses in electronics will be just as beneficial if not more, than a foreign

language. The infrastructure of our state and cities is dependent on skilled craftspeople to keep it running, we need some of the best and brightest in these professions. Additionally the P-16 Task Force's recommendation was for foreign language or career and technical or fine arts.

On page 4, starting on line 6 it talks about a student and parent meeting with a career counselor or administrator to discuss a students' moving to the basic level. The concept is correct, they need to discuss that option and be aware of the impact, and it may be only a terminology problem, but there are only 66 individuals in the state who are credentialed as career counselors and they are located in 105 school, with very few in the large class A schools where the highest concentration of students are.

For these reasons I cannot support HB 1194, I would be glad to answer any questions.

**Testimony
House Bill 1194**

**House Education Committee
Monday, January 29, 2007**

**American Stroke
Association.**
A Division of American
Heart Association 

Chairwoman Kelsch and members of the House Education Committee. My name is June Herman and I am the Senior Director of advocacy for the American Heart Association. I am here today to testify in a neutral position on House Bill 1194, and to ask for amendments to the proposed legislation.

We identified to the prime sponsor of the bill that current North Dakota education offerings includes a half unit of each subject – PE and health. In the preparation of this legislation, the course offerings were listed as “half unit of physical education or health”. It is our understanding that the legislation was not intended to change current offerings of these two subjects.

Our suggested amendment proposes to correct each listing in the bill that a half-unit of physical education and a half unit of health are still legislative intent. This is listed in the Group A amendments.

The habits our young people acquire as adolescents are often the practices they will continue as adults. Just last week in a meeting to develop a state cardiovascular health plan, I learned that the snapshot of our graduating seniors is not only what a community will have as its workforce, but five years later as a profile for the community's next parents. Current childhood obesity trends doesn't bode well for North Dakota workforce competitiveness nor for the state's growing health care burden.

The Group B suggested amendment is to seek a mechanism by which to compile local district graduation requirements. With past “offering” requirements, there has not been a requirement for schools to report back what they do require for graduation, making benchmark comparisons difficult. Perhaps HB 1194 in its entirety makes this amendment unnecessary.

Certainly we would encourage expanded physical education and physical activity offerings in schools beyond what this bill proposes.

I encourage the inclusion of the attached clarifying amendments to HB 1194.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1194

Group A –

Page 2, line 12, after "physical education" delete "or" and insert "and one-half unit"

Page 3 line 4, after "physical education" delete "or" and insert "and one-half unit"

Page 3, line 19, after "physical education" delete "or" and insert "and one-half unit"

Page 5, line 6, after "physical education" delete "or" and insert "and one-half unit"

Group B –

Page 5, line 19, after "instruction" insert "By Aug 1 of each year, school districts will provide to the superintendent of public instruction the graduation requirements established by the school board."

Testimony on HB 1194
House Education Committee
January 29, 2007

Good afternoon Chairperson Kelsch and members of the House Education Committee. For the record, my name is LeAnn Nelson, Director of Professional Development for the North Dakota Education Association (NDEA). I am here representing NDEA on HB 1194.

NDEA, as well as many members of this committee, is a strong proponent of programs and systems that enhance educational environments, which foster academic achievement of all students. However, past practice has shown us that states and schools will often implement programs and change curriculums without conducting thorough research on how well they align to the needs of districts to generate positive results. Thorough research helps eliminate premature selection and implementation of programs that do not meet the needs of schools, resulting in a savings of money, time, energy and frustration. HB 1194 may or may not be an appropriate educational change for North Dakota. However, before NDEA can fully support HB 1194, a number of questions and concerns need to be addressed.

- Has this system been researched to see how well it aligns to the vision, mission and goals of education in North Dakota?
- Besides those students who strive for excellence, why would students want to take the advanced or standard tracks?
- How can we expect freshman to determine a track when at their age they are unsure of their future wants and needs? Can they move to a different track?

- What about students with special needs? Some students will not be able to take some of the courses in any of these tracks. What type of diploma will they receive?
- What is the purpose of placing the graduation track on diplomas and transcripts?
- Why mandate Algebra II when there are many other appropriate math courses?
- How can such a change take place in one year?
- What is the cost of implementing and evaluating such a system? NDEA advocates **full** funding.

Thank you for listening to my testimony. I will try to answer any questions you may have for me at this time.

LeAnn Nelson, Ed.D.
NDEA Director of Professional Development