

2009 HOUSE CONSTITUTIONAL REVISION

HCR 3047

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3047

House Constitutional Revision Committee

Check here for Conference Committee

Hearing Date: 02/26/09

Recorder Job Number: 9824

Committee Clerk Signature

*Lou Engelson*

Minutes:

**Chairman Koppelman** opened the hearing on HCR 3047.

**Rep. Lee Myxter:** Basically we're just asking that the requirement of a current teaching license for the superintendent of public instruction be added to the constitution. Until the last legislative session it was thought that this was a requirement. But the attorney general was asked to look into this and ruled that because this requirement was not written in the constitution, it was not a requirement. I (inaudible) to make a teacher's license a necessity. That led to this resolution before you today. Many legislatures find this idea of little importance and maybe a little bit politically motivated. I, and many of my fellow representatives and senators, especially those who have spent many years associated with education, feel that is significant. Except for some organizational problems, this requirement would have been on the ballot last election, and it could come back even if this is not approved. When campaigning I'm sure we all declared our support for public education and try to do what's best for our young students. I believe that having the superintendent of public instruction a licensed teacher is in the best interest of all North Dakota. I believe that the people of North Dakota will agree with me also. We allow our people to elect our superintendent, we should allow people to decide.

**Rep. Kretschmar:** How does one acquire a license to teach.

**Rep. Myxter:** You have to go to school. Go to college and take the education classes.  
Student teach.

**Rep. Kretschmar:** From whom do you get the license?

**Rep. Myxter:** Department of Public Instruction.

**Rep. Kretschmar:** How long is that license good?

**Rep. Myxter:** Because I'm old, mine is lasts a lifetime. Now it's five years.

**Rep. Schatz:** You get your license from the Educational Standards and Practices Board which is different than the Department of Instruction. It's an independent board. I believe it's two years when you first get your initial license.

**Rep. Meier:** Are you aware if this qualification is in any other state constitution?

**Rep. Myxter:** No.

**Rep. Conrad:** This reminds me of the pharmacy bill where we're saying pharmacists should be in charge of distributing drugs. You're saying a teaching degree in charge of education (inaudible).

**Rep. Myxter:** What I'm looking at is if you are going to be the head of education, you should know what education is really all about.

**Chairman Koppelman:** Further support for HCR 3047.

**Rep. Mock:** For the record, my name is Rep. Corey Mock. I represent District 42 in Grand Forks. I believe that the spirit of this resolution does come from the fact that it was in the statute since 1911 to 2007 that the superintendent had to be a qualified teacher. When the ruling was made in the last session that the statute cannot limit a person in a statewide office if the constitution doesn't say this, the motive for a constitutional revision was desired. Due to organizational issues prior to the last election, it wasn't on the ballot. I do support this. I

believe that many North Dakotans do expect our administrators of the schools to be knowledgeable of what their children encounter on a daily basis in the classroom. I do encourage this committee examine this and bring it before the people to determine whether or not we should have a licensed teacher at the head of our schools.

**Chairman Koppelman:** Years ago we used to have a requirement that the head of the North Dakota State Hospital be a doctor. Frankly there were some questions in terms of the efficiency or competency of the administration when that requirement was there, and it was later determined that an administrator could do a better job than a doctor even though it involved medical services. Do you see this as a corollary kind of thing, or do you think that the job of the superintendent of public instruction directly relates with classroom skills a teacher would have?

**Rep. Mock:** My background is in education and being familiar with the standards that are imposed upon states on the federal level make it important for the superintendant and administrators to be knowledgeable and conscious of those rules and standards. Not only from the text standpoint but in practicing and how students can relate to that. I think when you're dealing with education and classrooms, federal, local standards, state standards, all those are much different than the administration of health care. You can say the same thing on the administration of taxes.

**Chairman Koppelman:** Further support for HCR 3047.

**Dr. Wayne Sanstead** offered testimony in support of HCR 3047. See Attachment #1.

**Rep. Meier:** Are you aware of any other states that require their state superintendent to have a current teaching certificate and what states do currently require it?

**Dr. Sanstead:** The only state that I think has the constitution requirement I believe is Arkansas. There are a number of states like the state of North Dakota that have the statute.

**Rep. Hatlestad:** Do you also suggest not only a licensed teacher but perhaps with a superintendent or administrative credential since you are in the leadership role? Should you have an administrative credential as well?

**Dr. Sanstead:** I don't really believe that's absolutely necessary. I think, for instance, from 18 years in the classroom as an educator I did possess the earned academic administrative credentials and the work that I gained directly from the classroom.

**Rep. Kretschmar:** Is this license that a teacher has, is that for a period of years?

**Dr. Sanstead:** There are requirements. They require a re-licensure every five years. We have, on the administrative credentials side, a life requirement.

**Rep. Kretschmar:** Does it cost to be relicensed?

**Dr. Sanstead:** Yes.

**Chairman Koppelman:** Is there a difference between licensure and certification?

**Dr. Sanstead:** Not really. Licensure is the ability to practice and credential means you've completed your required courses.

**Dakota Draper, President of the North Dakota Education Association,** offered testimony in support of HCR 3047. See Attachment #2.

**Rep. Schatz:** Do you feel that this limit the number of people who would apply or would try to run for office? This requirement?

**Mr. Draper:** Yes. I suppose it would be limiting because you would be required to have a teaching degree to run.

**Chairman Koppelman:** Is the superintendent of public instruction the chief teacher of the state or the chief administrator of the state?

**Mr. Draper:** That's a very good question. In my personal view it's he's the chief teacher of the state.

**Chairman Koppelman:** If we do consider it an administrative position, would it be advisable to have administrator credentials in addition to or in lieu of teaching credentials?

**Mr. Draper:** I would think that would be helpful, yes. But I think what 3047 is asking for is a teaching license first. I think that is the first and foremost most important thing about the superintendent of public instruction's office.

**Chairman Koppelman:** Further testimony in support of HCR 3047. Any testimony in opposition to HCR 3047.

**Rep. DeKrey:** I'm actually in support with this amendment. See Attachment #3. It's my thought that if we're going to raise the bar in the state constitution on who the people should be elected to do their business, that it should be up and down the ticket. So what this amendment does is state what you would have to be to be eligible for any one of the state offices in the state of North Dakota.

**Rep. Griffin:** Would you be supporting a bill to remove the requirement in the constitution for attorney general?

**Rep. DeKrey:** No. That's why I've got this amendment raising the standard for everybody. If we want the best of the best to run the state of North Dakota, then they should be licensed and have some experience in the area that they are going to lead the state.

**Chairman Koppelman:** In response to Rep. Griffin's question, do you feel the attorney general, in essence, practices law?

**Rep. DeKrey:** Yes I do. There's very many ways in which you can practice law. I just think that the attorney general is practicing law as chief prosecutor of the state of North Dakota and also defending the statutes for the state when they are called into question before the courts.

**Rep. Conrad:** Do think this should be amended to add some more. I'm thinking like the treasurer, maybe not in business but accounting or something like that would also apply?

**Rep. DeKrey:** I am open to any amendments.

**Chairman Koppelman:** Further questions for Rep. DeKrey. Further testimony in opposition to HCR 3047.

**Robert Hale** offered testimony in opposition to HCR 3047. See Attachment #4. I believe that the position of superintendent of public instruction should be as open to as many people who want to run for it. I don't think having a restriction on who can run for this office is in the best interests of our children and their education. I would suggest a do not pass on this. I think that we want to let the general public discuss it, I think that's a good thing as long as there's going to be a robust debate on it.

**Chairman Koppelman:** I'd like to note for the committee that Bev Nielson from the North Dakota School Board Association came during our break and said she had to leave for another commitment but that the School Board Association wanted to go on record as opposed to the resolution and she gave me some reasons that I'll let her visit with members of the committee privately. Further testimony in opposition to HCR 3047. Neutral testimony on HCR 3047. Seeing none we'll close the hearing on HCR 3047.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3047

House Constitutional Revision Committee

Check here for Conference Committee

Hearing Date: 03/04/09

Recorder Job Number: 10212

Committee Clerk Signature

*Lou Engleson*

Minutes:

**Chairman Koppelman** opened the hearing on HCR3047.

**Chairman Koppelman:** I believe I've heard that there are some amendments.

**Rep. Schatz** offered an amendment to the resolution. See Attachment #1.

**Rep. Schatz:** Just to explain my position on this. We understand a little bit about how the office works. The Department of Public Instruction is an administrative office so just having a teacher's license doesn't really cover administration. This would. As far as qualifications go, that would qualify someone to be the superintendent of public instruction.

**Rep. Hatlestad:** I would like to suggest it say a valid North Dakota administrator's credential. I have an administrative credential that's not valid. It's expired.

**Chairman Koppelman:** So instead of an administrator's credential you are saying a valid?

**Rep. Hatlestad:** A valid North Dakota administrator's credentials. I would recommend that but is it necessary?

**Rep. Meier:** How often do you have to have your credential updated?

**Rep. Hatlestad:** Every five years.

**Rep. Hatlestad:** Does it have to say North Dakota credential? Suppose I had one in Minnesota.



**Rep. Schatz:** I guess the way I'm reading this is it looks like you have to have a license. A valid license. You must be licensed to teach. So that would be a valid license. And hold an administrator's credential on the day of the election. I guess I'm looking that as you're not holding an obsolete administrator's credential. You are holding a valid one.

**Chairman Koppelman:** Rep. Hatlestad, are you say that the credential as an academic, like a class that's taken and then the licensure or updated as something different.

**Rep. Hatlestad:** I have a master's degree in educational administration.

**Chairman Koppelman:** That's your administrative credential. So what makes it valid.

**Rep. Hatlestad:** The state gives me a license.

**Chairman Koppelman:** Is the administrative credential a license.

**Rep. Schatz:** It's a certificate I thought. You have a license to practice. That's your teacher license. You have also the credential in order to be a principal. You can't be one unless you have a provisional credential.

**Rep. Meier:** In the amendment it does state and hold an administrator's credential on the day of the election. I would take that to be current.

**Rep. Hatlestad:** That would say it's valid?

**Rep. Meier:** To hold it on the day would mean that it's current.

**Rep. Griffin:** What is involved in obtaining an administrator's credential?

**Rep. Hatlestad:** You have to have a master's degree, so many years of teaching and then certification by the state.

**Rep. Griffin:** You take some sort of test?

**Rep. Hatlestad:** You just apply for certification. There must be some certain classes you had to have taken in order to receive certification.

**Rep. Uglem:** Is there continuing ed to renew every five years.

**Rep. Hatlestad:** Eight hours.

**Chairman Koppelman:** The options if you are comfortable with adopting the amendment as it was written, we could hold this and meet tomorrow and deal with it. The other option would be if you're interested, the amendment would be adopted and we just double check. If it's an issue we can catch it on the senate side and clarify if the resolution passes.

**Rep. Schatz:** Do pass on the amendment.

**Rep. Hatlestad:** Second.

**Rep. Conrad.** I have been working on this. Rep. DeKrey proposed an amendment. He did it to make a point. But that got me thinking really like a state auditor should be a CPA. The citizens probably think the auditor is a CPA. The insurance commissioner should be an insurance agent. The reason I decided not to propose the amendment because I'm not sure if we are ready to be that restrictive. Would we have people to run for those offices? I don't think I want to restrict it.

**Rep. Hatlestad:** If you look at the title of the position, superintendent of public instruction. I think as a superintendent, you should be an administrator.

**Rep. Griffin:** You could take that teaching requirement out of the amendment. It would be necessary to get the administrator's credential.

**Rep. Hatlestad:** I don't think you can because you have to be licensed to teach. You have to renew every five years.

The motion on the amendment passed on a voice vote.

**Chairman Koppelman:** We had another set of amendments presented to us by Rep. DeKrey. What are the committee's wishes?

**Rep. Conrad:** Rep. DeKrey discussed these amendments.

**Rep. Schatz:** I move a do pass on the DeKrey amendments.

**Rep. Meier:** I'll second it.

**Rep. Conrad:** I can't imagine he was serious. Rep. DeKrey wasn't as serious when I talked to him about it. But this is a total unworkable situation. If we're going to require people to have these kinds of credentials, I would hope this committee would look at that.

**Rep. Conrad** offered her amendment to the resolution. See Attachment #2.

**Chairman Koppelman:** How does yours differ from Rep. DeKrey's?

**Rep. Conrad:** He has no requirements for the governor and lieutenant governor. In the insurance commissioner, I have a lawyer. He does not have a lawyer. He has five years experience in the provision of insurance. Secretary of state he has a master's degree in political science only and seven years experience in government. For the secretary of state I put must have a degree so that would be a college degree in business or public administration or have served for one term in the legislature or one term as county commissioner. In a sense it creates a career ladder in public service. Also with the auditor he's got seven years experience besides being a CPA. I said just be a CPA. For state treasurer he says a bachelor's degree in business and have five years experience and I said CPA. I said hold a degree in business, finance, or public administration or have served in public office. He did not include tax commissioner. He said it was an oversight. I put a degree in business, finance or public administration or have served on the county commission or legislature.

**Chairman Koppelman:** We have the DeKrey amendment before us. Discussion on that amendment.

**Rep. Meier:** I do think Rep. Conrad makes a good point. Some of the points were left out in Rep. DeKrey's amendment so I don't know if we would want to merge them.

**Chairman Koppelman:** Rep. Conrad has outlined the differences. I guess if the committee favors the DeKrey amendment, it would be a third motion. It wouldn't be part of this motion

unless we amend the motion. We could adopt the portion of the Conrad amendment that deals with the tax commissioner. That is the only one Rep. DeKrey left out. So those would be on page 2 of the Conrad amendment. I believe it is letter i. It's the one that deals with the tax commissioner. I think at this late stage I think if we were to do that I would recommend logistically if the committee wishes to adopt the DeKrey amendment and add that section of the Conrad amendment and just let the council renumber and do whatever they have to do to make it make sense. Again the DeKrey amendment is before us. Further discussion.

A roll call was taken on the DeKrey amendment. The DeKrey amendment was adopted.

**Rep. Griffin:** I move a do not pass.

**Rep. Meier:** I'll second.

A roll call vote was taken by the clerk.

**9 yes, 0 no, 0 absent and not voting. Rep. Uglem was assigned to carry the bill.**

*Attachment 3*

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3047

Page 1, line 2, replace "the superintendent of public instruction" with "certain state officials"

Page 1, line 5, replace "requires that the individual elected to the position of superintendent of public" with "sets forth the qualifications of certain state officials"

Page 1, line 6, remove "instruction be licensed to teach in this state"

Page 1, line 17, after the comma insert "unless otherwise provided"

Page 1, line 19, after the period insert:

"1."

Page 1, line 20, overstrike the period and remove "The"

Page 1, remove line 21

Page 1, line 22, remove "election." and overstrike "The attorney general must be licensed to practice law in this state" and insert immediately thereafter "hold a master's degree in business administration, and have ten years experience in business or government."

2. To be eligible to hold the office of agriculture commissioner, an individual must hold a master's degree and have ten years' experience in production agriculture or in an agriculture-related business.
3. To be eligible to hold the office of attorney general, an individual must hold a juris doctor degree, be licensed to practice law in this state, and have ten years' experience in the legal profession.
4. To be eligible to hold the office of insurance commissioner, an individual must hold a baccalaureate degree, be licensed to provide insurance products in this state, and have five years' experience in the provision of insurance products.
5. To be eligible to hold the office of public service commissioner, an individual must hold a baccalaureate degree in a field related to natural resources or in engineering and have five years' experience in a business regulated by the public service commission.
6. To be eligible to hold the office of secretary of state, an individual must hold a master's degree in political science and have seven years' experience in government, politics, or a related field.
7. To be eligible to hold the office of state auditor, an individual must hold a baccalaureate degree, be licensed as a certified public accountant, and have seven years' experience in the accounting profession.
8. To be eligible to hold the office of state treasurer, an individual must hold a baccalaureate degree in business and have five years' experience in business.

- in this state*
9. To be eligible to hold the office of superintendent of public instruction, an individual must be licensed to teach by the education standards and practices board, hold a doctoral degree, and have ten years' experience in the field of education"

Renumber accordingly

*hold an administrator's  
credential on the day of  
the election + throughout the  
super's term of office,*

93056.0104  
Title.

Prepared by the Legislative Council staff for  
Representative Schatz  
March 2, 2009

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3047

Page 1, line 19, after the period insert "1."

Page 1, line 20, remove "The"

Page 1, remove line 21

Page 1, line 22, remove "election.", overstrike "The" and insert immediately thereafter "2. To be eligible to hold the office of", and after "general" insert ", an individual"

Page 1, after line 22, insert:

"3. To be eligible to hold the office of superintendent of public instruction, an individual must be licensed to teach in this state and hold an administrator's credential on the day of the election and throughout the superintendent's term of office."

Renumber accordingly

## PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3047

Page 1, line 1, after "resolution" replace the remainder of the resolution with "for the amendment of section 4 of article V of the Constitution of North Dakota, relating to the qualifications of certain state officials; and to provide an effective date.

**STATEMENT OF INTENT**

This measure sets forth the qualifications of certain state officials and provides that this change will take effect on November 6, 2012.

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA,  
THE SENATE CONCURRING THEREIN:**

That the following proposed amendment to section 4 of article V of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 2010, in accordance with section 16 of article IV of the Constitution of North Dakota.

**SECTION 1. AMENDMENT.** Section 4 of article V of the Constitution of North Dakota is amended and reenacted as follows:

**Section 4.**

1. To be eligible to hold an elective office established by this article, ~~a person~~ an individual must be a qualified elector of this state, unless otherwise provided must be at least twenty-five years of age on the day of the election, and must have been a resident of this state for the five years preceding election to office.
  - a. To be eligible to hold the office of governor or lieutenant governor, ~~a person~~ an individual must be at least thirty years old on the day of the election. ~~The~~
  - b. To be eligible to hold the office of agriculture commissioner, an individual must hold a degree in a field related to agriculture or have been engaged in production agriculture for at least five years.
  - c. To be eligible to hold the office of attorney general, an individual must be licensed to practice law in this state.
  - d. To be eligible to hold the office of insurance commissioner, an individual must be licensed to practice law in this state or be licensed to provide insurance products in this state.
  - e. To be eligible to hold the office of public service commissioner, an individual must hold a degree in natural resources, engineering, or public administration, unless both other public service commissioners meet the requirements of this subsection.
  - f. To be eligible to hold the office of secretary of state, an individual must:



- (1) Hold a degree in business or public administration; or
- (2) Have served for one term as a member of the North Dakota legislative assembly or as a member of a board of county commissioners.
- g. To be eligible to hold the office of state auditor, an individual must be licensed to practice certified public accounting in this state.
- h. To be eligible to hold the office of state treasurer, an individual must:
  - (1) Hold a degree in business, finance, or public administration; or
  - (2) Have served for one term as a member of the North Dakota legislative assembly or as a member of a board of county commissioners.
- i. To be eligible to hold the office of tax commissioner, an individual must:
  - (1) Hold a degree in business, finance, or public administration; or
  - (2) Have served for one term as a member of the North Dakota legislative assembly or as a member of a board of county commissioners.
- j. To be eligible to hold the office of superintendent of public instruction, an individual must be licensed to teach in this state.
- 2. Subdivision b and subdivisions d through j of subsection 1 do not apply to individuals who were:
  - a. Elected or appointed to their respective offices before November 6, 2012; and
  - b. Reelected, or elected if appointed, to their respective offices after November 5, 2012.

**SECTION 2. EFFECTIVE DATE.** If approved by the voters, this measure becomes effective on November 6, 2012."

Renumber accordingly

Date: 03/04/09  
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 3047

**HOUSE CONSTITUTIONAL  
REVISIONS COMMITTEE**

Check here for Conference Committee

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

Action Taken  DP  DNP  DP AS AMEND  DNP AS AMEND

Motion Made By Schatz Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	✓		Rep. Conrad	✓	
Vice Chairman Kretschmar		✓	Rep. Griffin	✓	
Rep. Hatlestad	✓		Rep. Schneider	✓	
Rep. Meier	✓				
Rep. Schatz	✓				
Rep. Uglen	✓				

Total Yes 5 No 4

Absent \_\_\_\_\_

Floor Carrier: \_\_\_\_\_

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

Amendment by Rekey on voice vote

March 4, 2009

VR  
3/4/09  
102

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3047

Page 1, line 2, replace "the superintendent of public instruction" with "certain state officials"

Page 1, line 5, replace "requires that the individual elected to the position of superintendent of public" with "sets forth the qualifications of certain state officials"

Page 1, line 6, remove "instruction be licensed to teach in this state"

Page 1, line 17, after the comma insert "unless otherwise provided"

Page 1, line 19, after the period insert:

"1."

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Page 1, remove line 21

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3. To be eligible to hold the office of attorney general, an individual must hold a juris doctor degree, be licensed to practice law in this state, and have ten years' experience in the legal profession.
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208<sup>2</sup>

9. To be eligible to hold the office of superintendent of public instruction, an individual must be licensed to teach in this state by the education standards and practices board, hold a doctoral degree, hold an administrator's credential on the day of the election and throughout the superintendent's term of office and have ten years' experience in the field of education"

Renumber accordingly

Date: 3/4/09  
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 3047

**HOUSE CONSTITUTIONAL  
REVISIONS COMMITTEE**

Check here for Conference Committee

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

Action Taken  DP  DNP  DP AS AMEND  DNP AS AMEND

Motion Made By Griffin Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	✓		Rep. Conrad	✓	
Vice Chairman Kretschmar	✓		Rep. Griffin	✓	
Rep. Hatlestad	✓		Rep. Schneider	✓	
Rep. Meier	✓				
Rep. Schatz	✓				
Rep. Ugem	✓				

Total Yes 9 No 0

Absent \_\_\_\_\_

Floor Carrier: Ugem

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

library

REPORT OF STANDING COMMITTEE

HCR 3047: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3047 was placed on the Sixth order on the calendar.

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Renumber accordingly

2009 TESTIMONY

HCR 3047



**TESTIMONY ON HCR 3047  
CONSTITUTIONAL REVISION COMMITTEE  
February 26, 2009  
by Dr. Wayne G. Sanstead, State Superintendent  
(701) 328-4572  
Department of Public Instruction**

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Mr. Chairman and members of the committee:

For the record, I'm Dr. Wayne Sanstead, State Superintendent of Public Instruction presently serving my seventh term of office as North Dakota's Chief State School Official.

I'm here to urge that this committee support House Concurrent Resolution 3047 which would place before the citizens of our state the opportunity to vote to amend our state constitution to provide that the superintendent of public instruction must be a licensed teacher on the day of election. The Minot Daily News in editorializing on this issue stated, "If it takes a constitutional amendment to impose the teaching license requirement then so be it. The State Superintendent of Public Instruction should hold a valid state teachers license."

Passage by the voters of a constitutional requirement in the 2010 general election would settle once and for all an issue that has created great divisive controversy in the last two legislative sessions. The constitutional provision, if passed, would join the existing constitutional requirement that the elected attorney general of our state must be licensed to practice law.

It is important to cite that the first credential standard required by an applicant for a North Dakota Superintendent's Credential is "must hold a valid North Dakota teaching license issued by the Education and Standards Practices Board in accordance with North Dakota Century Code sections 15.1-13-08 and 15.1-13-10 and North Dakota Administrative Code title 67.1." That standard requirement should also apply to the background credibility of our constitutionally elected state superintendent.

Moreover, I believe it is clearly responsible public policy to assure that the North Dakota Superintendent of Public Instruction, in the states best interest, and with the important statutory responsibility of enforcing all state and federal education laws and regulations should, first and foremost, be a licensed teacher.

Our nation and our state are currently striving for higher levels of achievement from our schools and our students. One of the most important considerations, in the improvement of student achievement, is making sure that we employ highly qualified educators. Those well qualified teachers carry out the components of a well developed state educational policy. I believe that the professionals who provide the leadership in developing the system of education must also be highly qualified.

One of the ways we keep that leadership position paramount is to assure that all those associated with education are highly qualified, including our state education leader, the North Dakota Superintendent of Public Instruction.

In requiring the State Superintendent to have the highest grade teaching certificate, we are ensuring that our highest education leader has demonstrated the ability to convey knowledge, to develop and to know the content of state standards, to understand how students learn and how classrooms and schools work. We are also assured that the Superintendent will have knowledge of educational aims and instructional values, as well as possessing the philosophical and historical expectation for implementation of a quality education experience for all our students.

In short, we need a superintendent who is an education leader and one who knows and understands the process of effective student learning and all the components that make that process real. The best way to assure that competence is by insisting that any candidate for superintendent possess teacher credentials. Today school leadership requires a balance between inspiration and administration. You can't be just a leader you must be an instructional leader. Leading education policy starts first, in my view, in the knowledge and appreciation of education practice.

The Superintendent of the Department of Public Instruction has held a teaching certificate for generations. Our founding fathers made provision that the legislature can submit proposed constitutional amendments directly to a statewide vote of the people if approved by both the House and Senate. Please put the DPI measure on the ballot and let the voters decide.

Mr. Chairman, this completes my testimony.

HCR3047

Testimony for House Constitutional Revision Committee

NDEA President Dakota Draper

February 26, 2009

Mr. Chairman, members of the House Constitutional Revision Committee, I am Dakota Draper, President of the North Dakota Education Association. I am here today to speak on behalf of the educators of North Dakota in support of House Concurrent Resolution 3047.

This proposal would ask the voters if this common sense requirement is necessary; that the Superintendent of Public Instruction, the chief schools officer of this state, be a teacher. This amendment would keep the Department under an educator who understands our schools as a licensed teacher of this state.

The change made in the last legislative session by removing the licensed teacher requirement from the DPI superintendent qualifications sends the wrong message, that being that running the state's public education system is like running a business. Taking nothing away from our North Dakota businesses, we know that the focus of running a business is the bottom line, producing a profit. But running a state school system has a much different bottom line, being responsible for and making sure this state's students receive the best education North Dakota can provide.

The following is copied directly from the North Dakota Century Code 15.1-02-04; they are the prescribed duties of the ND Superintendent of Public Instruction:

1. *Shall supervise the provision of elementary and secondary education to the students of this state.*
2. *Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.*
3. *Shall supervise the development of course content standards.*
4. *Shall supervise the assessment of students.*
5. *Shall serve as an ex officio member of the board of university and school lands.*
6. *Shall keep a complete record of all official acts and appeals.*
7. *As appropriate, shall determine the outcome of appeals regarding education matters.*
8. *Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.*

Members of the committee, we believe that almost all of these duties would require a working knowledge of school life in order for the DPI superintendent to be effective for our students and their schools. A certified teacher knows what works in classrooms and brings a ground level view of what the State of North Dakota needs and deserves for its students to succeed. Having a teaching credential has been found important enough that it is required in order to obtain a school superintendent certification. In other words to be a school superintendent you have to maintain a teaching license. If that is so, why shouldn't the chief of those individuals, the Superintendent of Public Instruction, be required to meet the same criteria?

Members of the committee, one of the governing rules I have for my tenure as the NDEA President, is the premise, "Is it good for education in North Dakota?" I believe in the end you need to ask the same question, is NOT having the requirement that the Superintendent for Public Instruction be a certified, licensed teacher, good for education in North Dakota?

Therefore, we respectfully ask you to recognize the expertise of the office of the Superintendent of Public Instruction and, we ask you to support House Concurrent Resolution 3047.

HCR 3047 is a simple one. It is asking that the requirement of a current teaching license for the Superintendent of Public Instruction be added to the state Constitution.

Until the last legislative session it was thought that this was a requirement. The attorney general was asked to look into this and ruled that because this requirement was not written in the Constitution, it was not a requirement.

Being Norwegian, I forgot this ruling and offered a bill to make the teacher's license a necessity, but when my memory was refreshed, I withdrew it.

That led to this resolution before you today. I want to acknowledge and thank Representative Mock and his cohorts who did the majority of work preparing HCR3047.

Many legislators find this idea of little importance and maybe politically motivated. I and many of my fellow representative~~s~~ and senators, especially those who have been or are associated with education, feel it is significant.

Personally, I would not want to see the head of the state's educational system a politician or a bean counter unless she/he has been trained as a teacher and preferably has spent time standing alone in front of a room full of young people with various abilities, attitudes and backgrounds and was expected to make them all learners. He/She should have spent hours preparing lessons, correcting test~~s~~, figuring grades and placating administrators and parents.

She/He should have felt the frustrations of rules and regulations that disrupt the classroom and also have felt the joys of seeing a student's

eyes light up when that student “gets it” or that rare instance when a student or parent thanks you for affecting a young person’s life.

Except for some organizational problems this requirement would have been on the ballot last election. It could very well come back<sup>even</sup> if this revision is not approved.

When campaigning I’m sure we have all declared our support for public education and our desire to do what is best for our young students. I believe that having the Superintendent of Public Instruction a licensed teacher is in the best interest of North Dakotans.

I believe that the people of North Dakota agree with me also. We allow the people to elect our Superintendent. We should allow the people to decide on her/his qualifications.