

2009 SENATE JUDICIARY

SB 2084

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2084

Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: January 21, 2009

Recorder Job Number: 7743

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

**Relating to licensing student teachers**

**Janet Placek Welk**, Executive Director of the Education Standards and Practices Board – See written testimony.

**Senator Nething** – Asks if backgrounds have been a problem and how they are dealing with this now.

**Welk** – She said they have gotten many calls from institutions, from schools, and from applicants asking for the board to make the decision, which they have not done. Her recommendation has been to have the candidate share their background information with the institution and local district.

**Senator Nelson** – Questions the licensing term for student teachers, and would this bill eliminate the finger printing rule.

**Welk** – Said yes it would. On their application it asks for them to disclose anything in their past. She discusses what information usually comes out in the background checks.

**Josh Askvig** – ND Education Association – He is in opposition – They are not opposed to criminal background checks. There concern is for a license for student teaching. He said it

seems to be another barrier for getting teachers to teach. He is for letting the schools decide who gets to teach and who doesn't.

There is discussion on students getting background checks, is there some doubling up on checks. Also should institutions be left to make their own decisions?

**Senator Olafson** – Asks why licensing is a problem.

**Askvig** – Said it is another fee that students are burdened with.

**Senator Olafson** – Asks if there is a complex application to fill out.

**Askvig** – Said he doesn't know if there is an application for the student teaching license yet but for the teacher license it is a 2 or 3 page application.

**Tom Trenbeth**, Chief Deputy for Attorney General – See written testimony. He provides a proposed amendment.

Discussion continues on background checks and committee goes over the amendments provided by Mr. Trenbeth.

Closed hearing on ~~2184~~ 2084

Stop recorder at 22.59, remaining part of recording is just background noise.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2084


Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/21/09, committee work 1/26/09

Recorder Job Number: 7753

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Committee work

Committee discusses the licensure of student teachers, they said background checks are already done by the university. Senator Nelson worried schools would use student teachers for subs.

Senator Nelson motions do not pass, seconded by Senator Lyson

Vote 6 yes, 0 no

Senator Nelson will carry

**FISCAL NOTE**  
**Requested by Legislative Council**  
12/22/2008

Bill/Resolution No.: SB 2084

**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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 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.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 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 will provide a student teaching license to the teacher candidate prior to the student teaching experience which will document clearance of background investigation including BCI and FBI prior to teacher candidates entering classrooms.

**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.*

There will 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.*

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

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, 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.*

Name:	Janet L. Welk	Agency:	ESPB
Phone Number:	328-9646	Date Prepared:	12/31/2008

Roll Call Vote #: /

5B 2084

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

**REPORT OF STANDING COMMITTEE**

**SB 2084: Judiciary Committee (Sen. Nething, Chairman) recommends DO NOT PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2084 was placed on the  
Eleventh order on the calendar.

2009 TESTIMONY

SB 2084



## Testimony on SB 2084

By

Janet Placek Welk

Good morning, Mister Chair and Members of the Judiciary Committee. For the record, I am Janet Welk, Executive Director of the Education Standards and Practices Board and wish to provide testimony in support of SB 2084.

Last session, legislation was passed requiring all student teachers to have a criminal background check completed prior to any student teaching experience. This criminal background check included an investigation of the records at BCI and FBI. We learned, early in the process, that if a student had a record, there was a lot of confusion as to what that student could do. Who was to make the decision as to whether the student should be allowed to work with children. Many people thought ESPB could act on the information prior to letting the candidate teacher student teacher. ESPB had no authority to act prior to application for initial licensure. The institutions of higher education, with approved teacher education programs, has asked ESPB to provide a student teaching license prior to the student

teaching experience. They wanted one body making the decision. This license would provide documentation to the institution and the local district, ESPB had reviewed the background information and made a decision regarding the student teaching license.

Thank you for the opportunity to testify today and I would be happy to answer any questions. If you have questions after my testimony today, I can be reached at 328-9646 or [jwelk@nd.gov](mailto:jwelk@nd.gov).



January 20, 2009

Janet Welk  
Education Standards and Practices Board  
2718 Gateway Avenue, Suite 303  
Bismarck ND 58503

Janet,

On behalf of the members of the North Dakota Association of Colleges of Teacher Education, I wish to support SB 2084 which would provide a student teaching license which would document clearance of background investigations before candidates enter the schools.

Support of this bill is based on the fact that ESPB currently receives the results of the background checks from the ND BCI and the FBI and sends notices to candidates regarding their record. Candidates with records should be required to submit documentation prior to student teaching so that ESPB can determine if the record would potentially deny them from seeking a teaching license.

Sincerely,

A handwritten signature in cursive script that reads "N. K. Bagstad".

Dr. Nannette K. Bagstad  
Chair, NDACTE

**SB 2084**  
**TESTIMONY OF THOMAS L. TRENBEATH**  
**CHIEF DEPUTY ATTORNEY GENERAL**

Chairman Nething, members of the Senate Judiciary Committee, I appear this morning to offer a friendly amendment to SB 2084. In order for full criminal background information to be obtained on an individual, access must be had to the records of the FBI. The FBI has a "single contact" rule, which dictates that only one entity per state may access their information. That agency, in North Dakota, is the Bureau of Criminal Investigation, a division of the Office of Attorney General. In order for the BCI to make a request to the FBI, it must have direction by the legislature for the groups required or allowed to obtain the information. One such group, covered by this bill, is the student teacher population. The bill before you is, therefore, enabling legislation allowing the Education Standards and Practices Board to ask the BCI to request the information from the FBI. What is then needed is the statutory authority for the BCI to make such a request.

N.D.C.C. 12-60-24 is the statute commanding the BCI to request criminal history background checks on individuals belonging to groups named in that statute. 12-60-24(2)(c) is the subparagraph

directing BCI with respect to those individuals whose background checks are requested by the Education Standards and Practices Board. The subparagraph contains no reference to student teaches and, therefore, if SB 2084 were to pass, the request could be made but could not be honored.

The proposed amendment merely adds that group into the subparagraph to complete the intent of the proposed legislation.

Thank you for your attention, and I would be happy to clarify any points with respect to the proposed amendment.