

2009 SENATE EDUCATION

SB 2212

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2212

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: January 19, 2009

Recorder Job Number: 7170

Committee Clerk Signature

Minutes:

Chairman Freborg opened the hearing on SB 2212. All members were present. Senator O'Connell is invoking rule 502 and is sitting in for Senator Taylor this week.

Senator Bakke introduced the bill. See written testimony.

Senator Flakoll asked in line 11 is the intent the same with the proposed wording change that

Senator Bakke recommended in her testimony.

Senator Bakke said in talking with Department of Public Instruction, they do not want to take the decision out of the local district's hand by determining a set caseload per teacher, they would prefer to provide a guideline or criteria of best practice. They do not want to provide a mandate.

Senator Flakoll asked if the intent would be for the caseloads not to affect their accreditation status and/or funding.

Senator Bakke said that is correct.

Senator Flakoll asked in regard to the appropriation, why is it fair for an REA with thousands of ELL students to get the same amount as one with only a handful of ELL students.

Senator Bakke said in this bill she is attempting to get some of these materials and services into every REA in the state. In a later bill, she will propose an amendment to provide more

dollars to the school district based on the number of students. This is an attempt to be sure we are training teachers and providing materials.

Senator Flakoll asked if REA's eventually get the money, is it a pass through from Department of Public Instruction?

Senator Bakke said yes. The REA must submit a plan to Department of Public Instruction.

Mari Rasmussen, Assistant Director, Department of Public Instruction, testified in favor of the bill. See written testimony.

Senator Flakoll asked if Superintendent Sandstead supports the bill and specifically line 11.

Mari Rasmussen said yes, Dr. Gronberg worked with her on that language.

Senator Flakoll asked if Department of Public Instruction is in favor of the bill, why do we need the bill, couldn't the department do it on their own?

Mari Rasmussen said that is a good question and would defer to others in the department or to Anita Thomas to see if we already have this authority. She will check on it. She later sent an email to Senator Bakke which is attached.

Senator Flakoll said in looking at \$3000 per student for materials in some REA's, how can we justify that when other REA's might receive a much lower amount per student.

Mari Rasmussen said that is a good question, too. They have not discussed how it would be managed. It is good to have consistent services at all REA's. This could be coordinated with other funding sources such as workshops in districts with larger numbers.

Wendy Sanderson, Dakota TESL (Teachers of English as a Second Language) President, testified in favor of the bill. See written testimony. She said there are 5526 ELL students in North Dakota.

Senator Flakoll asked the number of full and part time professional staff across the state for ELL.

Wendy Sanderson said there are 40 ELL teachers in North Dakota at this time.

Senator Flakoll asked the breakout of full time vs. part time.

Wendy Sanderson said she didn't know.

Ivona Todorovic and Sara Dunn, ELL teachers, Grand Forks Public Schools, testified in favor of the bill. See written testimony.

Sanda Alagic, testified in favor of the bill. (38:00) What the statistics we are hearing today don't show is these are children. They moved with their families and left everything and everyone behind. Most are traumatized by the situations that made their parents move. She arrived in North Dakota from Bosnia with two toddlers. Both sons had a chance to enroll in an ELL program. She wanted to help her children with their English but her English was mainly from movies with a terrible accent. She had other things she had to deal with such as finding a place to live, getting a job, learning to drive, finding the milk that tastes good. There are a lot of kinds of milk in the store in the United States. Her boys were completely in the hands of their ELL teachers. She doubted the teachers could make any progress in teaching her children English as well as teaching about life in the US. Her boys would look for a shelter when someone would close a car door. They are 15 and 13 now and both are straight A students in Mandan. One wants to be a surgeon and one wants to consult with NASA. Bosnian is a second language to them now. She doesn't have much interest in politics but she does know when teachers say they need something, listen to them, they know what they are talking about. Dr. Joan Oigawa Aus, Director of ELL Education, Valley City State University, testified in favor of the bill. See written testimony. She also distributed the written testimony of Josh Johnson, Principal, Barnes County North – Wimbledon Courtenay Campus.

Senator Flakoll asked about lines 14 and 15, are they different than line 11 as amended.

Dr. Oigawa said her intention was not to change the case study wording as modified by Department of Public Instruction, instead it was her intention to change the appropriation language to make it more specific in how it is being dispersed.

Fern Pokorny, NDEA, testified in favor of the bill. It is not uncommon to have recommended case loads for students with special needs.

Dan Huffman, Assistant Superintendent, Fargo Public Schools, testified against the bill. He understands the bill was amended while he was out of the room. He originally was going to oppose the bill for two reasons. First, subsection 4 would have established maximum case loads for ELL teachers and they would have a serious concern with that language. Next, the appropriation at \$200,000 with maximum grants of \$25,000 distributed through the REA's is a problem because the Fargo School District is the largest impacted school in North Dakota in ELL. West Fargo is probably the second largest impacted. They both belong to the same REA. With 1000 kids in the Fargo School District that meet the definition of ELL speaking more than 103 different dialects, they deal with difficult issues every day. Everything discussed by others today is magnified because of their numbers. He disagrees with the \$25,000 maximum for the grant. They are strongly in favor of additional resources for ELL needs.

Senator Lee said he understands this is a significant issue. Are we dealing with the issue with this bill or should we be looking at the weighting factor in the big bill.

Dan Huffman said he is not sure what \$200,000 distributed \$25,000 at a time is going to do in meeting the needs of ELL students. He agrees a much better approach would be to address the weighting factors in the comprehensive bill and make a significant effort in directing resources to where the kids are being educated.

Doug Johnson, North Dakota Council of Educational Leaders, testified in a neutral position.

The amendment offered by Senator Bakke on line 11, that process could be taken care of by administrative rule. He concurs with Dan Huffman, there may be a more equitable way to distribute those dollars.

Chairman Freborg closed the hearing on SB 2212.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2212

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: January 20, 2009

Recorder Job Number: 7317, 7319

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on SB 2212. All members were present. Senator O'Connell is invoking rule 502 and sitting in for Senator Taylor this week.

Senator Flakoll distributed an amendment. He hopes this reflects our preference. It overstrikes the words maximum caseloads and inserts caseload criteria. It also adds the line behind it that deviation from criteria may not affect accreditation or funding level which was part of Q and A yesterday.

Senator Flakoll moved the amendment, seconded by Senator Lee.

Senator Lee said there was discussion yesterday that this could be handled by administrative rule or that Department of Public Instruction already had the responsibility to deal with this.

Senator Flakoll said there was an email that went out, it was confusing but Senator Bakke may have more information on it.

Senator Bakke said we asked Mari Rasmussen and she responded in an email to Senator Bakke, saying she talked with her authorities at Department of Public Instruction and they said it was appropriate to have this language in the bill since it is not in code. She sent a copy of the email to the Senate Education Committee.

Senator Freborg said Gary and Greg said there is no mention of caseload in legislation or rules. What do we gain by speaking to maximum caseload? If they can go over the caseload and they certainly can go under, what is the point?

Senator Flakoll said they would establish guidelines. One of the mutually frustrating things about ELL is there are so many different moving parts that really create a challenge to determining staffing levels. All sizes of school districts, especially those new to ELL, don't know how to staff it. ELL can certainly eat up a lot of human resources.

Senator Freborg asked if there is a need for a maximum caseload because nothing happens if they exceed the maximum.

Senator Flakoll said the fear is foundation aid could be withheld from a district because they were not meeting staffing criteria in ELL. The ELL student population fluctuates so much.

These are guidelines, this is a tool.

Senator Freborg asked if it is a recommended standard.

Senator Flakoll said yes, that is how he sees it.

Senator Lee said yesterday said establishing caseload criteria is problematic because it is hard to determine what is appropriate.

Senator Bakke asked about eliminating the word maximum in the second sentence as well.

Senator Flakoll said that is a good point.

Senator Bakke said her intent with the language was to set guidelines as to what is best practice, what research is showing. Maybe the wording is wrong. She is concerned about 300 kids and 2 teachers and many paraprofessionals. She encourages the districts to address this.



Senator Flakoll said he and Senator O'Connell have been working with weighting numbers for ELL for another bill. He reviewed the weighting formula for level 1, 2 and 3 ELL students and it would be reflected in the levels of staffing.

Senator O'Connell asked if this included all students ages 5 – 22.

Senator Bakke said yes.

Senator Freborg said he would hope we could establish some kind of criteria. He doesn't like the last sentence in the email that says they need the authority to establish sanctions.

Senator Bakke said she agrees, doesn't like the idea of "sanction". Department of Public Instruction needs to set up a model of best practice. The districts would have some flexibility to work within the framework.

Senator Flakoll said usually they wait until we leave town to deviate from our intent and here they did it in January. That is the purpose of the second part of the amendment.

Senator Flakoll said it is the legislative of the amendments is there could be no sanctions imposed if someone deviates from the criteria established by the Department of Public Instruction. They may not provide sanctions in any way which would include loss of accreditation or reduction in funding level, delay of funding to the school districts or any other sanctions he can't think of at this time. They cannot do this.

Senator Freborg said he has some concerns. He got caught up years ago when the legislative intent was not to purchase a tract of land in western North Dakota and they bought it anyway. He questioned it and the last determination was legislative intent doesn't count.

Senator Lee said he agrees with the conversation in terms of no penalties and sanctions.

Where would ELL be when we have to prioritize. If we have the criteria that make for a good ELL program but if we don't follow it, there is no accountability. We want what is best for students. This won't solve the issue, it may make it better. ELL is a big problem in some

districts. He has done foster care for a number of years and had ELL students. He knows it is difficult for students and for school districts to be effective. He would like to allow the schools some flexibility, there must be templates out there that work.

Senator Bakke said in the past, no attention paid to how these ELL programs are set up.

Maybe we are taking one step forward with this language. This is a first step.

Senator Freborg said if we don't do something we will end up with something in administrative rules we don't agree with.

Senator Flakoll said for purposes of discussion, he will withdraw his amendment, agreed by Senator Lee.

Chairman Freborg closed the discussion on SB 2212.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2212

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: January 21, 2009

Recorder Job Number: 7416

Committee Clerk Signature



Minutes:

Chairman Freborg opened the discussion on SB 2212. All members were present. Senator O'Connell is sitting in for Senator Taylor this week.

Senator Bakke said the last time we discussed this bill she brought an amendment which the committee should have a copy of. The intent is not to put a maximum amount on the grants, there is a concern that some areas have many ELL and some do not. It would be at the discretion of Department of Public Instruction based on the REA grant. The grants would be awarded to purchase materials and for staff development, not for staff.

Senator Bakke moved the Bakke amendment, seconded by Senator O'Connell.

Senator O'Connell asked why we are cutting it back.

Senator Bakke said she is removing the cap so a district with a high concentration of ELL could apply for more than \$25,000.

Senator O'Connell asked if the appropriation would stay at \$200,000.

Senator Bakke said yes.

Senator Flakoll handed out some information (attached). It is an ELL funding history provided by Jerry Coleman, Department of Public Instruction. It shows a biennial increase in ELL of

55%. He prefers running things through the formula rather than empire building so we don't get into problems like we fixed last session.

Senator Bakke and Senator Flakoll discussed the ELL funding history handout and ELL funding in HB 1400.

Senator Bakke said materials and staff development are left to the locals for funding.

The motion passed 3 – 2.

Senator O'Connell moved the Flakoll amendment, seconded by Senator Flakoll.

Senator Flakoll said the amendment is so a deviation from caseload criteria would not affect a district's accreditation or funding level and maximum is crossed out.

The motion passed 5 – 0.

Senator Flakoll asked if there are any unspent funds, would it be rolled down to the contingency money or stay open for another round or is it a onetime funding mechanism.

Senator Bakke said with the transient ELL population, if a district did not apply, they could apply later.

Senator Flakoll said the amendment gets the money to where it is needed. Can an REA submit a second grant if their first application was turned down and they reapply for something else.

Senator Bakke said that is up to Department of Public Instruction.

Senator Freborg said they could apply three times, he hopes the department puts the money where it is needed.

Senator Bakke moved a Do Pass As Amended and Rerefer to Appropriations, seconded by Senator O'Connell.

The motion passed 3 – 2. Senator Bakke will carry the bill.

**FISCAL NOTE**  
**Requested by Legislative Council**  
04/23/2009

Amendment to: Engrossed  
SB 2212

**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
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$8,000	\$1,000	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$40,000	\$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	\$40,000	\$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).*

Section 1 requires the establishment of caseload criteria for English Language Learner teachers. Section 2 provides for one grant to a Regional Education Association (REA) for professional development opportunities and the purchase of materials for small districts that are starting ELL programs.

**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.*

The fiscal impact of Section One involves the development of caseload criteria, including input from teachers and administrators in schools. The fiscal impact of Section Two involves the distribution of one grant to one REA. Criteria would be established to allow all REAs to apply for the grant. The salary costs to administer both projects are estimated at \$9,000.

**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.*

There is no revenue in these areas.

**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.*

The expenditures involve the salary for DPI staff to administer the projects, including the development of caseload criteria and a request for proposals for the REA grant. There is one program FTE in the DPI budget available for English Language Learner (ELL) Programs. There is \$80,000 of general funds available for administration costs for the biennium of the ELL program. These funds can be used for the activities addressed in this bill.

**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.*

A fiscal note of \$40,000 is provided since that is the amount in Section 3 – the appropriation. This appropriation is a one-time allocation from the funds made available to the governor under the federal American Recovery and

Reinvestment Act of 2009 and would involve a one-time grant to a single REA for the purpose of developing the capacity of that REA to serve school districts with English Language Learners.

<b>Name:</b>	Mari Rasmussen	<b>Agency:</b>	Public Instruction
<b>Phone Number:</b>	328-2958	<b>Date Prepared:</b>	04/23/2009

**FISCAL NOTE**  
**Requested by Legislative Council**  
04/03/2009

**REVISION**

Amendment to:      Engrossed  
                             SB 2212

**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
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$200,000	\$0	\$200,000	\$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	\$200,000	\$0	\$0	\$200,000

**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).*

Section 1 requires the establishment of caseload criteria for English Language Learner teachers. Section 2 provides for grants to Regional Education Associations for professional development opportunities and the purchase of materials for small districts that are starting ELL programs.

**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.*

The fiscal impact of this bill includes the grants to REAs for materials and professional development addressed in Section Two.

The fiscal impact of Section One is already addressed in the administrative funds for the ELL program included in HB 1013 - the DPI budget.

**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.*

There is no funding available for grants to REAs for professional development or materials in state general funds or federal funds, including federal funding under the American Recovery and Reinvestment Act (ARRA).

**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.*

Costs include the distribution of grants, based on need to REAs in ND. All REAs have school districts with ELLs enrolled, though the numbers vary across the state.

**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.*

A fiscal note of \$200,000 is provided since that is the amount in the original bill. This appropriation was removed by House Appropriations Committee. The grant funding would be included in the DPI budget. An application process

would be developed, allowing REAs to apply for grants for a two year time period. The purpose of the grants, as stated earlier, would be to benefit the ELLs enrolled in member school districts. Technical assistance would be provided by DPI. There is no funding in the executive budget, or in any federal funding, including (ARRA) for this purpose.

<b>Name:</b>	Mari Rasmussen	<b>Agency:</b>	Public Instruction
<b>Phone Number:</b>	328-2958	<b>Date Prepared:</b>	04/03/2009



**FISCAL NOTE**  
**Requested by Legislative Council**  
04/02/2009

Amendment to: Engrossed  
SB 2212

**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
<b>Revenues</b>	\$0	\$0	\$200,000	\$0	\$200,000	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$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	\$200,000	\$0	\$0	\$200,000

**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).*

Section 1 requires the establishment of caseload criteria for English Language Learner teachers. Section 2 provides for grants to Regional Education Associations for professional development opportunities and the purchase of materials for small districts that are starting ELL programs.

**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.*

The fiscal impact of this bill includes the grants to REAs for materials and professional development addressed in Section Two.

The fiscal impact of Section One is already addressed in the administrative funds for the ELL program included in HB 1013 - the DPI budget.

**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.*

There is no funding available for grants to REAs for professional development or materials in state general funds or federal funds, including federal funding under the American Recovery and Reinvestment Act (ARRA).

**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.*

Costs include the distribution of grants, based on need to REAs in ND. All REAs have school districts with ELLs enrolled, though the numbers vary across the state.

**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.*

A fiscal note of \$200,000 is provided since that is the amount in the original bill. This appropriation was removed by House Appropriations Committee. The grant funding would be included in the DPI budget. An application process would be developed, allowing REAs to apply for grants for a two year time period. The purpose of the grants, as

stated earlier, would be to benefit the ELLs enrolled in member school districts. Technical assistance would be provided by DPI. There is no funding in the executive budget, or in any federal funding, including (ARRA) for this purpose.

<b>Name:</b>	Mari Rasmussen	<b>Agency:</b>	Public Instruction
<b>Phone Number:</b>	328-2958	<b>Date Prepared:</b>	04/03/2009

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2212**

Page 1, line 11, remove "maximum", replace "caseloads" with "caseload criteria", and replace the semicolon with ". Deviation from caseload criteria may not affect district accreditation or funding level."

Renumber accordingly

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2212**

Page 1, line 11, remove "maximum", replace "caseloads" with "caseload criteria", and replace the semicolon with ". Deviation from ~~maximum~~ caseload criteria may not affect district accreditation or funding level."

Renumber accordingly

1/20/09

Date: 1/20/09 :  
Roll Call Vote #: 1 :

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2212

Senate Education Committee

☐ Check here for Conference Committee

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

Action Taken Move Flakoll Amendment

Motion Made By Sen. Flakoll Seconded By Sen. O'Connell

Senators	Yes	No	Senators	Yes	No
Senator Freborg			Senator Taylor		
Senator Gary Lee			Senator Bakke		
Senator Flakoll					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*withdrawn*

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2212**

Page 1, line 24, overstrike "a grant in an amount not exceeding \$25,000. An association may use the grant" and insert immediately thereafter "grants"

Renumber accordingly

*Sen. Bakke - 1/20/09*

Date: 1/21/09  
Roll Call Vote #: \_\_\_\_\_

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2212

Senate Education Committee

☐ Check here for Conference Committee

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

Action Taken Move Bakke Amendment

Motion Made By Sen. Bakke Seconded By Sen OConnell

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor		
Senator Gary Lee		✓	Senator Bakke	✓	
Senator Flakoll		✓	<u>Sen OConnell</u>	✓	

Total (Yes) 3 No 2

Absent 0

Floor Assignment \_\_\_\_\_

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

PROPOSED AMENDMENTS TO SENATE BILL NO. 2212

Page 1, line 11, remove "maximum", replace "caseloads" with "caseload criteria", and after "teachers" insert ", deviation from which may not affect the accreditation or funding level of a school district"

Page 1, line 24, replace "a grant in an amount not exceeding \$25,000. An" with "grants"

Page 2, line 1, remove "association may use the grant"

Renumber accordingly



Date: 1/21/01  
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2212

Senate	Education	Committee
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☐ Check here for Conference Committee

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

Action Taken Move Flakoll Amendment

Motion Made By Sen O'Connell Seconded By Sen Flaherty

[illegible]

Total (Yes) 5 No 0

Absent

**Floor Assignment** \_\_\_\_\_

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

Date: 1/21/09  
Roll Call Vote #: 3

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2212

Senate Education Committee

☐ Check here for Conference Committee

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

Action Taken No Pass as Amended + Refer to Appropriations

Motion Made By Sen. Bakke Seconded By Sen. O'Connell

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor		
Senator Gary Lee		✓	Senator Bakke	✓	
Senator Flakoll		✓	Sen. O'Connell	✓	

Total (Yes) 3 No 2

Absent \_\_\_\_\_

Floor Assignment Sen. Bakke

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

**REPORT OF STANDING COMMITTEE**

**SB 2212: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2212 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "maximum", replace "caseloads" with "caseload criteria", and after "teachers" insert ", deviation from which may not affect the accreditation or funding level of a school district"

Page 1, line 24, replace "a grant in an amount not exceeding \$25,000. An" with "grants"

Page 2, line 1, remove "association may use the grant"

Renumber accordingly

2009 SENATE APPROPRIATIONS

SB 2212

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2212

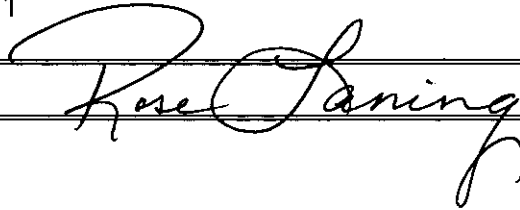
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 01-29-09

Recorder Job Number: 8081

Committee Clerk Signature



Minutes:

**Chairman Holmberg** called the committee back to order at 9:33 am in regards to SB 2212 which related to English Language Learners (ELL).

**Senator JoNell Bakke, District 43, Grand Forks**

Testified in favor of SB 2212. (Written attached testimony # 1)

**Chairman Holmberg:** In just a couple words, the bill was changed quite a bit. What happened?

**JoNell Bakke:** Some of the concerns that came up were originally the word "maximum" was in there as far as maximum case loading. It really wasn't our intent to dictate to local schools districts how many students they had and how many teachers they had to have per student. What we wanted to do, there are many districts that have no ELL programs at all and all of a sudden they get a family that moves into town and they have children who can't speak English. What we were looking for is the Department of Public Instruction to provide guidance about the criteria you should have in place when this population is in your school district. So we re-worded the language there to say this is the criteria, this is what you probably would need to do to set up an ELL program. We didn't want districts to all of a sudden think I'm going to lose my funding and I'm going to lose this if I don't do it exactly the way the state lays it out. We

want the locals to maintain some of their local control by just putting a set of criteria there saying this is Best Practice and leaving it up to them to determine the needs of the students that have moved into their area.

**Senator Robinson:** Could you give idea of the number of students state wide?

**JoNell Bakke:** The testimony coming after me will break it down better, but right now we have 4412 in state involved in ELL.

**V. Chair Bowman:** Why doesn't school board have the authority to do exactly what this bill does? Bowman had an influx of Spanish speaking people and we needed and hired an interpreter. We didn't have a bill to do it. If school board recognizes there is a need, they're going to have to get on the ball and take care of that. Will this assist them or will it mandate to the school board what they will do?

**JoNell Bakke:** This is to be an assist to them. The ELL students are showing up quite suddenly. The state has not been real responsible in funding these programs because this hasn't been a long standing area of programming. Many school boards ask where we pull the money from. By setting up this criteria, this basically gives them a resource and these are materials you can use.

**Chairman Holmberg:** Education funding is at 70%. How would you answer those critics who say why don't they take it out of the money they have.

**JoNell Bakke:** The money isn't necessary the problem. We need to tell them how to do this. Small and large districts need assistance. In this case, we are asking for some funding. The governor's bill eliminated one whole category of ELL and combined two categories. They increased the multiplier but they've eliminated one whole category. They are seriously affecting our annual progress reports that are going to the federal government.

**Chairman Holmberg:** Any more questions. Thank you.

**Mari Rasmussen, Ph.D., Assistant Director, Department of Public Instruction**

Testified in favor of SB 2212. (Written attached testimony # 2)

**Chairman Holmberg:** Any questions.

**Senator Mathern:** Funding, did you have an exact dollar amount that you think would solve this problem? The money that's not in the bill – more money could help. Did anyone figure out what that number is?

**Mari Rasmussen:** There are two different issues. This is funding for REAs (Regional Educational Authority) and the school districts also need additional funding in their foundation aid formula. I prepared information on what the costs for the governor's Commission on Education Improvement. It's approximately \$2000 dollars above and beyond the basic foundation aid that is needed to provide services and this is an average of new immigrant students costs as compared to the rural which is more costly because of travel.

**Senator Mathern:** You're saying the cost of doing this right in terms of the folks that are in the field would be approximately \$2000 dollars times the number of children who we have in the school system with this need.

**Mari Rasmussen:** Right.

**Senator Warner:** How do you view this issue globally? These people have varying skill sets before ELL and then we have adult learners. How can we coordinate the funding so we're not having duplicated efforts and what is the coordination with different levels of learning?

**Mari Rasmussen:** This is an area that should be collaborated and support the pre-school level as they get into the elementary and grade school system. I work with K12 and we are under mandates from the federal government to make progress. The requirements aren't there at the pre-school level although we want to support kids to prepare for the requirements and support them for the work place. Kids are able to master the content standards.

**Senator Warner:** What I was hearing is that this federal mandate of K-12 is peripheral?

**Mari Rasmussen:** Right.

**Senator Kilzer:** On page two of Dr. Rasmussen's testimony, there is a nice graph that shows the ELL numbers as a percentage, and I was wondering if OMB or the Legislative Council could also produce a graph that shows the amount of spending over and above foundation aid for that same period of time.

**Chairman Holmberg:** That would be money that is separate from foundation aid. You're talking about money over and above what went out for foundation aid.

**Mari Rasmussen:** We have had ELL funding through foundation aid through 1996. Would you want that included or excluded?

**Senator Kilzer:** What I'd like to see is the amount of money spent over and above the base of foundation aid.

**Tom Conlin, REA Coordinator, Mandan**

Testified in favor of SB 2212. (No written testimony)

**Senator Krebsbach:** Could I have a map outlining the REA areas in the state?

Chairman Holmberg closed the hearing on SB 2212.



Date: 2-10-09  
Roll Call Vote #:

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2212

Senate \_\_\_\_\_ Committee

☐ Check here for Conference Committee

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

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Sen Mathern Seconded By Sen. Seymour

Representatives	Yes	No	Representatives	Yes	No
Senator Fischer	✓		Senator Warner	✓	
Senator Christmann		✓	Senator Robinson	✓	
Senator Krebsbach	✓		Senator Krauter	✓	
Senator Bowman	✓		Senator Lindaas		
Senator Kilzer	✓	✓	Senator Mathern	✓	
Senator Grindberg	✓		Senator Seymour	✓	
Senator Wardner	✓				
Chairman Holmberg	✓				

Total Yes 11 No 2

Absent 1

Floor Assignment back to Education Committee

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

Cost

**REPORT OF STANDING COMMITTEE (410)**  
February 11, 2009 8:26 a.m.

**Module No: SR-27-2343**  
**Carrier: Cook**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2212, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)**  
**recommends DO PASS (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING).**  
Engrossed SB 2212 was placed on the Eleventh order on the calendar.

2009 HOUSE EDUCATION

SB 2212

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2212

House Education Committee

☐ Check here for Conference Committee

Hearing Date: March 4, 2009

Recorder Job Number: 10172

Committee Clerk Signature

*Carmen Hart*

Minutes:

**Senator JoNelle Bakke, District 43, Grand Forks,** appeared. (See Attachment 1.)

**Rep. Lois Delmore, District 43, Grand Forks,** appeared. Our school populations today wear different faces than we had 20 years ago. They are still eager and ambitious but some of these new students do not speak our language and have encountered difficulties and struggles in their personal lives that most of us cannot imagine. They are eager to learn our language and culture and we have a talented group of teachers who work with these students and their struggles to help them achieve their dreams. Later on they come to me as a regular classroom teacher. Often because of the multiple languages that are spoken, these special teachers have a real challenge. Without lowering the caseload for these people, students and teachers alike, we can't obtain the achievements for these students and will fail in our jobs. There are others today who work in the field every day that will help describe their special challenges that they face. The burdens for these teachers sometimes make them candidates for burnout because much as they struggle to do everything for these students they cannot keep up at that pace for the periods of time we are asking. The caseloads have become overwhelming in many of our larger schools. Please support SB 2212 and help our new citizens and their special teachers be successful in every way. More time, a lower ratio of students and money can make a difference.

**Vice Chair Lisa Meier:** Being that you are right in the field, generally how long do students have to be worked with, ELL students in the grade levels, until they are pretty efficient?

**Rep. Delmore:** We have students that come to us as 10<sup>th</sup> and 11<sup>th</sup> graders. I can really speak for Red River where I teach, and some of them don't speak any English at all. They have been in camps. They haven't had any background at all. They are eager to pick it up, but there is a lot of knowledge they have to gain before they can go into a regular classroom especially on that level. We have accommodated some of our students in English and math with an English class that would help them get started on a lower level than we would teach our other students just so they can pick up the language.

**Rep. Joyce Kingsbury, District 16,** appeared. We have in our area a huge Spanish population and it does affect our schools greatly. I would appreciate all you could do for this program.

**Mari Rasmussen, Ph.D., Assistant Director, Dept. of Public Instruction,** appeared. (See Attachment 2.)

**Vice Chair Lisa Meier:** How many students in the last two years have they increased in ELL students from two years ago?

**Mari Rasmussen:** I could get that hard data for you. I don't have this at the time. One of the issues with the ELL is the identification. No Child Left Behind requires a state test which we have been implementing. We are going into our third year of implementation. The first year over 6,000 students were tested. I think school districts just wanted to make sure they captured everybody. I think they over tested kids. Last year that decreased to 5,500. We are probably sitting there around there. There is a little bit of over identification and under identification with this program that we are working on. Overall, it is increasing though.

**Vice Chair Lisa Meier:** If you could get that information to myself and I think the rest of the committee would be interested that would be great.

**Rep. David Rust:** The \$200,000 appropriation—do you know if that is in the executive budget right now or is this in addition to that?

**Mari Rasmussen:** It was a separate bill that came outside of the executive budget is how I understand it.

**Chairman Kelsch:** It is outside of the executive budget recommendation and, Mari, what is the increase in the executive budget recommendation for ELL this session? Do you know what the percent increase is over last session? It would be 1013, the DPI budget bill.

**Mari Rasmussen:** It is my understanding that we are waiting until HB 1400 passes to add to 1013 so there wasn't an actual appropriation for ELL in that piece because that is the administration piece.

**Chairman Kelsch:** No. That's the K-12 funding bill. 1013 is also the DPI budget bill, but it has the K-12 funding in there. It is a 55.8% increase in ELL funding over the last biennium.

**Mari Rasmussen:** I can check with Jerry Coleman on that. My understanding is the ELL increase was not at all significant. I will double check on that.

**Rep. David Rust:** Stanley happens to be in my legislative district, but I have to tell you that with the oil development up there, it really crosses my mind many times that we could have some families move into our school district that would be in need of those services and I really thought that we would be totally underprepared for that. Now maybe I should have better insight but I can understand the frustration and the things that schools that have those students come in and just come in unannounced how difficult it might be for them to handle that.

**Chairman Kelsch:** There is a \$3 million appropriation in the K-12 budget bill for REAs as well that is in the funding line formula.

**Rep. Lyle Hanson:** What percent of these students are migrant? What percent are full time residents of North Dakota?

**Mari Rasmussen:** That data may be harder to get at because the migrant students come and go. We do have a significant number that are migratory though many are pedaling out what you call it. In fact, the agriculturally related migrant students are not increasing so much but Hispanic students related to the oil industry related to other type industries are growing.

**Betim Tasholli, Student from Kosovo,** appeared. **(See Attachment 3.)**

**Vice Chair Lisa Meier:** What school district do you come from?

**Betim Tasholli:** I am a junior from BHS.

**Berivan Ali, Kurdish parent from Kurdistan,** appeared in support. **(See Attachment 4.)**

**Josh Askvig, NDEA,** appeared in support. We come at it from the perspective of two things—better service for students if we can find a way to design a program and get some resources or some of this knowledge in that consistent manner to our teachers who carry out these programs, we think that would be very beneficial and with the caseload piece there is a very high burnout in this area because it is very difficult work and very strenuous. Anything we can do to help encourage more one on one in action would be beneficial.

**Rep. Jerry Kelsh:** Exactly what language was added on in the senate and would that affect federal law?

**Josh Askvig:** I don't have the answer to the second question. That line said in the original bill establish maximum student caseloads for English language learner teachers so the amendment is to what it is.

**Bev Nielson, NDSBA**, appeared in support of 2212 as amended in the senate. We did have an issue with hard and fast caseload requirements that would have caused you to be out of compliance.

**Sue Kunnanz, Parent**, appeared in support. She is a full time mother of three children in the Bismarck Public School system. In 2001 she and her husband adopted three children from Russia. At the time they were ages 3, 5, and 6. None of them spoke a word of English. We arrived home Thursday night and on Monday morning we put the two oldest in school—one in kindergarten and one in first grade. Fortunately for us the elementary school they were in which is Rita Murphy quickly put them both in the ELL program. From that day then that they were enrolled in that two to three times a week, a wonderful lady named Barb Herner met with both boys and she would go over the English language which when you are teaching a child that is not their native language, you notice how difficult it is. That instruction with that same wonderful lady took place for four years. By the time the fourth year came around, our youngest, a girl, was in first grade and had become eligible for the program too. She received one year of the ELL. She needed less because she was only three. She was home with me, and she was immersed at home. They were labeled proficient in 2006.

**Rep. Karen Karls:** When you were anticipating adopting these children from Russia, were you counseled at all? Were you aware that they would meet all these language based problems? What if you lived in Hazelton instead of Bismarck?

**Sue Kunnanz:** To the first question—I don't think my husband nor I looked beyond from going from 0 to 3 overnight. We didn't even consider the impact on any of the schools in Bismarck. We didn't receive any counseling as far as education goes. We knew all three had medical issues but we had insurance so we weren't too worried about that. In hindsight I can't believe how much effort the Rita Murphy Elementary School put towards our kids, and it was so



appreciated. I didn't realize it at the time, but looking back now, incredible, that we were able to utilize the ELL program and the impact it had. I don't know how to answer the second question. It would have impacted them obviously. The only thing we had going for us at home was the fact that my husband was fluent in Russian. We would have been out of luck.

**Rep. Bob Hunsakor:** I would be curious to hear how your children, their first days in school, the social interaction with the other kids—were there any problems with that?

**Sue Kunnanz:** There were problems. The six year old had been physically beaten in the orphanage so he was fearful of anything that moved in his peripheral vision. The middle one has fetal alcohol syndrome. He is 12 now but still thinks as if he is in kindergarten. He had issues that are emotional. He is in the LD program.

**Rep. Bob Hunsakor:** How are they received by the other kids?

**Sue Kunnanz:** The only problem I remember is there was another Russian boy who was older. He had already learned all the naughty words. That was the only kid I remember taking advantage of their ignorance. Everybody else was very accommodating.

**Rep. Jerry Kelsh:** Just a quick comment. It is really nice to have someone come in here and compliment the public school system and the teacher that did a great job for you. We don't very often hear that. Thank you.

**Sue Kunnanz:** I can't stress it enough that Rita Murphy is unbelievable. The patience that those people have at that school is incredible. When you go visit Rita Murphy, it is very diverse.

**Vice Chair Lisa Meier:** Do your children still speak Russian as well.

**Sue Kunnanz:** They don't and they are going to regret it when they are older. My husband tried. Every Saturday morning he would hold a hand onto your native language class, and

they got to a point where the Russian word sounded so silly that all we had were three kids at the table giggling. They just weren't serious about it.

**Josh Johnson, Principal, Barnes County North-Wimbledon Courtenay,** appeared. (See Attachment 5.)

**Theresa Jennings, ELL Teacher in Mandan, and a member of Dakota Teachers of English as a Second Language,** appeared and provided testimony for their president who was unable to be there today. (See Attachment 6.)

**Chairman Kelsch:** How many students do we have in Mandan right now?

**Theresa Jennings:** We have about 10 to 12. Like Mari said some are over identified. Some are under identified. I think they are under identified in Mandan.

**Chairman Kelsch:** Are you talking about them being true new immigrant English language learners?

**Theresa Jennings:** It is a combination.

**Dr. Joan Oigawa Aus, Director of ELL Education, VCSU,** appeared. (See Attachment 7.)

**Chairman Kelsch:** Are you able to break down that 5,700 students, which ones of those are actually new immigrants?

**Dr. Joan Oigawa Aus:** I am not as accountable as Mari. The figures we use are approximately 3,600 are American Indian. More than 2,000 are among Fargo and West Fargo. I am working with a lot of students that are migrant that are lucky to stay in populations. Initially they are migrant but then they settle in the communities. Most of them are native Spanish speakers. We have a great deal more success with Native speakers that are literate in their primary language than we do with new immigrants and political refugees.

There was no opposition.

The hearing was closed.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2212

House Education Committee

☐ Check here for Conference Committee

Hearing Date: March 16, 2009

Recorder Job Number: 11047

Committee Clerk Signature

*Carmen Hart*

Minutes:

**Chairman Kelsch:** This is the \$200,000 for English language learners. I asked the question about the increase that they have seen in ELL funding and in the 05-07 session the money was \$275,000. In the 07-09 session, it was \$295,000. This session it is \$405,000, the total appropriation in HB 1013.

**Rep. David Rust:** This is in addition to it?

**Chairman Kelsch:** This is in addition to that. Here is what Mari is saying. The flow through funding is currently in HB 1400 which includes a weighted factor for ELL in the foundation aid formula. The overall amount the weighted factors will generate is not an increase over the last biennium and will actually be a decrease for most school districts because of a change in the formula which targets towards less than one fourth of all ELLs. We talked about that and so who it is targeting is those ELL students that are actual immigrants. When 1400 was being discussed, we know that there are other English language learner students out there and that there are large populations in mostly the reservations. We see Native American students that are ELL students. The focus probably for the last two sessions has been we need to get the money to those students that are the true immigrant, the true students that are in and are true English language learners, and the secondary would be for those students that are struggling with the English language but technically it probably is their first language. In the increase in

funding, there is an increase for ELL for additional testing and program administration in HB 1037.

**Rep. Phillip Mueller:** The new language in here talks about establishing student caseloads. If I am hearing you correctly, that is really not what this is about so much as putting another \$200,000 in ELL in general.

**Chairman Kelsch:** Right. This is basically the caseload part of it. It is not necessarily going to the students. This is going to the 40 teachers that we currently have to basically balance out their cases.

**Rep. Corey Mock:** I thought about how we could work this, the language of the purpose of the intent of 2212 and 1400 with the formula, and I really couldn't think of a way. It was my understanding that this was targeted towards school districts that at the time they are applying for funding and ELL into play, they may not have many or any students that qualify for English language learners and get the funding for it. Then at the beginning of the school year a family moves into the district where the teachers need the assistance and the resource materials but they didn't receive the funding since they weren't counted in the last academic year. I think this is what would provide assistance to the smaller communities that don't have the vast amounts of resources or the permanent resident that may struggle with English language.

**Chairman Kelsch:** It is grants. It is grant money. It is not going to the ELL formula. It is grant money that is going to the REAs to establish the caseload for the teachers and for the students. It is \$200,000 for REAs.

**Rep. David Rust:** Maybe the extra \$200,000 is a concern. I could envision in the school district I came from at any point in time we could have some families walk in especially with the oil company because I do know of a couple of those that have been hiring a significant number of Spanish speaking Mexican descent individuals to work in the oil fields and some of those

families are going to come along and they come walking in the door and they are going to say hello and what do we do? You are going to have to provide and now you don't have any means to do it.

**Vice Chair Lisa Meier:** Let us say for example, Bismarck. Let us say we had a number of students that moved into the district and we were already appropriated the funds that we were receiving from the state and we needed additional funds, now Bismarck could actually put in a grant for the funds that are in this bill and receive some additional funding the way I understand it.

**Chairman Kelsch:** The way it looks it is to regional education associations. Bismarck belongs to one and what you would be doing is you would apply to the superintendent of Public Instruction for grants to purchase or otherwise acquire instructional materials for the enhancement of ELL services to students. It is my understanding that REAs can currently develop these materials and can currently have access to the materials. I am not exactly sure why the \$200,000 is necessary other than it is going to provide these grants to REAs. Nobody came in and testified against it.

**Rep. David Rust:** Is there money in there now to do what I was asking? Is there money in 1013 to help those people out?

**Chairman Kelsch:** There is currently money in 1013 for those students that—there are the three different levels in HB 1400 for what those students would get under assessment whichever level that would put them in one, two, or three. For ease, put them in one, two, and three so there are monies that go out to the school districts within the appropriation that we give them based on the formula for ELL so with most money going to those students that would have the least amount of proficiency and would be new immigrants. What this bill does is this says this would be grants to the REAs and you are correct. Maybe in a situation like

yours you would not have the funding. You would not have the resources. The REA would benefit your school district if a family like this came in and you didn't have the resources already available in your school district. The difference is that Bismarck, Fargo, Grand Forks—Mandan didn't even have the resources. Once we joined the REA that was one of the first benefits we received was our ELL students could have shared services with Bismarck from the REA. We didn't have that so that was a resource that they could get from the REA. This money would go directly to the REAs to help in those situations where you would have students. Quite frankly that is where we heard about it is more kind of coming in some of the western areas where it is less populated, probably don't have these teachers, probably haven't had the reason to have these teachers in the past. You are kind of caught between a rock and a hard place. Is the \$200,000 spent wisely? Maybe in some circumstances but in some of the REAs they are already receiving the ELL money because that is where the majority of those students are. It would really be beneficial for some of those school districts that have never been prepared for this before.

**Rep. Jerry Kelsh:** I think that is kind of happening all over. Like dairies. There are a lot more school districts being hit with that than we maybe suspected.

**Chairman Kelsch:** I think you are going to see an increase in that type of workforce coming into the state. Cloverdale in Mandan is going to these shows and promoting themselves to get immigrants to come up and work for them.

**Rep. Jerry Kelsh:** I believe the county superintendent of Barnes County North Wimbledon as a young teacher he stepped into a school district and four years later as a superintendent, nothing has changed. There is not any better preparation than before.

**Rep. Phillip Mueller:** Rep. Kelsh brings a good point to the table. That is a school that doesn't have ELL population most of the time. Now they ended up with one or two students.

Somehow that needs to be dealt with, met, at least addressed. I think that maybe this thing is trying to do this going through the REAs. Many of the schools that Rep. Rust speaks to, we are going to see more of that all the time I think and how we are going to deal with that. Some parts of it I am not so comfortable with but I do think we are going to have to step up and do some things probably through along the lines of REAs.

**Rep. David Rust** made a motion for a **Do Pass and rereferred to appropriations.** **Rep. Lee Myxter** seconded the motion.

**Rep. Lee Myxter:** Can these grant monies be used to hire teachers or is it only for materials? It looks like it is only for materials so if you are in a small school, what do you do about a teacher?

**Chairman Kelsch:** As I said, we didn't have an ELL teacher in Mandan and so they partnered with Bismarck. Once we joined the REA that was the first service that we contracted with Bismarck to provide. I would assume that if the REAs would be able to have these grants, they would have to have somebody there that would be qualified.

**DO PASS AND REREFERRED TO APPROPRIATIONS. 12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.** **Rep. Phillip Mueller** is the carrier of the bill.

Date: 3-16-09  
Roll Call Vote #: \_\_\_\_\_

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2212**

House Education Committee

☐ Check here for Conference Committee

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

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Rep. Rust Seconded By Rep. Myxter

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch	✓		Rep. Lyle Hanson	✓	
Vice Chairman Lisa Meier	✓		Rep. Bob Hunsakor	✓	
Rep. Brenda Heller		✓	Rep. Jerry Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Corey Mock	✓	
Rep. Karen Karls	✓	✓	Rep. Phillip Mueller	✓	
Rep. Mike Schatz			Rep. Lee Myxter	✓	
Rep. John D. Wall	✓				
Rep. David Rust	✓				

Total (Yes) 12 No 1

Absent \_\_\_\_\_

Floor Assignment Rep. Mueller

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

Referred to appropriations



**REPORT OF STANDING COMMITTEE**

**SB 2212, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2212 was rereferred to the Appropriations Committee.**

2009 HOUSE APPROPRIATIONS

SB 2212

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2212

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: March 23, 2009

Recorder Job Number: 11400

Committee Clerk Signature

*Nancy L. Gerhardt*

Minutes:

Chm. Svedjan called the Committee back to order.

Rep. Pollert introduced some family members who were in the room.

Rep. RaeAnn Kelsch, District 34, approached the podium to explain SB 2212 which deals with English Language Learners. This bill appropriates \$200,000 to be used to establish student caseload criteria for English language learners. The money goes to the REAs to establish a program to utilize English Language Learner teachers. We are seeing a large influx of immigrants to areas where there are no English Language Learner teachers such as Tioga. We don't have the teachers to teach these kids.

Chm. Svedjan: Did you discuss the relevance of the stimulus money? I believe there are provisions that relate to this.

Rep. Kelsch: If the money could come from stimulus that would be the best.

Chm. Svedjan: You didn't attempt an amendment or anything?

Rep. Kelsch: At the time, we did not have final language. It could be language that is added is here.

Chm. Svedjan: This is the first of several bills that may have relevance to stimulus.

Rep. Kelsch: The language that was used in a bill that will be coming up is "and from special funds derived from federal funds". I don't know if that is the standard language or not.

Chm. Svedjan: Can stimulus money be used? If it is used, does it raise the base? With the discontinuance of stimulus money, does the program revert back to where it was before the stimulus money was applied. Allen I'm going to turn to you to ask you to address the committee on how we should proceed with regards to amendments.

Allen Knudson (26:20) Title I Part A and Title I School Improvement. Title 1 Part A there's a total of 27.4 million that is going to be distributed to school districts. Then Title 1 School Improvement there's an additional 7 million. This bill appropriates the money to the regional education associations where under the Title 1 distributions those would be going to the school districts. Then the school districts have the option to use the funds at their discretion for the different programs, one of which could be English Language Learners. Your options are to either remove this appropriation, the Title I money and the Title 1 School Improvement money would go to the school districts and could be used for ELL. The HB 1013. You could add intent language.

Chm. Svedjan: Two options: Legislative intent or remove the appropriation.

Allen Knudson: That's right.

Rep. Kelsch: Are you talking about pot one or pot two dollars?

Allen: \$27 million of Title I Part A, and then 7 million of Title 1 School Improvement dollars.

Rep. Kelsch: Are those or part of the stabilization dollars.

Allen: These are both stabilization, federal stimulus dollars.

Rep. Kelsch: Those are the ones that are running through the Title 1 formula that do not have the strings attached, but can be used for various programs.

Chm. Svedjan: What would your preference be and the preference of your committee?

Rep. Kelsch: Removing the appropriation would be fine, but I think legislative intent needs to be in there so that school districts know this is the focus of the legislature.

Rep. Skarphol: Lines 11 and 12. Is that not encompassed in the other directives? Are there not caseloads already in existence that can be mirrored?

Rep. Kelsch: It's a little different. There are federal standards that need to be met dealing with ELL students. Part of this is trying to mirror some of the rules established by federal law. This states that you need to develop the criteria. The true crux is that the \$200,000 would go to the REAs to provide the ELL teachers for the smaller school districts involved.

Rep. Skarphol: (31:45) Is the need not really in the school? I'm assuming the REA could accept and transfer the money to those schools needing the dollars.

Rep. Kelsch: That's correct. You have some immigrants that speak no English at all and some who speak some English in the home, but the English is not good.

Rep. Skarphol: Is there a number that's set in the stimulus dollars for ELL?

Allen: No. It's included as one of the optional uses for dollars.

Chm. Svedjan: If we were to take the appropriation out, which of the two areas would be best to accomplish what this bill is to do?

Allen: The Title I School Improvement dollars seem to be more flexible.

Rep. Kelsch: That seems to be the best place for them.

Rep. Kroeber: (34:15) There's nothing to say the schools that are going to need the ELL one help will get the dollars.

Rep. Kelsch: That's my issue with the stimulus money. There are certain schools and certain school districts that do not receive a large amount of Title I money.

Chm. Svedjan: Funds under the School Improvement – do not go out under the Title 1 formula.  
(35:55)

Allen: Only schools that receive Title 1 funding are eligible.

Chm. Svedjan: So it's Title 1 for both categories.

Rep. Williams: We received a sheet in the past that listed all the school districts that were eligible for Title I and there were several districts that did not qualify. Do Tioga and these areas qualify for Title 1?

Rep. Kelsch: I do believe they do.

Rep. Glassheim: Isn't there a \$19 million pot of education money that is not distributed for Title I. Could we direct that to REAs.

Chm. Svedjan: I think that is the School Improvement Portion.

Allen: The \$19 million of fiscal stabilization fund that is totally discretionary, it can be used for any government service. The \$7 million is for school Improvement funds.

Rep. Glassheim: We could use that money and allocate it to the REAs and not to the school districts.

Chm. Svedjan: I have no predisposition nor am I arguing the bill. I am just wondering the best way to use the stimulus money. What is the best source.

Rep. Kelsch: If you read the second page, this is to help ELL where there are the teachers or services. You could probably refer to the stimulus fund dollars that REAs could apply for some of the 17 million dollars. That is not tied to any direct formula.

Allen: that's an option you have. When the \$19 million is gone, it's gone.

Rep. Skarphol: I'm tempted to amend the language in and have Section 2 say each regional education association in the state may apply. Leave this as an issue between 1013 and 1400 to ensure the best mechanism.

Rep. Kelsch: That's really why we didn't do anything at the time. Unfortunately we don't have the rules currently being written by the dept. of education and how this stimulus would be flowing and what strings were attached.

Rep. Skarphol: Obviously there's a grant for the budget for DPI that this could come out of. I would make that motion we remove that language referring to the \$200,000 and leave Sect. 2 and say each regional education association on page 1 and the balance of the language on page 2 be left as sect. 2.

Chm. Svedjan: The motion is to amend, starting after the appropriation – remove the remainder of line 20 half way through line 24 – amend that out. Then keep all the remainder of the language of the language in sect. 2 as it is. Is there a 2<sup>nd</sup> to that motion?

Chm. Svedjan: 2<sup>nd</sup> by Rep. Pollert. Is there any discussion? I think what you are looking at is an option. The bill as it stands appropriates \$200,000 General Fund.

Rep. Wald: 42: 05) I must be missing something, on page 7 of the stimulus packet it references SB 2212 and appropriates \$200,000 of the general fund for ELL grants. I'm assuming by that statement that it's already addressed.

Chm. Svedjan: No, it is not. I think what's listed on what you're looking is an option for the potential use of stimulus us dollars. The bill as it is in front of us appropriates \$200,000 in general funds. It doesn't appropriate stimulus dollars.

Rep. Wald: LC suggested language that could trigger stimulus money rather than general fund.

Chm. Svedjan: The point of the motion on the floor right now is to remove the general fund appropriation and that will put this bill in Conference Committee. When the conference committee meets we will have a better idea of how to best address the use of the stimulus money. I want the committee to understand this is not an attempt to not fund this.

Rep. Hawken: I've spent a lot of time to get this body on ESL. I don't know why we want to send this to Conference Committee. We should do this. We have the potential for stimulus money. Why don't we do what should be done and be done?

Rep. Skarphol: I agree with you. We need to find the best way to fund it. If it means having the money come out of the General Fund if need be, I'd be glad to put it back in.

Chm. Svedjan: Any further discussion on the motion? Seeing none, on the motion to amend – amending out lines 20 through half of 24 after the word “appropriation”. All in favor say - Yea - Opposed – Nea - Motion carries, the amendment is adopted. Any further discussion? What are your wishes?

Rep. Skarphol: Move Do Pass As Amended.

Chm. Svedjan: We have a motion for a Do Pass As Amended is there a 2<sup>nd</sup>?

Rep. Klein: 2<sup>nd</sup>.

Chm. Svedjan: 2<sup>nd</sup> by Rep. Klein. Any further discussion? Seeing none, on the motion for a Do Pass As Amended to SB 2212 we will take a roll call vote.

Vote: 22 Yes      0 No      3 Absent      Carrier: Rep. Mueller      Motion carries.



YR  
3/25/09

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2212

Page 1, line 2, replace "an appropriation" with "for grant applications"

Page 1, line 20, replace "**APPROPRIATION.** There is appropriated out of any moneys in the"  
with "**REGIONAL EDUCATION ASSOCIATION GRANTS.**"

Page 1, remove lines 21 through 23

Page 1, line 24, remove "beginning July 1, 2009, and ending June 30, 2011."

Page 2, line 4, after "learners" insert ", for the biennium beginning July 1, 2009, and ending  
June 30, 2011"

Renumber accordingly

Date: 3/23/09  
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2212

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number TBD

Action Taken amend

Motion Made By Skarphol Seconded By Pollert

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment Voice Vote - Carried

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

- Remove language (line 20 - part of line 24)

Date: 3/23/09  
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2212

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number TBD

Action Taken No Pass as Amended

Motion Made By Skarphol Seconded By Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Rep. Skarphol	✓		Rep. Kroeber	✓	
Rep. Wald	✓		Rep. Onstad	✓	
Rep. Hawken	✓		Rep. Williams	✓	
Rep. Klein	✓				
Rep. Martinson	✓				
Rep. Delzer	✓		Rep. Glassheim	✓	
Rep. Thoreson	✓		Rep. Kaldor	✓	
Rep. Berg	✓		Rep. Meyer	✓	
Rep. Dosch	✓				
Rep. Pollert	✓		Rep. Ekstrom	✓	
Rep. Bellew	✓		Rep. Kerzman	✓	
Rep. Kreidt	✓		Rep. Metcalf	✓	
Rep. Nelson	✓				
Rep. Wieland	✓				

Total (Yes) 28 No 0

Absent 3

Floor Assignment Skarphol Mueller

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

**REPORT OF STANDING COMMITTEE**

**SB 2212, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (22 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2212  
was placed on the Sixth order on the calendar.

Page 1, line 2, replace "an appropriation" with "for grant applications"

Page 1, line 20, replace "**APPROPRIATION.** There is appropriated out of any moneys in the"  
with "**REGIONAL EDUCATION ASSOCIATION GRANTS.**"

Page 1, remove lines 21 through 23

Page 1, line 24, remove "beginning July 1, 2009, and ending June 30, 2011."

Page 2, line 4, after "learners" insert ", for the biennium beginning July 1, 2009, and ending  
June 30, 2011"

Renumber accordingly

2009 SENATE EDUCATION

CONFERENCE COMMITTEE

SB 2212

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2212

Senate Education Committee

☒ Check here for Conference Committee

Hearing Date: April 17, 2009

Recorder Job Number: 11945

Committee Clerk Signature



Minutes:

Chairman Freborg opened the meeting of the conference committee on SB 2212. All members were present. (Freborg, G. Lee, Bakke, R. Kelsch, L. Meier, Mueller)

Senator Freborg asked if House appropriations took the money out of the bill.

Representative Kelsch said yes, they removed the \$200,000. They said the REAs could apply to the Superintendent of Public Instruction for grants that would come from federal stimulus dollars. She has a document that lists what is eligible for fiscal stabilization money and included on the list is enhancing the quality of education for ELL. In her opinion, the plan of House Appropriations is probably OK. She is not sure how the monies come to DPI. She hasn't seen the final document. Some of the funds received by DPI would be eligible to go out on grants.

Senator Lee said Mari from DPI said no stimulus funding will be available for REAs for the purpose of materials for ELL. There is money available for the fiscal stabilization funding line item for ELL. This money goes directly to local education agencies.

Representative Kelsch said she thinks some of that is inaccurate. There is money that goes directly to DPI that could be accessed for ELL grants. It doesn't list REAs in the document but

because we have REAs in state law, they would be eligible to apply for those monies, especially if it is authorized in this bill.

Representative Mueller said he too has spoken with Mari. All of us are not quite sure how all of this will shake out. His understanding in talking with her is the funding has to come through a school system. We still have some problems with the bill in that he doesn't know how the REAs are going to get the money. The school districts could get the money and send it to the REAs.

Senator Bakke said if it goes through the school districts, you are narrowing the focus of who can use the dollars. The intent of the legislation was to make sure we had regional training and staff development so that one school district isn't taking total control. Materials could be stored at the REA and when they are no longer needed in a district, returned to the REA so

someone else could use them.

Representative Mueller said the question is if the money could go to the REA. If they can, much of our issues would be fixed.

Senator Bakke asked when the stimulus dollars come in, do they go through DPI to the school districts?

Representative Meier asked how much stimulus money is available for REA funding? .

Senator Bakke asked if the state has to apply for the funds. She heard most of it was going out on Title 1.

Senator Freborg said Dr. Sanstead may be able to answer some of these questions.

Wayne Sanstead, Superintendent of Public Instruction, said the Title 1 formula drives the arrival of the funding. DPI has to take application and reimburse once a school district has

spent money. He doesn't know if DPI can reimburse an REA. He thinks it would have to go to a school district and the district would have to agree to provide the funds to the REA. If the

purpose is regional professional development, that may limit its ability to come through title funding. He does not think there are any designated funds that are specified for REAs.

Representative Kelsch said the Pot 1 monies go directly to the school districts through the title 1 formula. What we are talking about here is the stabilization fund monies that will come through the department and these would be applied for by grants.

Wayne Sanstead said he believes they would have to make a specific purpose grant. DPI would follow up and monitor and reimburse for actual expenditures.

Senator Freborg asked if the REA spent the money, the participating schools could still request repayment.

Wayne Sanstead said if the district agreed on the purpose, it would be a reimbursement.

Senator Bakke asked if the REA would apply or would the school district apply and give it to the REA. Can stimulus dollars be given to an REA?

Wayne Sanstead said the fact that section 2 is in the bill, if the legislation says REA grants should be available would perhaps mean the funds would not have to go to a school district first. He would want to check it out.

Senator Bakke asked if stimulus dollars can be used for ELL.

Wayne Sanstead said he would have to check. His understanding is it flows through the formula for the purposes of the various title programs.

Representative Kelsch said NCSL put together a document that says ELL is allowable. It can potentially be used for all kinds of things. If it specifically prohibits something, new construction for example, otherwise, it is the interpretation of NCSL it could be used.

Senator Bakke asked if DPI looked the stabilization money and decided how it will be dispersed. Do they know how much the total will be?



Wayne Sanstead said no, they have not yet received the guidelines.

Representative Meier asked when the guidelines will be presented to the state.

Wayne Sanstead said there is a meeting occurring today in Chicago for the states. They may be available after today.

Representative Mueller said the Senate engrossed version of the bill is enabling legislation that states if grants become available, the bill and its intent can move forward.

Wayne Sanstead said yes, once it is passed it would be enabling. If the legislation says funds would be available for ELL through the REA, it would be a legitimate purpose. If applications came in to that effect, DPI would try to honor them.

Senator Bakke said if stabilization funds do not become available for this purpose then the bill would be an unfunded opportunity. She would be more comfortable if the funds were not available to put some kind of appropriation in the bill so there would still be access to funds for materials and staff development.

Senator Freborg said for the record, you believe if the funds are available, whether or not the REAs are eligible to apply or not, the schools can apply and one way or another they could get some grant money.

Wayne Sanstead said he believes that could and should be the situation. He doesn't know that until he sees the guidelines.

Representative Kelsch said at this point it is a "trust me" thing from the federal government.

On the House side they felt ELL had received substantial increases and especially with the changes made to 1400 on the Senate side, there was a substantial increase to the dollars. In addition, school districts are getting a great increase and the new Title 1 monies. If there is an opportunity, let's try to do this with the stabilization fund dollars. It seems this is a good purpose for those funds. It is a onetime expenditure.

Senator Bakke said she has no problem using stimulus dollars, it is a onetime expense in most cases. Her concern if the stimulus funds are not there, then we have left them high and dry again.

Representative Mueller said we haven't talked about the bill itself, there are a few wording differences. The intent of the bill versions is much the same.

Senator Freborg said he doesn't think there is more information we can gather.

Wayne Sanstead said he has contacted Gary Gronberg, DPI, who is working with the governor's office today on stabilization fund questions and he is coming right down to address the committee.

Senator Freborg asked about the availability of stimulus dollars and the opportunity for REAs or schools to apply for grants. Will the money be there?

Gary Gronberg said REAs are not eligible for stimulus money. It goes to school districts under title 1 eligibility. There are several pots of stimulus money that they will be receiving, one of which is fiscal stabilization funds, the most flexible, where the designated monies can be expended in one of five programs. If this is going to go for ELL, the most likely procedure would be for the school districts to spend the money under title 3. If they so choose, they could use it to provide programming for ELL. They could collectively contract with the REA to expend that money. It would be a local decision. We could not require them to spend it in that way. We can only suggest. It would be a legitimate expenditure.

Senator Bakke asked if he is telling us DPI will not have stimulus money available for grants for ELL.

Gary Gronberg said that is correct, they cannot apply to the department. DPI will distribute all of the money based on the state's title 1 funding formula to school districts. They have no discretion over how the funds are distributed. They will monitor the expenditure of the funds.

Senator Bakke reviewed the intent of the legislation.

Representative Mueller reviewed the bill.

Gary Gronberg said the grant applications cannot come to the Superintendent of Public Instruction. The REAs could apply to each individual member school district. DPI has no distribution other than the original distribution, then they cannot touch it.

Senator Lee clarified the school districts could agree to provide the services through the REAs.

Senator Freborg said the conference committee will meet one more time. He adjourned the meeting.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2212

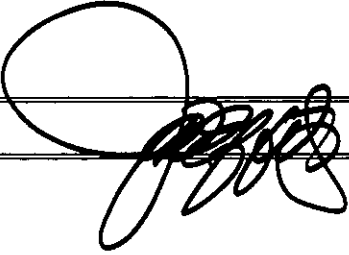
Senate Education Committee

☒ Check here for Conference Committee

Hearing Date: April 20, 2009

Recorder Job Number: 11998

Committee Clerk Signature



Minutes:

Chairman Freborg opened the discussion on SB 2212. All members were present.

Senator Bakke distributed amendment .0302. After the last conference committee meeting, she met with Representative Mueller, Representative Meier and some DPI staff and brainstormed about the issue. They came up with an idea which she used to draft the amendment. Instead of grants to all the REAs, the amendment would permit a grant to one REA. The REA that receives the grant would be the ELL hub. Perhaps other REAs would pick a specialty area, too.

Representative Meier said if the Missouri River REA would receive the grant, Bill Demaree would have an interest in ELL. This would be a cheaper approach. They had a good discussion.

Representative Mueller said the emphasis would be the focus of a single REA on ELL. There is no need to spread it over all the REAs.

Senator Freborg said we will get to the amendment. He asked Representative Kelsch if she learned any more about the availability of stimulus money for REAs for ELL materials and staff development.

Representative Kelsch said she visited with Gary Gronberg. He said there is not a source from federal stimulus dollars. She said it seems like there should be a way to use stimulus dollars. The act for the stimulus funds discusses ELL. She understands it could be an issue if stimulus funds cannot be appropriated to an REA. She likes the idea of ELL materials being housed at one REA although she would hate for the legislature to pick which one. If, for example, the Missouri River REA were to be selected, perhaps the Bismarck Public Schools could apply for funding and grant those funds to the REA for this use. She has a concern with a general fund appropriation. We have to come up with a way for this to work.

Representative Meier said school districts that need funding for students could pool their resources and put them towards the REA. DPI would pick an REA to be the ELL specialist. The consensus was this would be a less expensive approach.

Senator Bakke said the \$40,000 could be used to purchase materials that would be lent to school districts. If the REA did staff development for ELL, the participating school districts would pay a fee and those fees would be used to acquire more materials. Perhaps the amendment could state stimulus funds would be used and if they were not available, general fund dollars would be used.

Representative Kelsch said she would prefer using stimulus dollars or leftover ELL budget funds. The ELL budget has tripled this session.

Senator Bakke said ELL money is going out to the schools on the formula.

Representative Kelsch said yes, some ELL money does go out through the funding formula.

Again, the funding formula has increased substantially this session. \$40,000 seems minimal.

Somewhat the money is there within the DPI budget, perhaps that money could be found. She

likes the idea of stimulus money. We should get as much as we can and use it for materials.

It is for one time expenditures. The participating school districts could pay a fee for ongoing upkeep of the materials.

Representative Mueller said whatever funding might come would be to get additional funding. The discussion was we need someone to coordinate this in regard to stimulus money for the smaller schools with just a few ELL kids. They need help with the process to access those stimulus funds which they can do on an individual school district basis. Some part of the effort that would be expended by this half time person, the emphasis would be to go out and convince the smaller school districts to apply for some ELL money through the stimulus package which can then come back to the REA. Then there is a pool of money for ELL materials and professional training.

Senator Lee recalled that Gary Gronberg said a school district could use some stimulus money for this purpose. The school districts in an REA could band together and get the money for ELL materials and they could grant them or loan them to the REA. It seems there is a process to access those monies. If this is a service the REAs and the schools see as important, they could figure out a way to get the money to the right place.

Senator Freborg asked if they would need start up funds. As the schools contribute, the pool of money would always be there.

Senator Lee said according to Gary Gronberg, the school district could do it. If an REA wants to be an agent of a broad based ELL program that many school districts could access, a school district could get the materials with stimulus dollars and grant them to the REA. That REA could be the hub.

Representative Mueller said one question is the legality of a single REA conducting business for 8 of them.

Senator Bakke said Anita Thomas and Gary Gronberg said we can grant that authority for one REA to provide that service. The purpose of the \$40,000 is to provide start up money to accommodate this person who may have to travel across the state to check on a program, to put materials in place. To apply for the stimulus funds, get the stimulus funds, order and receive the materials will take some time. With the help of the department, they would use this \$40,000 to jump start the program so it is up and running when the kids start school. This would give continuity to the services across the state by having one REA specialize in ELL. Senator Lee asked what kinds of materials would be purchased.

Senator Bakke said specialized materials are necessary when dealing with children with limited English proficiency. The materials have a lot of pictures; there are picture cards, tools for teaching sentence formation. There are catalogs full of materials. Most school district would not have these materials unless they have an ELL child.

Senator Lee said Representative Mueller mentioned a partial FTE. He confirmed we aren't talking about an individual with this \$40,000, we are talking about materials, books and so on that could be passed along.

Representative Mueller said Senator Bakke has more recent information. He recalls in discussion that Gary Gronberg thought we would need a person to coordinate the program. That person or halftime person would make sure the small school districts understood how to access the ELL money through their school district and then come back and pool it with the REA.

Senator Bakke said those would be the nitty gritty parts the department would work out with the chosen REA. The \$40,000 would be mainly for materials and for travel, if needed, to take some supplies out, help the REA get started. When they apply for this grant, the REA would lay this out and DPI would determine how it would work.

Representative Kelsch asked who is the program administrator for the state advisory committee; it is on line 16, for DPI. Could they coordinate some of this with the REA?

Senator Bakke said it is Mari Rasmussen; she heads up the ELL department for DPI. She assumes Mari would be working very closely with the chosen REA and would help choose the REA. We would want it somewhat centrally located. We need someone at an REA who has an interest in ELL.

Representative Meier said in speaking to the importance of this bill, perhaps we could use some leftover REA funds if the stimulus funds were not available. Could we earmark some funds in 1400 for this program if the stimulus funds were not available?

Representative Kelsch said we can use contingency dollars for a program like this. One of the issues, which happened last session, there could be no contingency funds. The REAs receive money through the formula as does ELL. It makes it more difficult to find leftover money in a budget.

Senator Freborg asked if anyone has proposed language. We need a funding source and we should have an alternative source. If we think it's a good idea, we should come up with a funding source.

Senator Bakke said she doesn't want to name stimulus funds as a source if they will not be available. She is getting the impression that Gary Gronberg said there will not be stimulus funds for this project.

Representative Kelsch said according to Gary Gronberg, there is not a special line item for ELL. ELL is listed as an approved use of the funds. We do not have all the rules and regulations written out for us. ELL is mentioned for each of the pots of money.

Senator Lee asked if ELL money is going out on a per student basis in 1400.

Representative Kelsch and Senator Freborg said yes.



Senator Bakke asked about the possibility of using the grants that will go directly to the REAs.

Representative Kelsch said this bill originally had a \$25,000 grant. 1400 has base grants of \$25,000 to each REA; the balance is paid on a per student basis. The grants are due to the size differences among the REAs.

Senator Bakke said we could take the \$40,000 off the top of the grants to the REAs and send the balance out as REA grants. She does not really like the idea.

Representative Mueller said we are at loggerheads. He suggested Mari Rasmussen come to the podium to answer questions.

Senator Freborg said there are only 2 minutes left before the next conference committee meeting so we will postpone the comments from Mari Rasmussen. He asked the committee to come up with a funding source for the \$40,000 to get started. There seems to be consensus

the project is OK but we need to find the money.

Representative Mueller said he will talk with some people.

Senator Freborg reminded the committee to try hard to find a funding source.

Senator Freborg adjourned the meeting of the conference committee.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2212

Senate Education Committee

☒ Check here for Conference Committee

Hearing Date: April 22, 2009

Recorder Job Number: 12105

Committee Clerk Signature

Minutes:

Chairman Freborg opened the meeting of the conference committee on SB 2212. All members were present.

Senator Bakke distributed the Bakke amendment.

Representative Meier asked if the \$40,000 would come off the top of the stabilization money.

Senator Bakke said she visited with Senator Holmberg. He said there is still \$2M in the governor's stabilization fund and this would be the best source of funding. The wording is from Senator Holmberg.

Representative Meier asked if funding from other projects will also be coming out the funds.

Senator Bakke said Senator Holmberg said \$17M has already been appropriated from the funds, \$2M remains.

Senator Bakke moved the Bakke amendment, seconded by Representative Kelsch.

Representative Mueller said he has a concern that legislative council might not like the way the amendment is drafted.

Senator Freborg said we will have it drafted by legislative council.

Representative Kelsch said this is the language that has been used in other bills, it is standard.

Senator Bakke said the language is exactly as recommended by Senator Holmberg.

The amendment passed 6 – 0.

Senator Bakke moved the House recede from the House amendments on page 1169 of the Senate Journal and page 1094 of the House Journal and amend the bill, seconded by Representative Mueller.

The motion passed 6 – 0.

Senator Bakke will carry the bill on the Senate Floor. Representative Kelsch will carry the bill on the House floor.

Chairman Freborg dissolved the conference committee.

Date: 4/17/09

Roll Call Vote #: \_\_\_\_\_

*Attendance*

**2009 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO. SB2212** as Engrossed

Senate \_\_\_\_\_ **Education** \_\_\_\_\_ Committee

☒ Check here for **Conference Committee**

- Action Taken ☐ SENATE accede to House Amendments  
☐ SENATE accede to House Amendments and further amend  
☐ HOUSE recede from House Amendments  
☐ HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ pages(s) \_\_\_\_\_--\_\_\_\_\_

☐ **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.

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Senators				Y e s	N o	Representatives				Y e s	N o
✓	Senator Freborg, Chair					✓	Representative R. Kelsch				
✓	Senator Lee					✓	Representative Meier				
✓	Senator Bakke					✓	Representative Mueller				

Vote Count \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Absent

**Senate Carrier** \_\_\_\_\_ **House Carrier** \_\_\_\_\_

LC NO. \_\_\_\_\_ of amendment

LC NO. \_\_\_\_\_ of engrossment

Emergency clause added or deleted \_\_\_\_\_

Statement of purpose of amendment \_\_\_\_\_

Date: 4/20/09

Roll Call Vote #: \_\_\_\_\_

*(Attendance)*

**2009 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO. SB2212** as Engrossed

Senate \_\_\_\_\_ Education \_\_\_\_\_ Committee \_\_\_\_\_

☒ Check here for **Conference Committee**

- Action Taken ☐ SENATE accede to House Amendments  
☐ SENATE accede to House Amendments and further amend  
☐ HOUSE recede from House Amendments  
☐ HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ pages(s) \_\_\_\_\_ -- \_\_\_\_\_

☐ **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.

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Senators				Y	N	Representatives				Y	N
				e	o					e	o
				s						s	
✓ Senator Freborg, Chair						✓ Representative R. Kelsch					
✓ Senator Lee						✓ Representative Meier					
✓ Senator Bakke						✓ Representative Mueller					

Vote Count \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Absent \_\_\_\_\_

**Senate Carrier** \_\_\_\_\_ **House Carrier** \_\_\_\_\_

LC NO. \_\_\_\_\_ of amendment

LC NO. \_\_\_\_\_ of engrossment

Emergency clause added or deleted \_\_\_\_\_

Statement of purpose of amendment \_\_\_\_\_

April 17, 2009

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2212

That the House recede from its amendments as printed on page 1169 of the Senate Journal and page 1094 of the House Journal and that Engrossed Senate Bill No. 2212 be amended as follows:

Page 1, replace lines 20 through 24 with:

**"SECTION 2. ENGLISH LANGUAGE LEARNER GRANT.** The superintendent of public instruction shall provide a grant to one regional education association in order that the association may purchase or otherwise acquire instructional materials for the enhancement of English language learner services and provide professional development opportunities pertaining to the provision of English language learner services. The association that receives the grant under this section also must agree to contract with other regional education associations and school districts in the state for the purpose of providing various English language learner services to those entities.

**SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$40,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing an English language learner grant to a regional education association under section 2 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 2, remove lines 1 through 4

Renumber accordingly

4/17/09  
2212 Conf. Com.

Date: 4/22/09Roll Call Vote #: 51

## 2009 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. **SB2212** as EngrossedSenate Education Committee☒ Check here for **Conference Committee**Bakke 1 Amendment

- Action Taken ☐ SENATE accede to House Amendments
- ☐ SENATE accede to House Amendments and further amend
- ☐ HOUSE recede from House Amendments
- ☐ HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ pages(s)            --           ☐ **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.Motion Made By Sen. Bakke Seconded By Rep. Kelsch

Senators					Representatives				
			Y e s	N o				Y e s	N o
Senator Freborg, Chair			✓		Representative R. Kelsch			✓	
Senator Lee			✓		Representative Meier			✓	
Senator Bakke			✓		Representative Mueller			✓	

Vote Count 6 Yes 0 No 0 AbsentSenate Carrier            House Carrier           LC NO.            of amendmentLC NO.            of engrossmentEmergency clause added or deleted           Statement of purpose of amendment

Date: 4/22/09

Roll Call Vote #: 2

2009 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. **SB2212** as Engrossed

Senate Education Committee

☒ Check here for **Conference Committee**

- Action Taken
- ☐ SENATE accede to House Amendments
  - ☐ SENATE accede to House Amendments and further amend
  - ☐ HOUSE recede from House Amendments
  - ☒ HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ pages(s) 1169 --

☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) 2212 was placed on the Seventh order of business on the calendar.

Motion Made By Sen. Bakke Seconded By Rep. Mueller

Senators				Y	N	Representatives				Y	N
				e	o					e	o
				s						s	
Senator Freborg, Chair				✓		Representative R. Kelsch				✓	
Senator Lee				✓		Representative Meier				✓	
Senator Bakke				✓		Representative Mueller				✓	

Vote Count 6 Yes 0 No 0 Absent

Senate Carrier Sen. Bakke House Carrier Rep. Kelsch

LC NO. \_\_\_\_\_ of amendment

LC NO. \_\_\_\_\_ of engrossment

Emergency clause added or deleted \_\_\_\_\_

Statement of purpose of amendment \_\_\_\_\_



**REPORT OF CONFERENCE COMMITTEE**

**SB 2212, as engrossed:** Your conference committee (Sens. Freborg, G. Lee, Bakke and Reps. R. Kelsch, L. Meier, Mueller) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1169, adopt amendments as follows, and place SB 2212 on the Seventh order:

That the House recede from its amendments as printed on page 1169 of the Senate Journal and page 1094 of the House Journal and that Engrossed Senate Bill No. 2212 be amended as follows:

Page 1, replace lines 20 through 24 with:

**"SECTION 2. ENGLISH LANGUAGE LEARNER GRANT.** The superintendent of public instruction shall provide a grant to one regional education association in order that the association may purchase or otherwise acquire instructional materials for the enhancement of English language learner services and provide professional development opportunities pertaining to the provision of English language learner services. The association that receives the grant under this section also must agree to contract with other regional education associations and school districts in the state for the purpose of providing various English language learner services to those entities.

**SECTION 3. APPROPRIATION.** There is appropriated out of any moneys from federal fiscal stabilization-other government services funds made available to the governor under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, the sum of \$40,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing an English language learner grant to a regional education association under section 2 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 2, remove lines 1 through 4

Renumber accordingly

Engrossed SB 2212 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

SB 2212

SB2212– Relating to English Language Learners and to provide an appropriation

Chairman Freborg and members of the Education committee, for the record my name is Senator JoNell Bakke and I represent district 43. I bring before you today SB2212 which would establish a criteria for student caseloads for English Language Learners as well as an appropriation.

Before, I walk you through the bill, I would like to present one amendment to this bill. This came about at the request of the Department of Public Instruction to clarify the language on line 11. I ask that the word maximum be struck out and the word criteria be inserted after the word caseload.

Now let me walk you through each section of this bill.

Section 1 would establish a student caseload set of criteria that would assist school district in determining their staffing needs. At the present time, many districts are struggling to keep up with the needs of the influx of ELL students to their communities. This would give the district a starting point in determining how many teachers and support staff would be necessary to provide the necessary services.

Section 2 would give an appropriation to a maximum of \$25,000 for each REA. These funds would be for the purchase of materials that can be used with the ELL students as well as staff development activities for the professional and support staff. It would be my intent that the REA would write a plan and submit it to DPI for consideration rather than simply receive the funds with an expectation that they would be used for ELL instruction.

There are many communities across our state that have been inundated with immigrant families. This has presented a huge challenge to the school districts in these areas and they are struggling to meet the needs of these children. As a state, they are our students and we need to address their needs as we do the needs of all our students with unique academic and educational challenges.

Thank you for your attend to this matter and I would stand for any questions at this time.

**TESTIMONY ON SB 2212**  
**SENATE EDUCATION COMMITTEE**  
**Monday, January 19, 2009**  
**By Mari Rasmussen, Ph. D. Assistant Director**  
**Department of Public Instruction**  
**701-328 – 2058**

---

Chairman Freborg and members of the committee:

My name is Mari Rasmussen and I am here on behalf of the Department of Public Instruction to speak in favor of Senate Bill 2212. The Department of Public Instruction supports Senate Bill 2212 because of the legislative intent in providing assistance for English Language Learner programming in the State of North Dakota. Both sections of the bill target real needs. Section one addresses the need English Language Learners have for access to appropriate instructional programming through English Language Learner teachers – a requirement in both state and federal legislation. Section two addresses the need for funding for Regional Education Associations to provide training and materials for English Language Learner programs – an excellent use of entities that have the capacity to offer these services.

School districts are required to provide appropriately endorsed English Language Learner teachers for all students who qualify as English Language Learners. These teachers have coursework designed in strategies and methods to assist students in developing the English skills that will allow them to be successful in the classroom. Research has shown that teachers are a key factor in student success.

Currently English Language Learners are the lowest group in making progress in academic achievement in North Dakota. In Appendix A you will find a copy of the Annual Adequate Yearly Progress Report for North Dakota for 2007 – 2008.

Students with limited English proficiency score lower than any other group of students.

North Dakota is reported in a national publication, Education Week, as having over 100 students for each English Language Learner teacher (January 2009). Few would argue that this number is far too high to adequately meet student needs.

The Department does recommend the language of this section of the bill to be slightly amended. The enclosed amendment available in Appendix B is offered for consideration. The interest of the Department is to use the administrative rules process to develop criteria for caseloads for English Language Learner teachers. This rules process would involve a review of research, best practices and input from educators in North Dakota. Criteria for caseload would be based on student needs.

The population of English Language Learners is very diverse. Whereas there is a common factor in lacking English skills because of a different language background, there are a number of issues, such as educational background, culture, language proficiency and age that impact the type of services a student needs. The Department also recognizes that the state needs to support adequate funding for this program if school districts are going to be required to meet caseload criteria for English Language Learner teachers. Hand in hand with caseload criteria needs to be a fiscal appropriation to support this policy.

The strength of the second section of the bill is that it uses the regional education organizations which have the capability to provide consistent services and support for school district of all sizes. Along with qualified teachers, two areas of great need for this program are professional development and materials. English Language Learners are in all areas in the state, with the greatest growth in both the urban school districts in the east and those impacted by the oil boom in the west.

The only recommended change that can be offered for this section of the bill is that an increase in the appropriation would more sufficiently address the issues of

English Language Learner services through regional education associations. The following chart documents the numbers of English Language Learners reported by school districts for the 2007 – 2008 school year by regional education agency.

North Dakota English Language Learners by REA July 2008		
Name	ELLs	Percent of Total
Great North West Education Cooperative (GNWEC)	94	1.7%
Mid-Dakota Education Council (MDEC)	23	0.4%
Missouri River Educational Cooperative (MREC)	488	8.8%
North Central Education Cooperative (NCEC)	1167	21.1%
Northeast Education Service Cooperative (NESC)	235	4.3%
Red River Valley Education Cooperative (RRVEC)	565	10.2%
Roughrider Education services Program (RESP)	8	0.1%
South Central Education Cooperative (SCEC)	108	2.0%
South East Education Cooperative (SEEC)	1483	26.8%
Students in districts outside of REAs	83	1.5%
Total	5526	100.0%

Senate Bill 2212 will assist the state and school districts in developing consistent, comprehensive, high quality programs for English Language Learners that will move them forward to proficiency and success in the English language and the mainstream curriculum. It will help ensure that all English Language Learners have a teacher who can adequately meet their needs. It will help ensure that services are equitable and high quality throughout the state, whether that student is enrolled in Cavalier, Bowman, Grand Forks or West Fargo.

# Annual Adequate Yearly Progress Report

North Dakota Department of Public Instruction

School Year 2007 - 2008

State of North Dakota

*Same handbook given to House*

Modified 06/09/2008  
Page 1 of 1

Instructions on the interpretation of the North Dakota Adequate Yearly Progress Report can be accessed at:  
<http://www.dpi.state.nd.us/testing/account/AYP0708.pdf>

<b>Reading</b> 2008 State Intermediate Goals 4th Grade -- 82.6% 8th Grade -- 80.7% 11th Grade -- 71.5%				<b>Math</b> 2008 State Intermediate Goals 4th Grade -- 72.9% 8th Grade -- 66.7% 11th Grade -- 62.1%			
Listed below are state's scores				Listed below are state's scores			
<b>Reading</b>	Achievement Goal	Achievement Result	Participation 95% Rule	<b>Math</b>	Achievement Goal	Achievement Result	Participation 95% Rule
Composite Score	78.07%	75.13% *	98.62%	Composite Score	67.02%	75.27%	98.78%
Subgroups:				Subgroups:			
Economically disadvantaged	78.07%	64.45% *	97.84%	Economically disadvantaged	67.01%	65.33% *	98.27%
Ethnicity:				Ethnicity:			
White	78.07%	78.02%	99.09%	White	67.02%	78.23%	99.17%
Native American	78.07%	52.69% *	96.56%	Native American	67.02%	52.42% *	97.24%
Black	78.07%	59.83% *	95.24%	Black	67.02%	55.24% *	97.12%
Asian	78.07%	77.21% *	96.39%	Asian	67.02%	79.82%	98.30%
Hispanic	78.07%	59.36% *	93.90%	Hispanic	67.01%	61.34% *	93.36%
Other	78.05%	64.02%	89.51% *	Other	67.02%	72.61%	86.14% *
Students with disabilities	78.07%	57.46% *	96.60%	Students with disabilities	67.01%	57.82% *	97.86%
Students with limited English proficiency	78.07%	42.93% *	95.54%	Students with limited English proficiency	67.01%	47.59% *	97.48%
State Secondary Indicator(s):				Graduation      Goal: 73.09%      Result: 87.72% Attendance      Goal: 93.00%      Result: >=95.0%			
Adequate Yearly Progress Category:				Did not meet Adequate Yearly Progress			

Note: An asterisk (\*) marks the indicator(s) where the state did not meet adequate yearly progress. If an indicator's value is below the achievement goal but no (\*) is marked, then the indicator's value is within statistical reliability. Statistics are not shown for fewer than ten students. An (i) indicates insufficient data to determine adequate yearly progress; the value results from the combining of up to three years' data.  
 Achievement goals are raised every three years and may vary among categories when insufficient student numbers exist and multiple-year data is required. All students are held to the state's challenging achievement standards.

## APPENDIX B



3. Establish maximum student caseloads criteria for English language learner teachers;

**Freborg, Layton W.**

---

**From:** Bakke, JoNell A.  
**Sent:** Monday, January 19, 2009 4:26 PM  
**To:** Flakoll, Tim; Freborg, Layton W.; Lee, Gary A.

FYI from Mari

Senator Flakoll asked me whether DPI currently had the authority to establish caseload criteria. I told him that I would get back to him on that issues. I talked with Gary Gronberg and Greg Gallagher about it. NDCC 15.1-38, available at <http://www.legis.nd.gov/cencode/t151c38.pdf> requires school districts to provide programs of instruction for English Language Learners and establishes the state superintendent's responsibility to set standards and things. We developed administrative rules for this legislation in 2005. The administrative rules are available at <http://www.dpi.state.nd.us/bilingul/seclang/060506.pdf>. There is no mention of caseload in legislation or rules. Gary and Greg said that it was appropriate to pass legislation with clarifying language in an area where it was a need. This could be an example of where caseload criteria for English Language Learners needs to be established. Gary asked me to ask you what you hoped to accomplish by the legislation because the issue of sanctions is something else. What would DPI do if districts do not follow criteria for caseload. He said that we need the authority to provide sanctions.

JoNell A. Bakke  
Senator - District 43



Testimony on SB 2212  
Senate Education Committee  
Monday, January 19, 2009  
By Wendy Sanderson, Dakota TESL President  
701-255-3653

Chairman Freborg and Members of the Committee:

I stand before you today as president of the Dakota Teachers of English as a Second Language, an ELL teacher in the Bismarck Public Schools, and a graduate student pursuing a master's degree in English as a second language with an emphasis on K-12 ESL education.

The Dakota TESL Association, in general, supports Senate Bill 2212. As president of Dakota TESL, I speak for our membership when I say that we have concerns over the number of ELL students many of our North Dakota teachers are expected to serve. With current caseloads for an individual North Dakota ELL teacher ranging from the single digits to the hundreds, many of our teachers are struggling to provide their students with the educational services they need and are entitled to under state and federal law.

There are many considerations in deciding what constitutes a fair and reasonable caseload for an ELL teacher. For instance, the kinds of learners and circumstances need to be taken into account. In some schools, a teacher's caseload might consist of a number of lower English proficiency students who are enrolled in a daily ELL class, as well as other students at higher English language proficiency levels who are not receiving direct ELL classroom instruction, but nevertheless are still served by the ELL teacher: he/she is responsible for developing and ensuring compliance with the student's individual language plan (ILP), monitoring the student's academic progress, administering language proficiency assessments, training classroom teachers in sheltered instruction techniques to scaffold classroom content so it is accessible to the ELL student, advocating for the academic, social, financial, physical, and emotional needs of the student and his/her family—the list of potential ELL services goes on and on. Many of our teachers are struggling to single-handedly provide all these services—and more—to over 100 students at a time.

Although we support the assignment of reasonable caseloads to ELL teachers, we believe it is important not to apply an arbitrary number as a caseload maximum, since English language learners are not a one-size-fits-all population. Rather, we recommend that the North Dakota Department of Public Instruction, in conjunction with the ELL professionals directly involved in providing services, develop criteria that can be used to determine appropriate caseloads for individual districts, and perhaps even individual schools.

Furthermore, Dakota TESL supports the distribution of English language learner grants to regional education associations for the purpose of purchasing instructional materials necessary to effectively teach the English language learners in the REA's participating districts and for providing professional development opportunities for ELL teachers in those districts. These grants will help ensure that all districts, regardless of size, are able to access the materials and highly-qualified personnel necessary to provide their English language learners with the educational services to which they are entitled by law.

I am pleased to have had the opportunity to share with you this morning a bit of Dakota TESL's vision for the future of ELL programs in North Dakota. Since you're on this committee, I know that you care about education. On behalf of our kids, thank you for all you do, and thank you for considering how best to meet the needs of *all* of North Dakota's English language learners.

Sincerely,

*Wendy Sanderson*

Wendy Sanderson  
Dakota TESL President  
3381 97<sup>th</sup> Ave. NE  
Bismarck, ND 58503

*"All dreams spin out from the same web" –Hopi Proverb*

**TESTIMONY ON SB 2212**  
**SENATE EDUCATION COMMITTEE**  
**Monday, January 19, 2009**  
**By Ivona Todorovic and Sara Dunn**  
**Grand Forks Public Schools**

---

TO: Chairman Freborg and Education Committee Members

We support Senate Bill No. 2212.

We, Ivona Todorovic and Sara Dunn, are here on behalf of the Grand Forks Public Schools to support Senate Bill 2212. In the Grand Forks Public School District, we have an ELL population totaling 231 students. These students are dispersed throughout the district in 16 schools. ELLs are a highly heterogeneous and complex group of students. There is no profile for an ELL student, nor is one single response adequate to meet their educational goals and needs. They are a diverse group of students that offer challenges and opportunities to ND education and to ELL teachers in particular. Our ELL population in the district consists of nineteen different culture and language groups—to be exact, circa 133 ELL students are newcomers and recent refugee arrivals; and the rest of the population are newcomer immigrants, children of migrant workers and UND staff, and Native Americans.

ELLs have varied levels of language proficiency (1-6) in English and almost 90% of our refugee student population is illiterate in their L1, or native language, which makes it difficult to design instruction in English for the beginner readers who are the majority of students in grades K-12. Barriers to successful education of ELLs include no formal education, interrupted schooling due to war, cultural differences and beliefs, post traumatic stress syndrome, poverty, students needing to take responsibility for their illiterate and most often non-English speaking parents' business, financial, medical, and day to day living affairs. ELL parents have high expectations for their children but do not have adequate resources to dedicate time and effort to their education.

The majority of our students are refugees who are receiving their education at four Magnet Schools. In the GF Public Schools there are two elementary schools served by one teacher and two paraprofessionals with a total of 68 students. The middle school serves 21 students with a 40% teacher and a half time paraprofessional. The high school serves 44 students with an 80% teacher and a full time paraprofessional. The secondary population is 50% level ones, 20% level twos, and 30% level threes. The level ones are categorized as little to no English and education. The level twos have conversational and academic English that is insignificant to make classroom education successful or possible without appropriate and adequate ELL instruction and direct support in the classroom. The level threes have a good grasp of conversational English and some degree of academic English. Recently we have experienced an influx of ELL students in our district. Last month, at the schools that I teach, which is the middle and high school, we enrolled 15 new refugee students who have levels of proficiency at one and two. These

new numbers have increased my caseload to 65 students. Also, the situation is similar at the elementary level where they are 53 students at levels one and two. These new exciting and challenging circumstances have brought some enormous difficulties regarding staffing, adequate instruction, classroom space, appropriate resources and materials, professional development for regular education teachers, cultural orientation, and many more spectrums connected to day-to-day school life.

The role of today's ELL teacher is expanding. We are not only teachers, but also on a daily basis provide support for outside matters and necessities facing immigrant and refugee families such as transportation, medical appointments, job searches, counsel on how to handle situations that arise in school and at home, contacting community agencies, filling out legal papers and applications, banking issues, liaisons between regular education classroom teachers and the students, as well as an array of unpredictable situations and problems that arise each day. With an increased number of ELL students, we have found ourselves with inadequate materials and a lack of planning time to meet ELLs' individual needs, which are many, especially at the secondary level when many of them are entering the school system for the first time at ages 16-20. The regular education staff and content teachers are overwhelmed by lack of ELL instruction techniques and culture/language competency. The success of ELL students' education is dependent upon the involvement of parents or guardians. Home visits and making a strong connection with parents has become a huge difficulty because with the increased number of ELL students, the six ELL staff members don't have enough hours in one day to fulfill all the duties that have been added to their "professional" plate.

Knowing all this, we have to stress research-based findings that an ELL student needs at least 5-7 years to achieve academic proficiency (Cognitive Academic Language Proficiency). So, these students stay in our program for at least 5 years and during those years we need an ample supply of materials and resources designed for our particular population of students. On the same note, we (ELL staff and regular education teachers) have to be participating in mandatory staff development sessions, which would give us practical knowledge to develop the best practice models for the various ELL methodologies that help students to become academically proficient. The typical non-ELL teacher does not have linguistic training or fluency in a second language, making it difficult for teachers to understand the process of language acquisition and its relationship to the mastery of core content classes in English. Consequently, teachers often make inaccurate assumptions about ELLs and set unrealistically high or insufficiently low academic expectations for them. Our ELL population is already failing AYP in reading and with an increased number of newcomers we can predict the same or worst results with the upcoming assessments, unless the legislature and education community of ND take action (like passing this bill and increasing the funds for the program) so this very complex population gets adequate education. Remember, these students are the future citizens of this state and country. Our goal for them is to be self-sufficient and prolific citizens. They have such a wealth of culture/religious experiences and multilingual language knowledge—that the state of North Dakota should recognize--these students

with appropriate education and developed literacy can fully give back to their communities.

We have narrated what needs to be done to have a successful ELL program, but that is almost impossible to do when our district's revenue budget includes \$35,338 from federal sources and \$14,625 from the state in the form of foundation aid. The current expense budget for our district's ELL program is \$252,000. This leaves \$202,037 for the Grand Forks property taxpayers to fund (80%). This represents a huge inequity in both the states' educational funding system and in state tax policy. It is obvious that there is a lack of an economic incentive, funds, and regulations to develop state standards, curriculum and professional development plans, quality materials and resources, and implementation of research-based programs which will prevent ELL instruction from remaining compartmentalized, under emphasized, and not integrated into the wider educational picture of the state of North Dakota.

We appreciate that you let us speak before you to educate and inform you about the problems and challenges facing the ELLs' academic progress, success or failure, in the state of North Dakota. We do hope you take into consideration the need to modify the current Legislative funding formula and regulations regarding diverse population of English Language Learners in North Dakota.

Testimony for Senate Bill 2212  
Senate Education Committee  
Monday, January 19, 2009  
By Dr. Joan Oigawa Aus,  
Director of ELL Education VCSU  
701-845-7428

*Same given  
to House.*


Chairman Freborg and members of the committee:

Good morning, my name is Dr. Joan Oigawa Aus and I teach ELL education at Valley City State University. I have been an ELL student, as well as an ELL teacher. My doctorate is in ELL education and last year I spent almost 400 hours in the classrooms of ND ELL teachers compiling research for my dissertation regarding the monolingual teaching practices of ELL teachers.



Some of my findings were startling, but what resonated throughout the study was the fact there is a tragic shortage of ELL teachers. Currently we have approximately 40 teachers to meet the needs of 6000 ELLs in the state of ND, according to the accountability study published in Education Weekly we need ten times that amount or 400 ELL teachers to meet the academic needs of ND ELLs.

North Dakota has a diverse population of ELLs, such as political refugee and new immigrant, migrant and Native American. All of these populations have been identified as limited English proficient by federal legislation that began before the onset of No Child Left Behind and was validated and





perpetuated by the 9<sup>th</sup> reauthorization of ESEA commonly known as NCLB in 2002. There are misconceptions about who are ELLs, but the federal definition is quite clear, it defines ELLs as a population of students who lack the English skills needed to succeed in the mainstream curriculum because of a non-English language background. This population of students is defined in both federal and state law. English Language Learners are defined in North Dakota Century Code for funding eligibility and in Department of Public Instruction administrative rules for services. The definition of ELL is a student who:

- 
1. Must be at least five years of age but must not have reached the age of twenty-two,
  2. Must be enrolled in a school district in this state,
  3. Must have a primary language other than English or come from an environment in which a language other than English significantly impacts the individual's level of English language proficiency and,
  4. Must have difficulty speaking, reading, writing, and understanding English, as evidenced by a language proficiency test approved by the superintendent of public instruction and aligned to the state English language proficiency standards.
- 

In 2007 according to Quality Counts, an independent education accountability research group, the number of ELL students per one ELL teacher was estimated at 114 and less than 20% ELL students were reclassified out of ELL educational programs. Of the identified 6000 ELLs in ND, there is a disparity of over 30% in the math and reading achievement scores of ELLs and non-ELLs in both 2006 and 2007, and this achievement gap just keeps growing. To stop this negative trend we must have more qualified ELL endorsed teachers with linguistically appropriate content teaching materials and caseloads that are manageable and reasonable.

To whom it may concern,

Over the past four years, I've been able to experience the difficulties in educating English Language Learners from both a teacher and administrative perspective. Regardless of what position in education you hold, the challenge to educate ELL students is a daunting one.

I stepped foot into my first classroom four years ago. Fresh out of college and eager to educate North Dakota's next generation, I felt ever ready to teach Geography and History to 7<sup>th</sup> and 8<sup>th</sup> grade students. What I wasn't prepared for was teaching to five Spanish speaking students in my classroom. Unfortunately, neither was anyone else in the building. Because of a lack of training and language understanding, our school was unable to meet their educational needs.

Move ahead four years and a change to a new school, still facing the same situation now as an administrator. Here, highly qualified educators are unable to meet an ELL students needs at school. Outstanding classroom teachers are throwing their hands up in the air because they simply have not had any kind of professional development related to teaching ELL students. Because of a lack of resources within our school and regional association we were forced to look outside of the box in meeting a student's needs to be educated in the state of North Dakota.

Why haven't we progressed in the past four years? What actions will it take for us to get the message across the state? We need to be made aware of the growing needs to educate our educators about English Language Learners and to recognize the growing needs in ELL by providing professional development and additional training for teachers and staff in our schools. Where will we be four years from now?

Sincerely,

Josh Johnson  
Principal  
Barnes County North-Wimbledon Courtenay Campus

ELL Funding History

School Year	Amount
2003-04	318,500.64
2004-05	331,499.12
2005-06	318,488.65
2006-07	781,511.35 * includes 450,000 end of biennium contingency payment
2007-08	258,245.00
2008-09	394,311.75 estimate
2009-10	479,913.00 Projected
2010-11	530,323.00

SF 2212 1/21/09

1  
SB2212— Relating to English Language Learners and to provide an appropriation

Chairman Holmberg and members of the Appropriations committee, for the record my name is Senator JoNell Bakke and I represent district 43. I bring before you today SB2212 which would establish a criteria for student caseloads for English Language Learners as well as an appropriation.

Let me walk you through this bill. Section 1 would establish a student caseload set of criteria that would assist school district in determining their staffing needs. At the present time, many districts are struggling to keep up with the needs of the influx of ELL students to their communities. This would give the district a starting point in determining how many teachers and support staff would be necessary to provide the necessary services.

*Regional Educ. Authority*  
Section 2 would give an appropriation of \$200,000 to the Department of Public Instruction for distribution to the REA. These funds would be for the purchase of materials that can be used with the ELL students as well as staff development activities for the professional and support staff. It would be my intent that the REA would write a plan and submit it to DPI for consideration rather than simply receive the funds with an expectation that they would be used for ELL instruction.

There are many communities across our state that have been inundated with immigrant families. This has presented a huge challenge to the school districts in these areas and they are struggling to meet the needs of these children. As a state, they are our students and we need to address their needs as we do the needs of all our students with unique academic and educational challenges.

Thank you for your attention to this matter and I would stand for any questions at this time.

2

**TESTIMONY ON SB 2212**  
**SENATE APPROPRIATIONS COMMITTEE**  
**Thursday, January 29, 2009**  
**By Mari Rasmussen, Ph. D., Assistant Director**  
**701 - 328 - 2058**  
**Department of Public Instruction**

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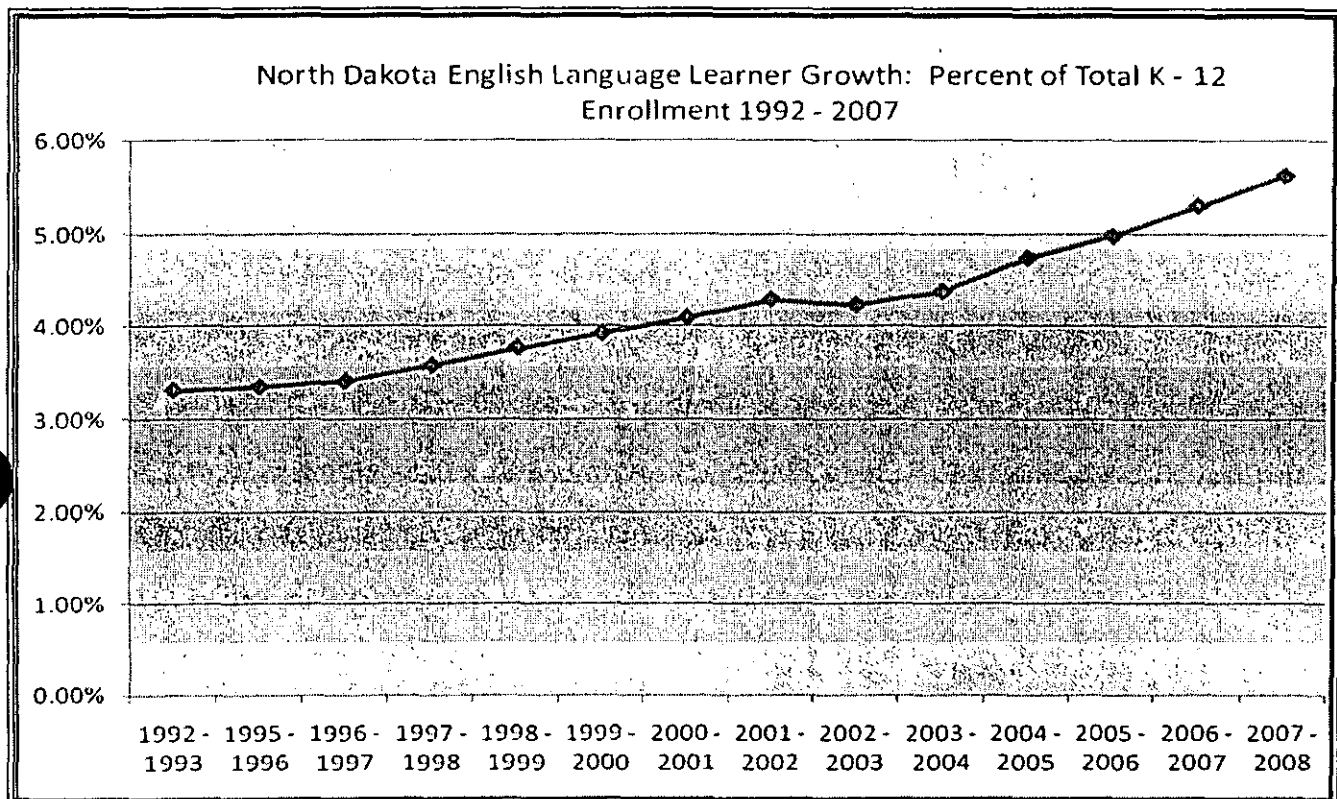
Chairman Holmberg and members of the committee:

My name is Mari Rasmussen and I am the program administrator for the English Language Learner Programs for the Department of Public Instruction. I am here to speak in favor of and provide information for Senate Bill 2212. The Department of Public Instruction supports Senate Bill 2212 because of the legislative intent in providing assistance for English Language Learner programming in the State.

North Dakota English Language Learners by REA January 2009		
Name	ELLs	Percent of Total
Great North West Education Cooperative (GNWEC)	94	2.13%
Mid-Dakota Education Council (MDEC)	23	0.52%
Missouri River Educational Cooperative (MREC)	504	11.42%
North Central Education Cooperative (NCEC)	1078	24.43%
Northeast Education Service Cooperative (NESC)	235	5.33%
Red River Valley Education Cooperative (RRVEC)	684	15.50%
Roughrider Education Services Program (RESP)	24	0.54%
South East Education Cooperative (SEEC)	1767	40.05%
Students in districts outside of REAs	3	0.07%
Total	4412	100.00%

The strength of this bill is that it uses the Regional Education Associations (REAs) to provide English Language Learner services for school districts. REAs have a great potential to assist school districts in this area because of their capability to support coordination and collaboration.

English Language Learners are enrolled in all REAs in North Dakota. This population of students is also increasing in the state.



Numbers are growing in areas that have not been impacted before. Alecia Pulver, a teacher in Stanley, North Dakota, agreed that I could share her e-mail messages with you to give you an example of the changing needs of our school districts in North Dakota. She sent me an e-mail in September.

From: Alecia Pulver [Alecia.Pulver@sendit.nodak.edu]  
Sent: Thursday, September 11, 2008 9:15 AM  
To: Rasmussen, Mari B.  
Subject: Stanley

*I'm hoping that you can give me some direction in this crazy world. Stanley Public schools has seen an increase in the number of ELL students in our school district. Our teachers do not have experience working with ELL students. We are struggling with ways to best help our students learn. Do you know of any upcoming training that our teachers could attend? Is there a ELL teacher who could visit Stanley and give us some techniques. The oil field is changing the dynamics of our classes and we want to do our best to keep up.*

*Thank you for any assistance you can give us.*

*Sincerely,*

*Alecia Pulver  
[alecia.pulver@sendit.nodak.edu](mailto:alecia.pulver@sendit.nodak.edu)*

*Alecia sent me an update in January when I asked how things are going.*

*We've been doing our best. I know that some teachers have purchased books on their own to help learn more about teaching methods. Some of the students have qualified for Title services. Spelling is something that we're struggling with. Basically, we've done our best with pulling information where we can. However, many of us are filled with questions and feel under-prepared and under informed on how to best help these students. We would love to have better resources - a coordinator for the area, training to help answer questions and give us better direction. We're also having issues with communicating with parents. The parents always seem supportive of what is happening in the classroom. They've been able to bring in a family member to translate. In some cases the children are the ones translating for us. We're making things work the best way we know how, but could use some professional development on the subject.*

*We have a number of ELL families. The oil boom has been wonderful, but we're all struggling to work through the growing pains that have come along with it.*

*Please share my information so that legislators may know that ELL is not an isolated topic and need in the state. Our school system did not attend the Helga Sorenson inservice day in Williston. However, I noticed that they had a couple of sessions on ELL students. That's about as far away from the east as you can get!*



In summary, Senate Bill 2212 will assist the state and local school districts in developing consistent, comprehensive, high quality programs for English Language Learners that will move them forward to proficiency and success in the English language and the mainstream curriculum. It will help ensure that services are equitable and high quality throughout the state, whether that student is enrolled in Stanley, Cavalier, Grand Forks or West Fargo. The only recommended change that can be offered for this bill is that an increase in the appropriation would more sufficiently support the Regional Education Associations in North Dakota in providing English Language Learner services.

## Senator JoNell A. Bakke - SB2212

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Chairman Kelsch and members of the Education committee, for the record my name is Senator JoNell Bakke and I represent district 43. I bring before you today SB2212 which would establish a criteria for English Language Learners Programs as well as an appropriation.

I would like to walk you through the bill,

Section 1 would establish a set of criteria that would assist school district in establishing a program for ELL students. At the present time, many districts are struggling to keep up with an influx of ELL students to their communities. This would give the district a starting point in determining what best practice says should be done when establishing a ELL program.

Section 2 would give an appropriation of \$200,000 to the Department of Public Instruction for REA grants. These grant funds would be for the purchase of materials that can be used with the ELL students as well as staff development activities for the professional and support staff. It would be my intent that the REA would write a plan and submit it to DPI for consideration rather than simply receive the funds with an expectation that they would be used for ELL instruction.

There are many communities across our state that have been inundated with immigrant families. This has presented a huge challenge to the school districts in these areas and they are struggling to meet the needs of these children. As a state, they are our students and we needs to address their needs as we do the needs of all our students with unique academic and educational challenges.

Thank you for your attention to this matter and I would stand for any questions at this time.

**TESTIMONY ON SB 2212**  
**HOUSE EDUCATION COMMITTEE**  
**Wednesday, March 4th, 2009**  
**By Mari Rasmussen, Ph. D., Assistant Director**  
**Department of Public Instruction**  
**701-328 – 2058**

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Madame Chairman Kelsch and members of the committee:

My name is Mari Rasmussen and I am here on behalf of the Department of Public Instruction to speak in favor of Senate Bill 2212. We support Senate Bill 2212 because of the legislative intent in providing assistance for English Language Learner (ELL) programming in North Dakota. Section 1 addresses the need ELL students have for access to appropriate instructional programming through English Language Learner teachers – a requirement in both state and federal legislation. Section 2 addresses the need for funding for Regional Education Associations (REAs) to provide training and materials for English Language Learner programs – an excellent use of entities that have the capacity to offer these services.

Students who qualify as ELL score lower in academic achievement than any other group in our State. In Appendix A you will find a copy of the Annual Adequate Yearly Progress Report for North Dakota for 2007 – 2008. The State Goal for reading was a rate of 78.07% proficient for all students. Students with limited English proficiency (which is the term used in federal legislation for English Language Learners) achieved 42.93% proficient. The State Goal for math was 67.01% proficient for all students. Students with limited English proficiency achieved 47.59%.

Regional Education Associations are an excellent vehicle to provide training and assistance for school districts with ELLs because they can coordinate services for small and large districts. Table 1 provides the number of ELLs in each REA.

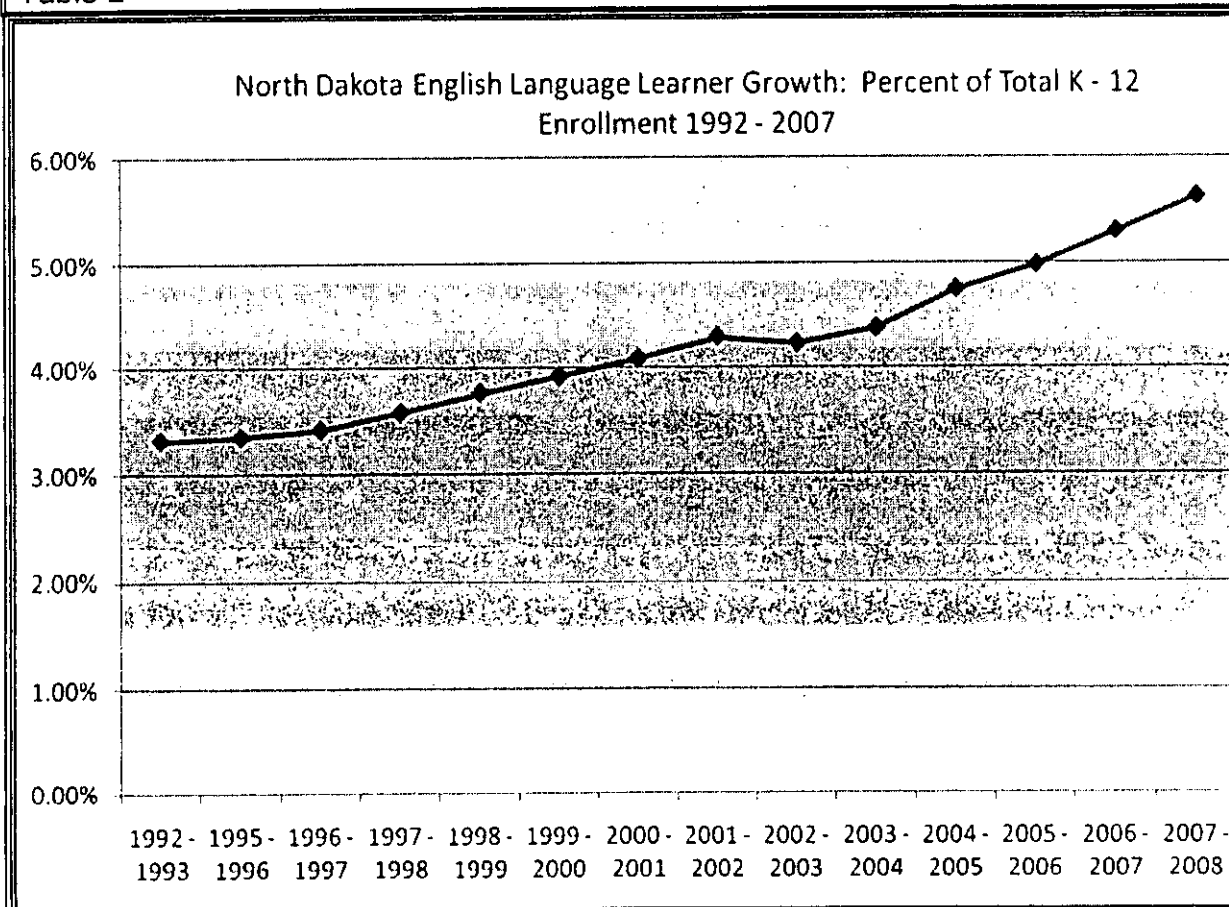
Table 1

## North Dakota English Language Learners by REA January 2009

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Students in districts outside of REAs	3	0.07%
Total	4412	100.00%

Numbers of English Language Learners are growing in areas that have not been impacted before. Table 2 shows the growth of English Language Learners in North Dakota.

Table 2



Alecia Pulver, a teacher in Stanley, North Dakota, agreed that I could share her e-mail messages with you to give you an example of the growth and changing needs of our school districts in North Dakota. She sent me an e-mail in September.

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*We've been doing our best. I know that some teachers have purchased books on their own to help learn more about teaching methods. Some of the students have qualified for Title services. Spelling is something that we're struggling with. Basically, we've done our best with pulling information where we can. However, many of us are filled with questions and feel under-prepared and under informed on how to best help these students. We would love to have better resources - a coordinator for the area, training to help answer questions and give us better direction. We're also having issues with communicating with parents. The parents always seem supportive of what is happening in the classroom. They've been able to bring in a family member to translate. In some cases the children are the ones translating for us. We're making things work the best way we know how, but could use some professional development on the subject.*

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*service day in Williston. However, I noticed that they had a couple of sessions on ELL students. That's about as far away from the east as you can get!*

I have visited with Alicia's superintendent Kelly Koppinger is looking for ways to train his staff of the needs of these new students and agrees that REAs could be a way to address this issue.

Along with the need for training and materials, the need for qualified ELL teachers is probably the single most critical issues for the field of ELL. North Dakota is reported in a national publication, Education Week, as having over 100 students for each English Language Learner teacher (January 2009). Few would argue that is number is far too high to adequately meet student needs.

The Department of Public Instruction supports the need for caseload criteria that are reasonable and appropriate for student success. There is a concern that the language added in the Senate which includes "deviation from which may not affect the accreditation or funding level of a school district" conflicts with both state and federal law. School districts are required by federal law to provide appropriate instruction, including qualified ELL teachers for ELLs. A school district that is not providing appropriate services risks the loss of federal funding for not meeting the needs of the ELL student population.

Likewise, North Dakota Century Code 15.1-38 requires students who are ELL to have individualized plans. I have enclosed a copy of the Century Code in Appendix B. If the student plan determines a level of service that the district is not providing, the district can be found out of compliance for not providing appropriate services and therefore, the ELL program could not be approved.

In summary, Senate Bill 2212 will assist the state and local school districts in developing consistent, comprehensive, high quality programs for English Language Learners that will move them forward to proficiency in the English language and

success in academic achievement. It will help ensure that services are equitable and high quality throughout the state, whether that student is enrolled in Stanley, Cavalier, Grand Forks or West Fargo. The only recommended change that can be offered for this bill is that an increase in the appropriation would more sufficiently support the Regional Education Associations in North Dakota in providing English Language Learner services.

## **CHAPTER 15.1-38 ENGLISH LANGUAGE LEARNERS INSTRUCTION**

**15.1-38-01. English language learners - Program of instruction.** Each school district shall provide a program of instruction for students who are English language learners. The program may be provided by a school district or in conjunction with one or more districts.

**15.1-38-01.1. English language learner - Definition.** English language learner means a student who:

1. Is at least five years of age but has not reached the age of twenty-two;
2. Is enrolled in a school district in this state;
3. Has a primary language other than English or comes from an environment in which a language other than English significantly impacts the individual's level of English language proficiency; and
4. Has difficulty speaking, reading, writing, and understanding English, as evidenced by a language proficiency test approved by the superintendent of public instruction and aligned to the state English language proficiency standards and the state language proficiency test.

**15.1-38-01.2. New immigrant English language learner - Definition.** A new immigrant English language learner is an English language learner who was not born in the United States and has not attended school in the United States for more than three school years or the monthly equivalent of three school years.

**15.1-38-02. Program establishment.** The superintendent of public instruction shall:

1. Appoint a state advisory committee to assist with the establishment and administration of English language learner programs and the state English language proficiency assessment;
2. Establish standards for English language learner programs;
3. Ensure that the English language learner programs use effective research-based methods to teach the students;
4. Assist school districts with the development and administration of English language learner programs and services;
5. Employ a program administrator and other necessary personnel; and
6. Coordinate federal, state, and local funding to maximize the services available to students.

**15.1-38-03. English language learner services - Individualized plans.** If a school district determines through assessment that a student requires English language learner services, the school district shall convene a team to review the student's language and educational needs. The team may develop an individualized language plan and recommend specialized language instruction and related services.



Testimony on SP 2212

House Education Committee

Wednesday, March 04, 2009

By Betim Tasholli

Madame Chairman Kelsch and members of the committee, my name is Betim Tasholli and I am in favor of the Senate Bill 2212. I came from Kosovo ten years ago and didn't know any English. Throughout elementary school I got special help to help me improve my vocabulary, and that special help made a difference. I thought the help was a good advantage because I did learn a lot and it helped me get through elementary easier. I think that other kids should benefit from that help like I did. It will make a difference.

Madam Chairman and Members of the Committee:

My name is Berivan Ali. I am Kurdish from Kurdistan. I came to this country with my husband & our son in 1976; yes, 33 years ago. I have been employed with the Mandan Public Schools system for the last 23 years as a Librarian Assistant. I am here to speak in favor of Senate Bill 2212 and I urge you to support this Bill.

We understand that beside the Germans and the Norwegians there are many other ethnic groups such as the Kurds, Arabs, Sudanese, Bosnians, Ethiopians, Kosovars and many others that call North Dakota home. Some years ago an article in Fargo Forum stated that the Kurdish language was the second spoken language in Fargo, North Dakota. Imagine that! Many newcomers love living in North Dakota in spite of the cold weather that they have never been accustomed to. They love it here because of the friendliness, the kindness, and the generosity of North Dakotans. Take us for example, we have been here for the last 33 years and raised our 2 kids here in Bismarck and Mandan. We can proudly consider ourselves North Dakotans. As my husband says we came to North Dakota looking for mountains. We did not realize that they had already moved them to Montana. We did not find mountains in North Dakota but we found hearts bigger than the mountains and we truly mean that.

That is why your support to this important Bill will help the newcomers to be a productive part of the new society. We all know that getting employment without learning the English language will be impossible. We also know that children learn and adapt a lot faster than adults, but they still need special attention. That is why they need the one on one time with an ELL teacher who is trained to handle that.

Please help us support our newcomers in their attempt to learn the English language a lot faster so they can become a hard working and productive part of our society. Isn't that what we all want? These people can be all that with very little help. English is not an easy language but with the help of our ELL teachers it will be a lot easier for these students and their families. We assist students with special needs, why can't we do the same for ELL students, whose mother tongue is not English?

Thank you and I truly appreciate your time.

Testimony for Senate Bill 2212  
House Education Committee  
Wednesday, March 4, 2009  
By Josh Johnson, Principal  
Barnes County North-Wimbledon Courtenay

Madam Chairman and members of the committee:

Over the past four years, I've experienced the difficulties in educating English Language Learners from both a teaching and administrative perspective. Regardless of what position in education you hold, the challenge to educate ELL students is a daunting one.

I stepped foot into my first classroom four years ago. Fresh out of college and eager to educate North Dakota's next generation, I felt ever ready to teach Geography and History to 7<sup>th</sup> and 8<sup>th</sup> grade students. What I wasn't prepared for was teaching to five Spanish speaking students in my classroom. Unfortunately, neither was anyone else in the building. Because of a lack of training and language understanding, our school was unable to meet the educational needs of these native Spanish speakers.

Fast forward four years and a change to a new school, and I'm still facing the same situation, except now as an administrator. Here, highly qualified educators are unable to meet an ELL students needs at school. Outstanding classroom teachers are throwing their hands up in the air because they simply have not had any kind of professional development related to teaching ELL students.

Because of a lack of resources within our school and regional association we were forced to look outside of the district in meeting a student's needs to be educated in the state of North Dakota.

Why haven't we progressed in the past four years? What actions will it take for us to get the message across the state? We need to be made aware of the growing needs to educate our educators about English Language Learners and to recognize the growing needs of ELLs by providing professional development and additional training for teachers and staff in our schools. Where will we be four years from now?



Testimony on SB 2212  
House Education Committee  
Wednesday, March 4, 2009  
By Wendy Sanderson, Dakota TESL President  
701-255-3653

Chairman Kelsch and Members of the Committee:

The Dakota TESL Association, in general, supports Senate Bill 2212. As president of Dakota TESL, I speak for our membership when I say that we have concerns over the number of ELL students many of our North Dakota teachers are expected to serve. With current caseloads for an individual North Dakota ELL teacher ranging from the single digits to the hundreds, many of our teachers are struggling to provide their students with the educational services they need and are entitled to under state and federal law.

There are many considerations in deciding what constitutes a fair and reasonable caseload for an ELL teacher. For instance, the kinds of learners and circumstances need to be taken into account. In some schools, a teacher's caseload might consist of a number of lower English proficiency students who are enrolled in a daily ELL class, as well as other students at higher English language proficiency levels who are not receiving direct ELL classroom instruction, but nevertheless are still served by the ELL teacher: he/she is responsible for developing and ensuring compliance with the student's individual language plan (ILP), monitoring the student's academic progress, administering language proficiency assessments, training classroom teachers in sheltered instruction techniques to scaffold classroom content so it is accessible to the ELL student, advocating for the academic, social, financial, physical, and emotional needs of the student and his/her family—the list of potential ELL services goes on and on. Many of our teachers are struggling to single-handedly provide all these services—and more—to over 100 students at a time.

Although we support the assignment of reasonable caseloads to ELL teachers, we believe it is important not to apply an arbitrary number as a caseload maximum, since English language learners are not a one-size-fits-all population. Rather, we recommend that the North Dakota Department of

Public Instruction, in conjunction with the ELL professionals directly involved in providing services, develop criteria that can be used to determine appropriate caseloads for individual districts, and perhaps even individual schools.

Furthermore, Dakota TESL supports the distribution of English language learner grants to regional education associations for the purpose of purchasing instructional materials necessary to effectively teach the English language learners in the REA's participating districts and for providing professional development opportunities for ELL teachers in those districts. These grants will help ensure that all districts, regardless of size, are able to access the materials and highly-qualified personnel necessary to provide their English language learners with the educational services to which they are entitled by law.

I am pleased to have had the opportunity to share with you Dakota TESL's vision for the future of ELL programs in North Dakota. Since you're on this committee, I know that you care about education. On behalf of our kids, thank you for all you do, and thank you for considering how best to meet the needs of *all* of North Dakota's English language learners.

Sincerely,

Wendy Sanderson  
Dakota TESL President  
3381 97<sup>th</sup> Ave. NE  
Bismarck, ND 58503

*"All dreams spin out from the same web"* –Hopi Proverb