

2011 HOUSE EDUCATION

HB 1029

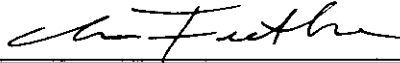
# 2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1029  
01/05/11  
12596

☐ Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

School approval and payment reductions for unaccredited schools; to provide and effective date; and declare and emergency.

## Minutes:

**Chairman Kelsch:** We will open the hearing on HB 1029.

**Anita Thomas –Legislative Council:** Neutral. Testimony 1 attached.

**Chairman Kelsch:** Questions?

**Rep. Karen Karls:** Would it be possible to get a copy of the remarks?

**Anita Thomas –Legislative Council:** Yes of course.

**Chairman Kelsch:** Further support?

**Linda M. Paluck, Director - Department of Public Instruction:** Support. Testimony 2 attached.

**Rep. Phillip Mueller:** I recall when we visited about this in our interim committee we included the language that said if you are in a public school and if the school is not in compliance, parents could be penalized. I recall in discussion that we talked about it in conjunction with public schools but it is not listed in the bill that way. Do you recall why that is?

**Linda M. Paluck, Director - Department of Public Instruction:** I do not recall that. The best response I can give you is that I've have received comments from nonpublic schools stating that if through the passage of this law we are then to notify parents that they are in fact breaking compulsory attendance laws then why not the public schools? An answer to that was because from the public schools we would withhold dollars, the private schools we do not. Nonetheless, there was a still a notion of unfairness. The question then became why don't you just throw the whole thing out and not worry about the compulsory attendance piece and having to make that public through a letter to the parents.

**Rep. Phillip Mueller:** It seemed to me we concluded that what is fair for the nonpublic schools is fair for the public schools in that regard. Granted, the case of the public schools is not the case of the nonpublic schools. It just seemed to me that if we're going to do it to one we have to do it to the other.

**Rep. Bob Hunskor:** You talked about the wrongful claim of compliance. Then we get to the amount of money being withheld. How much is that?

**Linda M. Paluck, Director - Department of Public Instruction:** A prorated amount is being calculated to decide what that would be. If for example if a district is noncompliant and the due date is October 1<sup>st</sup>, I think of October 1<sup>st</sup> as the day the clock starts ticking. Schools should be allowed, however, to be granted a waiver due to special circumstances. An example would be the inability to find a science teacher by that date. Holding schools accountable, to me as an educator, is something that we do with our profession and like anything else there is a system of checks and balances about how far and how deep we can regulate. There are guidelines already in place that are helpful and should be kept but there are also others that need to be changed that are not helping schools.

**Rep. Corey Mock:** September 19<sup>th</sup> was the deadline for filing this year. How was that September 19<sup>th</sup> chosen?

**Linda M. Paluck, Director - Department of Public Instruction:** I don't determine that date but remember as long as I've been in education we have always had to get our fall reports in right away to meet that mid September deadline. I would imagine some of you former educators would remember that magic number?

**Rep. David Rust:** I remember we had to have them by the third week in September.

**Rep. Corey Mock:** Maybe this is something for further discussion, but perhaps if September 15<sup>th</sup> is too definitive for a statute, is there a way to go around it or set something less defined?

**Chairman Kelsch:** We will be having more discussions on this bill. And that is something we can bring up at that time.

**Linda M. Paluck, Director - Department of Public Instruction:** Testimony 2 article attached.

**Rep. David Rust:** I'm trying to get my head around this a little bit. Currently in law we have approval and accreditation. In order to get all the money for your school you have to be accredited. So if for an example, a library is part of the accreditation and if a school is approved on this and is going through NCIP which may not address libraries, does that mean if money is tight and I can't afford somebody I can ditch out the library and we are all ok with that? That's my question. When I look at the list that is checked off it is something determined prior dealing with inputs. We have moved away from inputs and are more concerned with outputs. I think there is a certain amount of importance dealing with the inputs. I don't think you want to throw out inputs altogether. How does everything relate to

this or does it get squared away through the process? In this process I worry that we are going to eliminate some of the important things.

**Linda M. Paluck, Director - Department of Public Instruction:** If we have half of our schools get their NCA accreditation through their five year continuous process, would that not be good enough. For the accreditation process we check all schools under those administrative rule checklists. A school could still be NCA accredited according to their five standards that they need to provide quality assurance of. We need to take a look at what we are going to do to improve professional development. We are looking at opening this up and becoming more flexible.

**Vice Chair Lisa Meier:** Linda in your reporting from this last year did you find any reporting inadequacies from the reporting date of September 19<sup>th</sup>?

**Linda M. Paluck, Director - Department of Public Instruction:** Absolutely. In the reports sometimes a number gets missed or there is a coding error in the state reporting piece. My staff would say eight percent of mistakes on these reports are results of coding errors. It takes time to go through these reports and a school may find out down the road about the errors which then takes time to correct or solve between my staff and the school. The time spent going through these reports, in my opinion, could be spent on doing more effect work. This is the time when we get a lot of feedback from schools.

**Vice Chair Lisa Meier:** About what percent was inadequate reporting?

**Linda M. Paluck, Director - Department of Public Instruction:** I don't have that percent. I'd have to ask my staff that worked with this. It is too large for me to even guess.

**Chairman Kelsch:** Any further questions? Anyone else in support of HB 1029? Support with reservations?

**Bev Nielson:** The thing comes on page 3, lines 1-8 dealing with the date. We need to work on the board action. The board usually hires professionals that tell them what action to take. I think we should train our board to require more from their administrators in reviewing these six requirements which is going to take time. I think if we could move the date to October 1st or September 30<sup>th</sup> we could for sure get in all the September board meetings. Now starting with lines 18-28, you let parents know their children are truant. If you do it for one it be done for both. On page 4, line 11 you indicate that after the school becomes out of compliance the principal of the school shall notify the Superintendent of Public Instruction. We would like to work on a better word for the superintendent and or principal in that. Finally the proposed amendment. Number 2 says that even if you go back a year and find something, you can still go back and take money. This means you could go back an entire year and take away that entire year of funding. I think it should be a set amount of a monetary fine.

**Chairman Kelsch:** Any questions? Those in support with reservations?

**Doug Johnson:** We would like to point out we are in support but with reservations. To start out I have a couple of things to point out and I want to go a little further with. I think the

penalty in the proposed amendment with administrators being punished and criminally charged as well is sufficient. There is no reason to penalize the students and the school. My experience working with the accreditation process is that it is very time consuming to meet those deadlines set and make sure every report filed is correct. I think the recommendation of extending the deadline to September 30<sup>th</sup> or October 15<sup>th</sup> would be very helpful. The other thing to point out is that the bill we have is going for approval. We think this bill has some good points to it but it needs some more crafting. If we work together on that I think we can come up with something that is doable. That concludes my testimony. Any questions?

**Chairman Kelsch:** For the committee members that were on the interim, as you will recall, in the discussion about the date, that did come up during the interim and we said we were going to leave that part alone until bill draft and it would be discussed as a committee at a later date. I will be appointing a subcommittee to address some of those other issues.

**Rep. Mike Schatz:** As long as we are taking about MISOPs, when they are late who is notified? Are the school board members notified or not?

**Doug Johnson:** The school and school board are notified. The problem is getting them in. The school administrators would like to have them as quick as possible.

**Rep. Mike Schatz:** Are you saying the school board members all get letters? They're notified.

INAUDIBLE

**Chairman Kelsch:** Any further questions?

**Jack McDonald - SANS:** I am appearing here on behalf of the State Association of Nonpublic Schools. We are in the position of the others that testified in that we have some reservations about this bill. We have concerns about the review process. We think we are doing a good review process right now but we have some concerns about how that approval of our review process will go. We have a few concerns about the use of our contracts now. Our contracts are a little different than those used in the public schools. We are kind of concerned about inspections of nonpublic schools by DPI. Finally we do have same concerns about notifications of parents. We would like to work with the subcommittee in working this out.

**Chairman Kelsch:** Any Questions? Anyone else in Support? Opposition? We will close the hearing on HB 1029.

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1029  
02/02/11  
13357

☐ Conference Committee

Committee Clerk Signature



## MINUTES:

**Chairman RaeAnn Kelsch:** We will open on HB 1029. This is the interim bill on accreditation and approval.

**Anita Thomas – Legislative Council:** Attachment. I am passing out the marked up version of the bill. This amendment was prepared at the request of Rep. David Rust and Rep. Mark Sanford. On page 1 we separated the approval requirements for public and nonpublic schools. The criteria are the same no change in licensed teachers teaching the course areas in which they are approved, meeting the curricular requirements, school improvement requirements, state fire marshal inspection, and the criminal background checks. On page 2 all we did was remove the language that at this point applied to the nonpublic. Statutorily this works. It is however policy decision that you might want to have some conversation about. When you start out with a school, at current law we have a threshold; every school has to meet those same criteria. This is changing that. By virtual of having a section to the public and a section for the nonpublic is also making it easier in the future to add to the approval requirements. Every time you put something in the statute, DPI calls up and asks if it is an approval requirement. Well maybe or sort of. We are paying for it but we really don't really have any sanctions that the school districts don't follow. So those are the pros and cons of separating the two concepts. On page 3 the way the bill came in front of you, one the compliance report is done it was to be decided by the school principal, superintendent of the school district, and the president of the school board. One of the things that was explained to me was that you didn't want to have a situation where the school board president was going to be cornered. What we did here was require that the compliance report be signed by the school principal and the superintendent of the school district and that it be formally approved by the board of the school district. At a board meeting they will have the discussion about the compliance report and then board director vote on it. You will see a number of date changes and essentially we moved everything back two weeks.

**Chairman RaeAnn Kelsch:** And the thought behind that was to make sure that the school districts have an additional couple of weeks to head a school board meeting?

**Anita Thomas – Legislative Council:** Yes. Moving on to the bottom of page 3, if the public school that does not meet the approval criteria the superintended is to notify the parents and then subtract any state aid. I was asked to reference compulsory attendance. If

the school is not approved then the parents will be notified that they will be in violation of compulsory attendance requirements. That however right now is impossibility because current law simply requires parents to send their children to a public school. It does not reference an approved public school.

**Rep. David Rust:** We were not aware of that before on what she said that the child had to be sent to a school. We were not aware that it implied.

**Chairman RaeAnn Kelsch:** Or it implies it is an approved school. What happens if we add approved school to the language?

**Anita Thomas – Legislative Council:** Then you have the situation where deal an unapproved public school.

**Rep. David Rust:** It would seem to me that we would probably have to change another section in a different law.

**Anita Thomas – Legislative Council:** We would then go into the compulsory attendance requirements. Then the determination is if the parents are expected to send their children to an approved public school in order not to be in violation of the compulsory attendance requirements and then you have to be very serious on what you are going to do if a public school is not approved. On page 4, this is a new section and it parallels the approval requirements that you have seen in the public schools. This section applies strictly to nonpublic. It has similar criteria in that the teachers still have to be licensed, teaching only the courses for which they are approved, they have to meet the curricular requirements, state fire marshal has to be pleased with the building and criminal background checks are the same. But we did remove the requirement that nonpublic schools participate in the school improvement process.

**Chairman RaeAnn Kelsch:** What is the reasoning with that other than the nonpublic schools didn't want it?

**Rep. David Rust:** In discussions that the subcommittee had the nonpublic schools do not receive any money from the state. They have never been forced to go through the school review process or the accreditation process so we left them as they currently are.

**Chairman RaeAnn Kelsch:** They to in the past provide the report or not? They have had to supply the report but they haven't been in compliance with that? With the school improvement plan requirement.

**Rep. David Rust:** My understanding is that nonpublics have the option of doing that or not doing that. Some choose to do it because they want to advertise to their people that they are doing above and beyond.

**Anita Thomas – Legislative Council:** If you remember the discussion during the interim, school improvement process is one part of school accreditation. The interim committee looked at it and thought that any school large or small could benefit from the school

improvement process. Since there is a charge to go through NCA but there is no charge to go through DPI, the interim committee had attached that.

**Chairman RaeAnn Kelsch:** I remember those arguments.

**Rep. David Rust:** I would like you to explain why you left school principal in as opposed to making it the school?

**Anita Thomas – Legislative Council:** Rather than have the school submit a compliance report, we found that we needed someone responsible for it. We delegated that responsibility to the principal. Ultimately the person with the word principal after his/her name is responsible for getting that done at that school level.

**Rep. David Rust:** In talking with Anita, we probably kind of settled with the principal. For the most part I have a feeling that if the school principal is doing something contrary to what the superintendent of school board wants, there are going to be some conversations and they will probably be very pointed. Neither Rep. Mark Sanford nor I had a problem with leaving it as the principal because we really feel that those things are going to be taken care of.

**Chairman RaeAnn Kelsch:** It seems it makes sense to have a designee in law so someone has that responsibility.

**Rep. Mike Schatz:** I'm not sure what you mean by principal, you have an elementary, high school, and superintendent.

**Rep. David Rust:** School approval is done on a school basis not a district basis. Every school has a principal. In a secondary level it's the secondary principal and so on. That is the one that is designated as the responsible one for this.

**Chairman RaeAnn Kelsch:** A school district has a superintendent, but not every school has one correct?

**Rep. David Rust:** Yes.

**Rep. Mike Schatz:** On the school level if you have one building and you have a high school principal and an elementary principal, they both have to sign off?

**Anita Thomas – Legislative Council:** The approval is done based on the grade level.

**Rep. David Rust:** Again, the school approval is based on the school, and even though you might have one building you probably have two schools there. For accreditation purposes you have two schools basically located under one roof.

**Rep. Mike Schatz:** That is what I was trying to clear up.

**Rep. David Rust:** There are two reports. There isn't just one report being sent.



**Anita Thomas – Legislative Council:** On the middle of page 5 with the compliance report for the nonpublics. We left that signature requirement the same as you had in the original bill draft. The compliance report is to be signed by the school administrator and formally approved by the governing board of the school. The sanctions on the nonpublic are notification of parents that school is unapproved and the parents may be in violation of the state compulsory attendance laws. Section 4 on page 6, this is the section that, and it applies to both publics and nonpublics, the superintendent may delay imposing the sanctions if certain events have occurred. I was asked about putting an etc clause on. If you do that, what you in affect do is get close to that line of unlawful delegation and give DPI the authority to determine what is a significant situation in order to withhold the monies. We have a fairly extensive list here. Section 5 is a little bit new. Once you have all the records together the superintendent is allowed to examine the records of any public school at any time and may conduct site visits. For the nonpublics however, lines 22 and 23 on that page say he may examine the records upon request. There is no provision for a site visit. That would conclude the major changes in the leg.

**Chairman RaeAnn Kelsch:** Questions? We will close on HB 1029.

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1029  
02/15/11  
14572

☐ Conference Committee

Committee Clerk Signature



## MINUTES:

**Chairman RaeAnn Kelsch:** We will open the hearing on HB 1029. Rep. David Rust had an amendment.

**Rep. David Rust:** I think Anita Thomas did a good job of explaining it all. I would move the amendment 3001.

**Rep. Phillip Mueller:** Second.

**Chairman RaeAnn Kelsch:** Discussion? We will try a voice vote.

*Voice vote:* Motion carries.

**Chairman RaeAnn Kelsch:** We now have amended HB 1029 before us.

**Rep. Lyle Hanson:** I'll move my amendment 3002. The amendment is saying that the superintendent of public instruction shall provide electronic notification of defibrillators at each public and nonpublic school to make sure they are in working order.

**Vice Chair Lisa Meier:** Second.

**Rep. Brenda Heller:** I think we had this in another bill for there to be funding to take of this. Did you put that in this bill for each school to take care of it?

**Rep. Lyle Hanson:** I don't think we have to have funding for this. It is a local issue that the principal or superintendent can deal with.

**Chairman RaeAnn Kelsch:** You are talking about HB 1202 which was the REA healthy bill. We talked about defibrillators in that bill and we already passed that bill out and it had been approved on the floor. In discussions with Anita it was germane to this bill. It doesn't require any funding. What they school districts do require funding for is if they need new batteries or things like that but not for the notice to go out, DPI didn't need money and school districts just to make sure they are checking it.

**Rep. Karen Rohr:** There are also pads and that stuff that should be checked. Is that all assumed?

**Chairman RaeAnn Kelsch:** I'm guessing that B hits it.

**Rep. Brenda Heller:** Did you say that the other bill passed the floor already?

**Chairman RaeAnn Kelsch:** No the amendments passed and it is in appropriations.

**Rep. David Rust:** When it comes to batteries for those things I don't think we need an appropriation for those things. It is part of the school district to take care of it just like anything else.

**Chairman RaeAnn Kelsch:** There isn't. We did have that discussion when we were talking about it. The comment was made that it does cost money to replace batteries and things like that but I don't think it is anything that is cost prohibited.

**Rep. Brenda Heller:** Does each school each have one or do they decide by how many kids?

**Chairman RaeAnn Kelsch:** We gave them to the school districts and they determined where they wanted to have them. What they tried to do is figure out where the greatest risk is and placed them around that. I think there were recommendations made to them as well.

**Rep. Phillip Mueller:** I think part of that too was each school building had to have one.

**Chairman RaeAnn Kelsch:** Correct. We have the amendment before us. We will try a voice vote.

*Voice vote:* Motion carries.

**Chairman RaeAnn Kelsch:** What are the wishes of the committee?

**Rep. Phillip Mueller:** I move a do pass as amended.

**Rep. Mark Sanford:** Second.

**Chairman RaeAnn Kelsch:** All I am going to say is that this bill is in much better shape than it was when it came out of the interim. We will take roll. We will close on HB 1029

**15 YEAS 0 NAYS 0 ABSENT  
CARRIER: Rep. David Rust**

**DO PASS as Amended**

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1029

Page 1, line 1, replace the second "and" with a comma

Page 1, line 1, after "15.1-06-06.2" insert ", and 15.1-06-06.3"

Page 1, line 16, overstrike "**and nonpublic**"

Page 1, line 21, after "each" insert "public"

Page 2, line 18, remove "or 15.1-06-10"

Page 2, line 26, remove "or requested on behalf of the employing nonpublic school"

Page 3, replace lines 1 through 6 with:

"a. Be signed by the school principal and the superintendent of the school district;

b. Be formally approved by the board of the school district; and"

Page 3, line 7, replace "b." with "c."

Page 3, line 8, replace "Fifteenth" with "First"

Page 3, line 8, replace "September" with "October"

Page 3, line 9, replace "5" with "6"

Page 3, line 10, replace "fourteenth" with "twenty-fifth"

Page 3, line 11, remove "individual required to sign a"

Page 3, line 12, replace "compliance report under subsection 2" with "school principal, school district superintendent, and school board member"

Page 3, line 13, replace "fifteenth" with "first"

Page 3, line 13, replace "September" with "October"

Page 3, line 17, after "unapproved" insert "public"

Page 3, line 18, replace "a. In the case of" with:

"5. If"

Page 3, line 18, after "school" insert "does not meet the approval requirements of this section"

Page 3, line 19, replace "(1)" with "a."

Page 3, line 21, replace "(2)" with "b."

Page 3, remove lines 25 through 28

Page 3, line 29, replace "5." with "6."

Page 3, line 31, replace "September fifteenth" with "October first"

Page 4, line 2, remove "September"

Page 4, line 3, replace "fifteenth" with "October first"

Page 4, line 3, remove "September"

Page 4, line 4, replace "thirtieth" with "October fifteenth"

Page 4, line 5, replace "6." with "7."

Page 4, line 9, replace "7." with "8."

Page 4, after line 13, insert:

**"SECTION 3.** Section 15.1-06-06.1 of the North Dakota Century Code is created and enacted as follows:

**15.1-06-06.1. Approval of nonpublic schools.**

1. To be certified as an approved school by the superintendent of public instruction, the administrator of each nonpublic school shall submit to the superintendent of public instruction a compliance report verifying that:
  - a. Each classroom teacher is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
  - b. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception under section 15.1-09-57;
  - c. The school meets all curricular requirements set forth in chapter 15.1-21;
  - d. The school has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-10 and:
    - (1) Has no unremedied deficiency; or
    - (2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee; and
  - e. All individuals hired after July 31, 2011, and having unsupervised contact with students at the school, have:
    - (1) Undergone a criminal history background check requested on behalf of the employing school; or
    - (2) Undergone a criminal history background check in order to be licensed by the education standards and practices board or by any other state licensing board.
2. The compliance report required by subsection 1 must:
  - a. Be signed by the school administrator;
  - b. Be formally approved by the governing board of the school; and

c. Be filed with the superintendent of public instruction before five p.m. on:

(1) The first day of October; or

(2) The date of the extension provided under subsection 6.

3. On the tenth day of September and on the twenty-fifth day of September, the superintendent of public instruction shall provide to each school administrator and member of the governing board electronic notification that the compliance report is due on the first day of October.
4. If a nonpublic school's compliance report is not submitted at the time and in the manner required by subsection 2, the superintendent of public instruction shall designate the school as unapproved. The superintendent of public instruction shall post a current list of all approved and unapproved nonpublic schools on the department's website.
5. If a nonpublic school does not meet the approval requirements of this section, the superintendent of public instruction shall notify the parents of students enrolled in the school, either directly or through the local media outlets, that the school is unapproved and that the parents may be in violation of the state's compulsory attendance provisions.
6. If because of unforeseen or other extenuating circumstances a nonpublic school is unable to file its compliance report with the superintendent of public instruction before five p.m. on October first, the school administrator may request one extension from the superintendent of public instruction. The superintendent of public instruction shall grant the extension provided the request was received before five p.m. on October first. An extension under this section terminates at five p.m. on October fifteenth.
7. Upon receipt of a nonpublic school's compliance report, as required by this section, the superintendent of public instruction shall certify the school as being approved. A certification of approval under this subsection expires at the conclusion of the regular school calendar.
8. If after being certified as approved a nonpublic school experiences circumstances or events that would render the information contained in its compliance report inaccurate, the administrator of the nonpublic school shall notify the superintendent of public instruction and work with the superintendent of public instruction to address the circumstances or events at the earliest possible time."

Page 4, line 14, replace "15.1-06-06.1" with "15.1-06-06.2"

Page 4, line 16, replace "**15.1-06-06.1**" with "**15.1-06-06.2**"

Page 4, line 18, remove "subsection 4 of"

Page 4, line 18, after "15.1-06-06" insert "in the case of a public school and may delay imposing the sanctions set forth in section 15.1-06-06.1 in the case of a nonpublic school"

Page 4, line 30, remove "in"

Page 4, line 31, replace "accordance with" with "of"

Page 4, line 31, after "15.1-06-06" insert "in the case of a public school and compliance with the approval requirements of section 15.1-06-06.1 in the case of a nonpublic school"

Page 5, line 1, replace "15.1-06-06.2" with "15.1-06-06.3"

Page 5, line 3, replace "15.1-06-06.2" with "15.1-06-06.3"

Page 5, line 9, after "2." insert

"a."

Page 5, line 9, after "records" insert "of any public school"

Page 5, after line 11, insert:

"b. The superintendent of public instruction may examine the records of any nonpublic school upon request."

Page 5, line 15, remove "public"

Renumber accordingly

Date: 02-15-11  
Roll Call Vote #: VOICE VOTE 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1029

House EDUCATION Committee

☐ Check here for Conference Committee

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

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt  
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By REP. RUST Seconded By REP. MUELLER

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep. Hanson		
Vice Chairman Meier			Rep. Hunskor		
Rep. Heilman			Rep. Mock		
Rep. Heller			Rep. Mueller		
Rep. Johnson					
Rep. Karls					
Rep. Rohr					
Rep. Rust					
Rep. Sanford					
Rep. Schatz					
Rep. Wall					

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

Absent \_\_\_\_\_

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

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

**VOICE VOTE 1 ON AMENDMENT**

**MOTION CARRIES**



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1029

Page 1, line 1, after "enact" insert "a new section to chapter 15.1-06 and"

Page 1, line 2, after "approval" insert "and safety requirements"

Page 5, after line 11, insert:

"SECTION 5. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

**Automated external defibrillators - Requirements.**

1. The superintendent of public instruction shall provide electronic notification, at least twice each year, to each school district superintendent and to the administrator of each nonpublic school indicating that, in accordance with section 32-03.1-02.3, any person who acquires an automated external defibrillator shall:
  - a. Require every individual expected to use the automated external defibrillator to receive American heart association or American red cross training in cardiopulmonary resuscitation and automated external defibrillator use or receive an equivalent nationally recognized course in cardiopulmonary resuscitation and automated external defibrillator use;
  - b. Maintain and test the automated external defibrillator according to the manufacturer's operational guidelines;
  - c. Establish an automated external defibrillator use protocol that requires any person who provides emergency care or treatment to an individual in cardiac arrest by using the automated external defibrillator to contact an appropriate health care provider or emergency medical services provider as soon as possible; and
  - d. Consider the recommendations of a physician in establishing the training, notification, and maintenance requirements of section 32-03.1-02.3.
2. Each school district superintendent and administrator of each nonpublic school shall maintain records verifying that the requirements of section 32-03.1-02.3 have been met."

Renumber accordingly

Date: 02-15-11  
Roll Call Vote #: VOICE VOTE 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1029

House EDUCATION Committee

☐ Check here for Conference Committee

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

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt  
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By REP. HANSON Seconded By VICE CHAIR MEIER

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep. Hanson		
Vice Chairman Meier			Rep. Hunskor		
Rep. Heilman			Rep. Mock		
Rep. Heller			Rep. Mueller		
Rep. Johnson					
Rep. Karls					
Rep. Rohr					
Rep. Rust					
Rep. Sanford					
Rep. Schatz					
Rep. Wall					

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

Absent \_\_\_\_\_

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

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

**VOICE VOTE 2 ON AMENDMENT**

**MOTION CARRIES**

February 15, 2011

VK  
2/16/11  
105

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1029

Page 1, line 1, after "enact" insert "a new section to chapter 15.1-06 and"

Page 1, line 1, replace the second "and" with a comma

Page 1, line 1, after "15.1-06-06.2" insert ", and 15.1-06-06.3"

Page 1, line 2, after "approval" insert "and safety requirements"

Page 1, line 16, overstrike "**and nonpublic**"

Page 1, line 21, after "each" insert "public"

Page 2, line 18, remove "or 15.1-06-10"

Page 2, line 26, remove "or requested on behalf of the employing nonpublic school"

Page 3, line 1, replace lines 1 through 6 with:

"a. Be signed by the school principal and the superintendent of the school district;

b. Be formally approved by the board of the school district; and"

Page 3, line 7, replace "b." with "c."

Page 3, line 8, replace "Fifteenth" with "First"

Page 3, line 8, replace "September" with "October"

Page 3, line 9, replace "Date" with "The date"

Page 3, line 9, replace "5" with "6"

Page 3, line 10, replace "fourteenth" with "twenty-fifth"

Page 3, line 11, remove "individual required to sign a"

Page 3, line 12, replace "compliance report under subsection 2" with "school principal, school district superintendent, and school board member"

Page 3, line 13, replace "fifteenth" with "first"

Page 3, line 13, replace "September" with "October"

Page 3, line 17, after "unapproved" insert "public"

Page 3, line 18, replace "a. In the case of" with:

"5. If"

Page 3, line 18, after "school" insert "does not meet the approval requirements of this section"

Page 3, line 19, replace "(1)" with:

"a."

Page 3, line 21, replace "(2)" with"

"b."

Page 3, remove lines 25 through 28

Page 3, line 29, replace "5." with "6."

Page 3, line 31, replace "September fifteenth" with "October first"

Page 4, line 2, remove "September"

Page 4, line 3, replace "fifteenth" with "October first"

Page 4, line 3, remove "September"

Page 4, line 4, replace "thirtieth" with "October fifteenth"

Page 4, line 5, replace "6." with "7."

Page 4, line 9, replace "7." with "8."

Page 4, after line 13, insert:

"**SECTION 3.** Section 15.1-06-06.1 of the North Dakota Century Code is created and enacted as follows:

**15.1-06-06.1. Approval of nonpublic schools.**

1. To be certified as an approved school by the superintendent of public instruction, the administrator of each nonpublic school shall submit to the superintendent of public instruction a compliance report verifying that:
  - a. Each classroom teacher is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
  - b. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception under section 15.1-09-57;
  - c. The school meets all curricular requirements set forth in chapter 15.1-21;
  - d. The school has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-10 and:
    - (1) Has no unremedied deficiency; or
    - (2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee; and
  - e. All individuals hired after July 31, 2011, and having unsupervised contact with students at the school, have:
    - (1) Undergone a criminal history background check requested on behalf of the employing school; or

- (2) Undergone a criminal history background check in order to be licensed by the education standards and practices board or by any other state licensing board.
2. The compliance report required by subsection 1 must:
  - a. Be signed by the school administrator;
  - b. Be formally approved by the governing board of the school; and
  - c. Be filed with the superintendent of public instruction before five p.m. on:
    - (1) The first day of October; or
    - (2) The date of the extension provided under subsection 5.
3. On the tenth day of September and on the twenty-fifth day of September, the superintendent of public instruction shall provide to each school administrator and member of the governing board, electronic notification that the compliance report is due on the first day of October.
4. If a nonpublic school's compliance report is not submitted at the time and in the manner required by subsection 2, the superintendent of public instruction shall designate the school as unapproved. The superintendent of public instruction shall post a current list of all approved and unapproved nonpublic schools on the department's website.
5. If a nonpublic school does not meet the approval requirements of this section, the superintendent of public instruction shall notify the parents of students enrolled in the school, either directly or through the local media outlets, that the school is unapproved and that the parents may be in violation of the state's compulsory attendance provisions.
6. If because of unforeseen or other extenuating circumstances a nonpublic school is unable to file its compliance report with the superintendent of public instruction before five p.m. on October first, the school administrator may request one extension from the superintendent of public instruction. The superintendent of public instruction shall grant the extension provided the request was received before five p.m. on October first. An extension under this section terminates at five p.m. on October fifteenth.
7. Upon receipt of a nonpublic school's compliance report, as required by this section, the superintendent of public instruction shall certify the school as being approved. A certification of approval under this subsection expires at the conclusion of the regular school calendar.
8. If after being certified as approved a nonpublic school experiences circumstances or events that would render the information contained in its compliance report inaccurate, the administrator of the nonpublic school shall notify the superintendent of public instruction and work with the superintendent of public instruction to address the circumstances or events at the earliest possible time."

Page 4, line 14, replace "15.1-06-06.1" with "15.1-06-06.2"

Page 4, line 16, replace "**15.1-06-06.1,**" with "**15.1-06-06.2,**"

Page 4, line 18, remove "subsection 4 of"

Page 4, line 18, after "15.1-06-06" insert "in the case of a public school and may delay imposing the sanctions set forth in section 15.1-06-06.1 in the case of a nonpublic school"

Page 4, line 30, remove "in"

Page 4, line 31, replace "accordance with" with "of"

Page 4, line 31, after "15.1-06-06" insert "in the case of a public school and compliance with the approval requirements of section 15.1-06-06.1 in the case of a nonpublic school"

Page 5, line 1, replace "15.1-06-06.2" with "15.1-06-06.3"

Page 5, line 3, replace "15.1-06-06.2" with "15.1-06-06.3"

Page 5, line 9, after "2." insert "a."

Page 5, line 9, after "records" insert "of any public school"

Page 5, after line 11, insert:

"b. The superintendent of public instruction may examine the records of any nonpublic school upon request."

**SECTION 6.** A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

**Automated external defibrillators - Requirements.**

1. The superintendent of public instruction shall provide electronic notification, at least twice each year, to each school district superintendent and to the administrator of each nonpublic school indicating that, in accordance with section 32-03.1-02.3, any person who acquires an automated external defibrillator shall:
  - a. Require every individual expected to use the automated external defibrillator to receive American heart association or American red cross training in cardiopulmonary resuscitation and automated external defibrillator use or receive an equivalent nationally recognized course in cardiopulmonary resuscitation and automated external defibrillator use;
  - b. Maintain and test the automated external defibrillator according to the manufacturer's operational guidelines;
  - c. Establish an automated external defibrillator use protocol that requires any person who provides emergency care or treatment to an individual in cardiac arrest by using the automated external defibrillator to contact an appropriate health care provider or emergency medical services provider as soon as possible; and
  - d. Consider the recommendations of a physician in establishing the training, notification, and maintenance requirements of section 32-03.1-02.3.

2. Each school district superintendent and administrator of each nonpublic school shall maintain records verifying that the requirements of section 32-03.1-02.3 have been met."

Page 5, line 15, remove "public"

Renumber accordingly

Date: 02-15-11  
Roll Call Vote #: \_\_\_\_\_

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1029

House EDUCATION Committee

☐ Check here for Conference Committee

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

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt  
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By REP. MUELLER Seconded By REP. SANFORD

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	X		Rep. Hanson	X	
Vice Chairman Meier	X		Rep. Hunsakor	X	
Rep. Heilman	X		Rep. Mock	X	
Rep. Heller	X		Rep. Mueller	X	
Rep. Johnson	X				
Rep. Karls	X				
Rep. Rohr	X				
Rep. Rust	X				
Rep. Sanford	X				
Rep. Schatz	X				
Rep. Wall	X				

Total (Yes) 15 No 0

Absent 0

Floor Assignment REP. RUST

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



**REPORT OF STANDING COMMITTEE**

**HB 1029: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1029 was placed on the Sixth order on the calendar.

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    - (2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee; and
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with the superintendent of public instruction to address the  
circumstances or events at the earliest possible time."

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  - c. Establish an automated external defibrillator use protocol that requires any person who provides emergency care or treatment to an individual in cardiac arrest by using the automated external defibrillator to contact an appropriate health care provider or emergency medical services provider as soon as possible; and
  - d. Consider the recommendations of a physician in establishing the training, notification, and maintenance requirements of section 32-03.1-02.3.
2. Each school district superintendent and administrator of each nonpublic school shall maintain records verifying that the requirements of section 32-03.1-02.3 have been met."

Page 5, line 15, remove "public"

Renumber accordingly

**2011 SENATE EDUCATION**

**HB 1029**

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Education Committee**  
Missouri River Room, State Capitol

HB 1029  
March 29, 2011  
16148

☐ Conference Committee

Committee Clerk Signature



**Explanation or reason for introduction of bill/resolution:**

Relating to school approval and safety requirements; to repeal sections relating to payment reductions for unaccredited schools; to provide an effective date; and to declare an emergency.

**Minutes:**

See "attached testimony."

**Chairman Freborg** opened the hearing on HB 1029; no fiscal note attached.

**Representative Monson, District 10** introduced the bill (#1 Testimony). DPI has had issues with schools getting their compliance reports in on time—they are due in the fall but some schools get them in March or April. This has created a problem as they come with mistakes and the staff has to go through them line by line with a ruler to make sure figures are done correctly. No teeth in the present law; money would be withheld, but they'd get it back once they got the report in. With this bill they will not get the money back and parents will be notified that their school is not in compliance. The main emphasis will be on approval.

**Senator Luick:** How will this affect them if there is a slight error that needs to be corrected and the timing of that? **Representative Monson:** No, as long as they got their initial report in on time the intent is that they would not lose the funding. Could go back and make corrections. Lets DPI get their work done or started in a timely manner.

**Senator Flakoll:** Say that a school forfeits \$100,000, what happens to that money? Does it stay within DPI or go to the General Fund? **Representative Monson:** That might be a question for Anita to answer when she explains all the working of the bill.

**Anita Thomas, Legislative Council** worked on the bill for the interim committee. Will hear two phrases today: school approval and school accreditation. School approval is the basic minimum threshold to operate; established by legislative assembly and found in the North Dakota Century Code. School accreditation is regulatory and more detailed; rules implemented by DPI. More detailed than school approval criteria and found in North Dakota Administrative Code.

In accordance with current law, in order to be approved as a school in North Dakota five criteria have to be met. 1) All teachers have to be licensed or approved by ESPB; 2) all teachers can only teach in the courses areas or field for which they are licensed or

approved (highly qualified); 3) the school has to offer all subjects required by law; 4) the school has to be in compliance with all local, state health, fire, and safety laws; 5) the school has to have conducted all required criminal history background checks. If a school does not meet one or more of the five criteria nothing happens! There is no statutory authority for DPI to withhold state aid from a public school, and the interim committee was told that to the best of anyone's knowledge no school has been closed for failing to meet the approval criteria.

On the other hand, if a school is unaccredited there are statutory consequences. This is where things become more complicated. North Dakota statutes have no consequences for a school that does not meet statutory approval criteria, but there are statutory consequences for a school district that does not meet the accreditation rules. By statute DPI is instructed to withhold an amount of money for each year that a school is not accredited. Accreditation is determined according to a point system; the school has to achieve a certain percentage of points in each of several areas in order to be accredited. If a school does not, they are placed on "accredited warned" status for a year. If it meets the required points the next year in that area they are again fully accredited. The interim committee was told that as far as anyone knows no school district has ever incurred any financial consequences for having a non-accredited school. This is the background the interim committee evaluated and decided to focus on school approval.

Anita went through all of the sections of the bill and explained how they would be enacted.

**Senator Flakoll:** It has been suggested that on page 1, line 22 that we remove Principal and change to Superintendent or Chief Administrator because of K-8's and the like. Does that seem to align with the intent of the interim committee? **Anita Thomas:** The interim committee spoke at some length about wanting to have the individual best suited to understand what was going on in the individual school. That is why the initial decision was made to go with the principal rather than a superintendent who might be elsewhere in the district. There's also a significant policy decision in terms of who is in charge.

**Senator Flakoll:** Say a district has 12 buildings and one of them doesn't submit? **Anita Thomas:** She would imagine that the role of the superintendent would involve having a discussion with that particular principal . . .

**Senator Flakoll:** Does anything in the bill (approval or accreditation process) if they lose either in the process, would that affect a student's eligibility for our scholarships? Say at the end of the year a student graduates from an unaccredited or unapproved district would that prohibit them from being eligible for the scholarships? **Anita Thomas:** Believe that the scholarship requirements are based on a student graduating from high school, and she is not aware of any connection between an unaccredited or unapproved high school and implications for the scholarship.

**Senator Flakoll:** when you cited code 12.1-7?? Providing false information—does that also pertain to bus ridership and mileage reports? **Anita Thomas:** It would be any governmental writing, so yes.

**Senator Heckaman:** On page 6 when talking about the Superintendent of Public Instruction notifying the school districts about maintenance of records—is there a change in that because she doesn't see any time frame listed. Does the Superintendent of Public Instruction have the leniency of changing the times that records must be maintained by a school district—or is that in statute someplace else? **Anita Thomas:** Her recollection was that the head of each agency could determine the amount of time certain records pertinent to that agency had to be maintained. This is more a matter of the Superintendent letting each of the districts know what records they needed to maintain and the length of time. **Senator Heckaman:** So that would be uniform for all districts, so K-8 districts would have to maintain records for the same amount of time as K-12? **Anita Thomas:** Depending on the record; don't know that the Superintendent would have any reason to make differences. **Senator Heckaman:** This basically is the new law stating what they can do and that would be in their administrative rules then? **Anita Thomas:** That could be a place where DPI could do that. If not they could, just through policy or a letter to the district, indicate that those certain records had to be maintained for a certain period of time. **Senator Heckaman:** Think that is an important issue for schools on maintaining records; whether it is listed in Code or in Administrative Rules, or just whenever. She just wanted to know if it were listed someplace else for certain that they must maintain records for so many years. Sounds like it is not, right? **Anita Thomas:** She is not aware of any statutory listing specifically governing the length of time that records need to be maintained. We have DPI personnel here that could address that.

**Linda Paluck, Director, Approval and Accreditation, DPI** testified in support of the bill (#2 Testimony) and gave handouts: (#3) Administrative Rules Accreditation Process; (#4) AED Assurances; (#5) Administrative Rules Approval and Accreditation Unit.

**Senator Luick:** Are there provisions in here for handling late hires and to make sure that the schools are protected? **Linda Paluck:** That is often a problem for all schools; through this bill and her making sure they understand this, she would work with them. If the called and couldn't find a content area teacher she would tell them they need to work with on-line education. We have within the state for the Center for Distance Education who works with those schools who cannot afford or can't find a teacher—they can do that on-line.

**Senator Heckaman:** In looking at the reporting requirements and what your staff has to do, how do you see this saving time for your staff? **Linda Paluck:** They would not have to go through the series of multiple checks and phone calls and time wasted that they could be doing so much more for the kids.

**Bev Nielson, North Dakota School Boards Association** worked with the interim committee on this bill, and like the simplified reporting part of it. Can't say they are crazy about the potential loss of funds and things like that. It is part of the system to get those reports in. Their main concern with the bill right now is page 1, line 22 and page 3 line 23 to change from Principal to Superintendent or Chief Administrator. Don't like it in law that the principals work directly with DPI; accountability lies with the boss.

**Doug Johnson, North Dakota Council of Educational Leaders** supports the bill and concurs with Ms. Nielson regarding the principal being changed. If you look at page 2, line 31, that document must be signed by the school principal and the superintendent, and then



be formally approved by the school board. It has the checks and balances within the structure of the bill. The other issue that he'd like addressed is just a technical correction for Section 2, subsection 1f., page 2, line 23 and Section 3 subsection 1e., page 4, line 25 to change the dates for the background checks from July 31<sup>st</sup> to June 30, 2011.

Also moving the dates from September 15<sup>th</sup> to October 1<sup>st</sup> was really critical; school administrators need that time to get through the approval process required of the districts.

**Senator Flakoll:** Is the emergency clause still in play here? (Believe it is)

**Senator Luick:** Do we need to change the July 1<sup>st</sup> effective date? **Doug Johnson:** No, should be okay that way, but can talk to Anita Thomas.

**June Herman, American Heart Association** testified in support of the bill and offered some amendments to Section 6 (#6 Testimony)

**Jack McDonald, State Association Non-public Schools** testified in support of the bill; he worked with the interim committee also.

No further testimony in favor; no opposition. Hearing closed.

**Senator Heckaman:** She would agree to change the word Principal in those two sections. Should still say similar to what the non-public school section does.

**Senator Flakoll:** Has some amendments coming to do that and to change the dates as were requested.

**Senator Schaible:** He is not excited about the AED section; not against defibrillator or doing this, but just seems we are isolating school districts on this issue and no other entities or buildings have to do this. Seems like more headaches for the schools; if it is a priority they will do it anyway, and if not they probably won't. Don't think it needs to be in law. **Senator Heckaman:** She did receive a copy of the Good Samaritan Act; in that Act it does require that, except for medical services facility, every person who acquires an AED shall (four steps), and one of them is "maintain and test the defibrillator according to manufactures operations. So everyone in the state has to do that; so thinks it is covered under this rule already. It doesn't tell how often to check it but says according to manufacturers operating guidelines; 32-30.1-02.3.

**Senator Luick:** AED's—what is the approximate expense to a district to maintain these machines per year? **Senator Schaible:** The pads would be \$6 to \$25 each; if the battery needs to be replaced they are \$200 to \$500. Just maintenance on a piece of equipment; not that it is a big item, but if it is so vital and needs to be done it is covered in a different section and should be a priority for the school district and shouldn't have to write it in law.

(Recess until afternoon)

**Senator Flakoll:** handed out amendment 11.0261.04003 (#6 Attachment); he is not sure it is written the way he asked. It only states "principal" and not sure how that will work for

those districts that are K-8's. Would like to get Linda Paluck down here to see if she can verify would cover K-8's.

**Senator Heckaman:** On page 4, line 9 replace "to be certified"; is there a reason that wording needs to be changed? In order to obtain certification—what was wrong with that?

**Senator Flakoll:** Did not make that request, think it is Legislative Council trying to move some things around a bit as far as language goes. The ones that he requested were handed out (#7 original draft and full marked up bill from Anita) He did ask that she go through and make sure everything was covered in here, but they are different.

**Chairman Freborg:** Would you like to get them drafted the way you want them and we'll take them up in the morning? **Senator Schaible** also has an amendment. **Senator Flakoll:** Would also like to talk to Linda to make sure it makes sense from an approval standpoint.

**Senator Schaible:** He did compare the language and it seems to be appropriate to everything with the AED's in Section 6 and the Good Samaritan Act. Moved amendment 11.0261.04002 (#8 Attachment) to remove Section 6 on AED's; second by **Senator Gary Lee**. **Senator Heckaman:** Visited briefly with the individual from the House that was interested in having this section added, and hand delivered a copy of the current code that has that requirement in it. Told him she would get back to him on what the committee decides. Doesn't have a problem with taking it out of there as it is covered in the other section of law. Schools need to know that they need to do that; if not doing it they are not following current law. Even though not written in their chapter it is still a part of the Century Code.

Motion carried 5-2-0 (Vote 1A)

**Senator Flakoll:** Linda had a chance to look over the 4003 amendment. Does this cover the K-8's or does it need to state "district superintendent"? **Linda Paluck, DPI:** Thinks they need to look at adding additional language; first thought was "county superintendent" but that may not apply. A "designate", but that is too vague. Wondering if chief administrator" would work—something so that she would someone with authority signed off. **Senator Flakoll:** would there be any other changes required besides that one? **Linda Paluck:** No, should be okay. (Linda had one more question before adjourning) There is no deadline posted for listing the non-compliant schools (page 5, line 16 subsection 4 of the marked up copy) on the DPI website. Does a timeline need to be there? There is quite a bit of freedom with that; would like to be able to tell the schools that they can expect to have this happen in "X" amount of time. **Senator Flakoll:** A specific date? **Linda Paluck:** or within the month. **Senator Flakoll:** If the compliance report is due on October 1<sup>st</sup>, would November 1<sup>st</sup> work? Do you want a date certain or 30 days after? **Linda Paluck:** That would be reasonable; maybe 30 days after the due date of the compliance report. Then those schools that have asked for a waiver would not have theirs until the 15<sup>th</sup>, so would give them that 30 days also. Am in agreement. **Senator Flakoll:** Thirty days after what? **Linda Paluck:** After the due date of the compliance report; for most schools it will be the end of September but for those schools granted an extension it would be moved to Oct. 15<sup>th</sup>, so 30 days would give them until November 15<sup>th</sup>. **Senator Flakoll:** Are those date additions reasonable for everyone; any objections?  
Committee adjourned until morning.

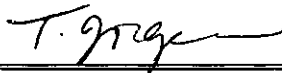
# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Education Committee**  
Missouri River Room, State Capitol

Committee Work on HB 1029  
March 30, 2011  
16180

☐ Conference Committee

Committee Clerk Signature



## Minutes:

See attached amendment

**Senator Flakoll** moved to adopt amendment 11.0261.04007 (#9 Attachment) to engrossed HB 1029; second by **Senator Luick**. The amendments address the three areas that were discussed by the committee and with DPI: 1) changed the date from July 31<sup>st</sup> to June 30<sup>th</sup> in two places; 2) schools' compliance status will be posted on the DPI website thirty days following the due date if they are not submitted on time; and 3) the designee change from Principal to Superintendent or if a K-8 district with no Superintendent the person as required by 15.1-11.

Motion carried 7-0-0 (Vote 1B).

**Senator Heckaman** moved a Do Pass as amended to engrossed HB 1029; second by **Senator Gary Lee**. Motion carried 7-0-0 (Vote 1C)

**Senator Heckaman** will carry the bill.

11.0261.04002  
Title.

Prepared by the Legislative Council staff

March 29, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1029

Page 1, line 1, remove "a new section to chapter 15.1-06 and"

Page 1, line 3, remove "and safety requirements"

Page 7, remove lines 9 through 29

Page 8, remove lines 1 through 3

Renumber accordingly

#8

Date: 3/29/11  
Roll Call Vote # 1A

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1029

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 11.0261.04002

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen. Schaible Seconded By Sen. Gary Lee

Senators	Yes	No	Senators	Yes	No
Chairman Layton Freborg	X		Senator Joan Heckaman	X	
Vice Chair Donald Schaible	X		Senator Richard Marcellais	X	
Senator Tim Flakoll		X			
Senator Gary A. Lee	X				
Senator Larry Luick		X			

Total (Yes) 5 No 2

Absent 0

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

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

Remove Sect. 6 on AED's

March 29, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1029

Page 1, line 21, remove "To be certified as an approved school by the superintendent of public instruction, the"

Page 1, replace lines 22 and 23 with "In order to obtain certification that a public school is approved, the superintendent of the district in which the school is located shall submit to the superintendent of public instruction a compliance report verifying that:"

Page 2, line 23, replace "July 31" with "June 30"

Page 3, line 11, replace "The" with "No later than thirty days after the date on which a school's compliance report is due, in accordance with subsection 2, the"

Page 3, line 11, remove "current list of all"

Page 3, line 12, replace "approved and unapproved public schools" with "notice"

Page 3, line 12, after "website" insert ", indicating whether a school is approved or unapproved"

Page 3, line 21, after "school" insert "district superintendent"

Page 3, line 22, replace "its" with "a school's"

Page 3, line 23, remove "principal"

Page 4, line 3, replace "principal" with "superintendent"

Page 4, line 3, after "school" insert "district in which the school is located"

Page 4, after line 5, insert:

"9. If a school district does not employ a superintendent, the duties required of a school district superintendent by this section must be performed as provided for in chapter 15.1-11."

Page 4, line 9, replace "To be certified as an approved school by the superintendent of public instruction" with "In order to obtain certification that a nonpublic school is approved"

Page 4, line 10, replace "each" with "a"

Page 4, line 25, replace "July 31" with "June 30"

Page 5, line 13, replace "The" with "No later than thirty days after the date on which a school's compliance report is due, in accordance with subsection 2, the"

Page 5, line 14, replace "current list of all approved and unapproved nonpublic schools" with "notice"

Page 5, line 15, after "website" insert ", indicating whether a nonpublic school is approved or unapproved"

Page 5, line 21, after "circumstances" insert "the administrator of"

Page 5, line 22, replace "its" with "the school's"

Renumber accordingly

Date: 3/30/11  
Roll Call Vote # 18

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1029

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 11.0261.04007

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen. Flakoll Seconded By Sen. Luick

Senators	Yes	No	Senators	Yes	No
Chairman Layton Freborg	<input checked="" type="checkbox"/>		Senator Joan Heckaman	<input checked="" type="checkbox"/>	
Vice Chair Donald Schaible	<input checked="" type="checkbox"/>		Senator Richard Marcellais	<input checked="" type="checkbox"/>	
Senator Tim Flakoll	<input checked="" type="checkbox"/>				
Senator Gary A. Lee	<input checked="" type="checkbox"/>				
Senator Larry Luick	<input checked="" type="checkbox"/>				

Total (Yes) 7 No 0

Absent 0

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

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

*Chg date to June 30 and chg principal to  
superintendent or as  
required by Ch 15.1-11*



Date: 3/30/11Roll Call Vote # 1C2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1029Senate Education

Committee

☐ Check here for Conference Committee

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

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ ReconsiderMotion Made By Sen. Heckaman Seconded By Sen. G. Lee

Senators	Yes	No	Senators	Yes	No
Chairman Layton Freborg	<input checked="" type="checkbox"/>		Senator Joan Heckaman	<input checked="" type="checkbox"/>	
Vice Chair Donald Schaible	<input checked="" type="checkbox"/>		Senator Richard Marcellais	<input checked="" type="checkbox"/>	
Senator Tim Flakoll	<input checked="" type="checkbox"/>				
Senator Gary A. Lee	<input checked="" type="checkbox"/>				
Senator Larry Luick	<input checked="" type="checkbox"/>				

Total (Yes) 7 No 0Absent 0Floor Assignment Sen. Heckaman

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

**REPORT OF STANDING COMMITTEE**

**HB 1029, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1029 was placed on the Sixth order on the calendar.**

Page 1, line 1, remove "a new section to chapter 15.1-06 and"

Page 1, line 3, remove "and safety requirements"

Page 1, line 21, remove "To be certified as an approved school by the superintendent of public instruction, the"

Page 1, replace lines 22 and 23 with "In order to obtain certification that a public school is approved, the superintendent of the district in which the school is located shall submit to the superintendent of public instruction a compliance report verifying that:"

Page 2, line 23, replace "July 31" with "June 30"

Page 3, line 11, replace "The" with "No later than thirty days after the date on which a school's compliance report is due, in accordance with subsection 2, the"

Page 3, line 11, remove "current list of all"

Page 3, line 12, replace "approved and unapproved public schools" with "notice"

Page 3, line 12, after "website" insert ", indicating whether a school is approved or unapproved"

Page 3, line 21, after "school" insert "district superintendent"

Page 3, line 22, replace "its" with "a school's"

Page 3, line 23, remove "principal"

Page 4, line 3, replace "principal" with "superintendent"

Page 4, line 3, after "school" insert "district in which the school is located"

Page 4, after line 5, insert:

"9. If a school district does not employ a superintendent, the duties required of a school district superintendent by this section must be performed as provided for in chapter 15.1-11."

Page 4, line 9, replace "To be certified as an approved school by the superintendent of public instruction" with "In order to obtain certification that a nonpublic school is approved"

Page 4, line 10, replace "each" with "a"

Page 4, line 25, replace "July 31" with "June 30"

Page 5, line 13, replace "The" with "No later than thirty days after the date on which a school's compliance report is due, in accordance with subsection 2, the"

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Page 5, line 21, after "circumstances" insert "the administrator of"

Page 5, line 22, replace "its" with "the school's"

Page 7, remove lines 9 through 29

Page 8, remove lines 1 through 3

Renumber accordingly

2011 HOUSE EDUCATION

CONFERENCE COMMITTEE

HB 1029


# 2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1029  
04/11/11  
16462

☒ Conference Committee

Committee Clerk Signature



## MINUTES:

**Chairman David Rust:** We will open the hearing on HB 1029. At this time I would like to have the Senate explain the amendments.

**Sen. Tim Flakoll:** I'll go through a few of the amendments and then I will turn it over to Sen. Heckaman who carried the bill. I'm not exactly sure what brought this to conference committee but there were a few changes. I will go through what I consider the more significant changes that may have led to a conference committee. On the Senate side we, at the request of some, changed the date from July 31 to June 30, to keep in line with the traditional calendar and fiscal year the schools are used to. The other change we made is woven throughout the bill and that deals with a person that is responsible at each location. As the bill came to us it really didn't provide for a K-8 situation. The language we adopted we felt addressed that because some of the early language would have encompassed things that would have messed things up in a lot of other sections of chapter 15. We wanted to have it for this section only so we provided the language in there so that we know at the K-8 who is responsible. We essentially changed from principal to superintendent. On page 4, line 5, of the bill as it came to us, the language that if a school district does not employ a superintendent, the duties required of this school district superintendent by this section must be performed as provided for in chapter 15.1-11. That goes back to the language to provide for the K-8. There was a required notice and we thought there was more detail needed on that indicating whether a school was approved or unapproved. The other thing we wanted to do is have a time certain when that had to be done otherwise it could languish for an undeterminable amount of time. I'm guessing the thing that probably brought us to conference committee could have been on page 7 as the bill came to us where we removed the section on automated external defibrillators or AED machines. That may have led us to our meeting this morning. The Senate was provided information that the language is found elsewhere and is all encompassing in another section of code. The committee as a whole and the chamber didn't think that was necessarily needed. We know there are problems and we had a bill earlier in the session that dealt with noncompliance in testing and reviewing AED machines. If you break the law you break the law. We don't have the speed limits listed in K-12 bills because that is taken care of in other places in law. I think the committee felt the AED language was covered in other sections of code and that wasn't really necessary in this case. I would defer to any other members of the committee if they have anything additional or different.

**Sen. Joan Heckaman:** Sen. Flakoll did a good job in explaining our amendments. I want to talk a little bit more on the AEDs because I was supportive of the other initiative we had to have some training for AEDs. I found out that in our current Century Code under the Good Samaritan Act which is chapter 32-03.1-02.3. Any entity or individuals who accept and AED into their facility are required under this chapter of the law to train people to use, maintain, test, and to follow the protocol for use according to the individual AED machine. There is also immunity from civil liability for those that use an AED. With that part already in the code, we removed the part on AEDs. I am not saying they are not important but we were notified that it was already covered under this section of the code so there was no need to put it into HB 1029.

**Chairman David Rust:** We did get a copy of 32-03.1-02.3 and you are correct. I don't think that it is needed. What I see there is there are basically two parts that get removed that maybe need to be talked about a little bit. The one is at the beginning of that it talks about the superintendent of public instruction providing electronic notification at least twice each year to each school district's superintendent and to the administrator of each nonpublic school. The second part deals with the language that each school district superintendent and administrator or each nonpublic school shall maintain records verifying that their requirements have been met. Those two pieces as I see it also get removed because those two pieces are not covered in the Good Samaritan Law. Anybody have any thoughts about that?

**Rep. Phillip Mueller:** I think the Senate was wise in making some changes overall to the bill. I don't think I have any problems with anything that was discussed in terms of the changes made with the possible exception of the area that you just outlined. I think the concerning part for me is in a school setting who is responsible and what is the checklist or mechanism by which we make sure that the AEDs are up and running and so forth? I am not sure how that should look or what it should really do but I think it would make sense to include something along those lines in the effort. The part in the bill that says after all these reports go in that the department then has some obligation to put it out electronically who did and didn't make the grade is a good piece.

**Chairman David Rust:** I would have to agree with that. I like the notification after 30 days otherwise it could go on until May like some of these have done. Further comments? Do you have any feelings about whether or not the superintendent of public instruction should notify people?

**Sen. Joan Heckaman:** I think it could maybe go into the compliance reports where the school meets the state fire codes and does verification report..

**Sen. Tim Flakoll:** I think Sen. Heckaman have been around each other too long or something like that because I actually wrote down something along those same lines. Right now we don't necessarily tell everybody how often they have to check their batteries in their emergency backup lights. Some of it they just need to do. I know we pay 70% of the cost of education and we kind of have the controlling interest in school now because of that, but I don't know that it is necessarily one that we have to prescribe that much. It is really the chief administrator and the school boards that should make sure that they monitor that.

**Rep. Phillip Mueller:** While I agree with Sen. Flakoll that we need to trust that they will do some of those things, I would only suggest that AEDs are a little bit different than lights on the stage.

**Sen. Tim Flakoll:** Maybe I wasn't totally clear. I wasn't necessarily talking about some theater stage lights. I was more so talking about that emergency lights at emergency exits sometimes have those battery backup packs or similar systems in place. Some schools probably have a backup generator in some cases and we don't prescribe how often they should test them because the companies have different recommendations and provide those kinds of things. I wasn't talking about a theater stage or anything like that.

**Chairman David Rust:** I think the AEDs have a light on them when the battery goes down.

**Rep. Mark Sanford:** I think that DPI is probably heard enough about these and I would imagine that it will be in their report. It will be one of those things that they will request when they you say you are meeting safety requirements. You will be verifying that you checked those. I hope that we don't get too drilled down.

**Chairman David Rust:** With that is there a motion?

**Rep. Mark Sanford:** I would move that the House accede to the Senate amendments.

**Rep. Phillip Mueller:** Second.

**Rep. David Rust:** Further discussion? Hearing none we will take the roll. Motion carries.

**Sen. Tim Flakoll:** I do want to apologize that we were not able to participate in the scheduled meeting this morning. We were still on the floor. We had a couple bills that went longer than some would have anticipated. That is why we were unable to make it.

**Rep. David Rust:** We were watching that. We will close the conference committee on HB 1029.

**6 YEAS 0 NAYS 0 ABSENT**

**House accede to Senate amendments**

# 2011 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: HOUSE EDUCATION

Bill/Resolution No. HB 1029 as (re) engrossed

Date: 4-11-11

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

## Action Taken

- ☒ HOUSE accede to Senate amendments  
☐ HOUSE accede to Senate amendments and further amend  
☐ SENATE recede from Senate amendments  
☐ SENATE recede from Senate amendments and amend as follows

House/Senate Amendments on HJ/SJ page(s) 1332 - 1333

☐ 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: REP. SANFORD Seconded by: REP. MUELLER

Representatives			Yes	No		Senators			Yes	No
REP. RUST	X		X			SEN. FLAKOLL	X		X	
REP. SANFORD	X		X			SEN. LUICK	X		X	
REP. MUELLER	X		X			SEN. HECKAMAN	X		X	

Vote Count Yes: 6 No: 0 Absent: 0

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

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment



**REPORT OF CONFERENCE COMMITTEE**

**HB 1029, as engrossed:** Your conference committee (Sens. Flakoll, Luick, Heckaman and Reps. Rust, Sanford, Mueller) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1332-1333 and place HB 1029 on the Seventh order.

Engrossed HB 1029 was placed on the Seventh order of business on the calendar.

2011 TESTIMONY

HB 1029

# Testimony I

Testimony on HB 1029  
EDUCATION COMMITTEE  
January 5, 2011  
L. Anita Thomas, J.D., LL.M.  
(701) 328-2916

Today you will hear frequent mention of two phrases - SCHOOL APPROVAL and SCHOOL ACCREDITATION.

SCHOOL APPROVAL involves the most basic minimum threshold that an entity must meet, in order to operate as a school in this state. This threshold is established by the Legislative Assembly and found in the North Dakota Century Code.

SCHOOL ACCREDITATION involves rules implemented by the Department of Public Instruction. These rules require more of schools than do the approval criteria and they are found in the North Dakota Administrative Code.

In accordance with current law, in order to be APPROVED as a school in North Dakota, five criteria have to be met.

1. All of the teachers must be licensed or approved by the ESPB;
2. All of the teachers must be teaching only in the course areas or fields for which they are licensed or approved - This is what we refer to as the highly qualified requirement;
3. The school must offer all subjects required by law;
4. The school must be in compliance with all local and state health, fire, and safety laws; and
5. The school must have conducted all required criminal history background checks.

However, if a school does not meet one or more of the five criteria - nothing happens. There is no statutory authority for the DPI to withhold state aid from a public school and the interim committee was told that to the best of anyone's recollection, a school - whether public or nonpublic - has never been closed for failing to meet the approval criteria.

The interim committee was also told there are other issues that affect SCHOOL APPROVAL and SCHOOL ACCREDITATION.

DPI's decisions regarding SCHOOL APPROVAL and SCHOOL ACCREDITATION are based on information that is supposed to be submitted by the schools in September. You will hear people reference the MISO forms. By the time DPI receives all of the information from the schools, processes it, line checks it for coding errors, and then applies it, letters of approval or accreditation are forwarded to the schools well into the spring semester - sometimes as late as March or April for the current school year.

If a school is unaccredited, there are actually statutory consequences. This is where things become a little bit more complicated. North Dakota statutes have no consequences for a school that does not meet statutory approval criteria. There are however statutory consequences for a school district having a school that does not meet regulatory accreditation requirements. By statute, DPI is directed to withhold a certain amount of money for each year that a school is not accredited.

Accreditation is determined according to a point system. A school must achieve a certain percentage of points in each of several areas in order to be accredited. If a school does not, it is placed on "accredited

warned status" for a year. The next year, if it meets the required points in the deficient area, it is again fully accredited or perhaps it could be found to be deficient in another area and again be placed on accredited warned status - this time for a different deficiency. Again, the committee was told, to the best of anyone's recollection, no school district has ever incurred any financial consequences for having an unaccredited school.

It was against this backdrop that the interim committee began its work.

The committee very early on decided that its principal responsibility was what was in statute not what was in the agency's administrative rules. So it focused on SCHOOL APPROVAL. It recognized that it had a choice. It could look at school approval as a way of ensuring that every school in North Dakota was able to provide to its students certain basic guarantees or it could decide that the school approval criteria were simply suggestions or recommendations. The interim committee chose the former approach.

It looked at the five criteria for SCHOOL APPROVAL that are already in statute and decided that with a minimum of alteration, those criteria should be maintained.

The interim committee agreed that:

1. All teachers in a school must be licensed or approved by the ESPB;
2. All the teachers must be highly qualified - i.e. teaching only in the course areas or fields for which they are licensed or approved; and
3. The school must offer all curricular requirements set forth in chapter 15.1-21

Instead of the more nebulous requirement that a school be in compliance with all local and state health, fire, and safety laws, the interim committee spelled out that the school must have been inspected by the state fire marshal or his designee and that it must have no unremedied deficiencies or if it has any deficiencies, it must be addressing those in a plan of correction approved by the state fire marshal or his designee. This parallels the language of the North Dakota Century Code.

As for criminal history background checks, when these were first enacted, the school approval statute had been amended to provide that a school must conduct all criminal history background checks required by section 12-60-24. That particular section does not however require background checks. It creates a mechanism by which they may be requested. So, in addressing criminal history background checks, the interim committee suggested that, as a part of the SCHOOL APPROVAL process, each school must demonstrate that any person hired after July 31, 2011 and having unsupervised contact with students must undergo a criminal history background check unless that person had a background check as part of his or her professional licensing.

The interim committee did add one additional requirement to school approval. This is the requirement found on page 2 lines 12-16. Right now, as part of obtaining ACCREDITATION, a school must participate in a school improvement process. This can be achieved through the DPI at no charge to the school or through an entity such as AdvancEd - formerly referred to as North Central Accreditation. The interim committee felt that this type of review process was beneficial to and appropriate for schools large and small and therefore directed that it be made an APPROVAL requirement.

The next issue for the committee was - How can APPROVAL be made to happen in a timely manner? The committee did not believe that learning of a school's noncompliance in February, March, or April was appropriate. So, the committee recommended use of a very simple one page compliance report.

The principal of a school would have to check the boxes indicating that each of the approval criteria have been met. This compliance report would have to be signed not only by the principal but also by the superintendent of the district and the president of the school board, or those in comparable positions with respect to a nonpublic school.

The document would need to be filed with the DPI by 5 pm on the 15<sup>th</sup> of September, unless a two week extension is requested before that deadline. The committee struggled with those particular dates. Some felt that they should be later. But, the argument was made that the 15<sup>th</sup> of September was already three weeks into the school calendar and with an extension until the 30<sup>th</sup> of September, that was five weeks into the school calendar.

If the documentation is submitted on time, the school is APPROVED and a current list of approved and unapproved schools is to be placed on the DPI's website. If a school cannot claim compliance with the SCHOOL APPROVAL criteria by the designated date plus a requested two week extension, DPI is directed to start withholding state aid for each day that the school continues to be unapproved and to notify the parents that the school is unapproved. In the case of a nonpublic school there is no state aid to be withheld, so the notification would indicate that the parents may be in violation of compulsory attendance requirements for sending their children to an unapproved school.

One of the committee members had raised an issue about impossibility of performance. What happens if submission of the compliance report is made impossible by circumstances beyond one's control? That's addressed in section 3 on page 4.

If there is a natural disaster such as a tornado or a fire, vandalism or other criminal act such as a ransacking of the business manager's office - if there is a death or a medical emergency - or a computer failure -- the Superintendent of Public Instruction may delay the imposition of sanctions. However, this authority is limited to schools that would have been in compliance, had the unforeseen not happened. In other words, if the school did not meet the requirements of the state fire marshal, claiming computer failure at the proverbial 11<sup>th</sup> hour would not result in a waiver of the sanctions.

Another issue that the interim committee dealt with was the submission of a timely compliance report and then a change in circumstances. On page 4, lines 9-13, you will see how the committee handled that. If the school did everything right and submitted its compliance report on time, there was a recognition that sometimes bad things happen. Maybe the physics teacher has a heart attack in February and the school is left without a highly qualified teacher. The bill directs the school to notify DPI and work with DPI to address the situation at the earliest possible time.

On page 5 - section 4 - you will see authority for the Superintendent of Public Instruction to verify the information in a school's compliance report. DPI will let the schools know what records need to be maintained and the DPI can verify the accuracy of any information in the compliance report. DPI can conduct site visits - both scheduled and unscheduled.

There is another component to this bill. It does not need to be in here because it already exists in the North Dakota Century Code. Under section 12.1-11-02, it is a class A misdemeanor for a person, in a governmental matter, which this is, to make a false written statement, when the statement is material and the person does not believe it to be true. A class A misdemeanor carries a maximum penalty of 1 year in prison and or a fine of \$2000.

The remainder of the bill is cleanup language.

Section 5: Current law requires that before being employed as a teacher, the individual must present a teaching license or evidence of approval to teach to the school district business manager. This clean up extends that same requirement to individuals being hired to teach in nonpublic schools.

Section 6: There is a difference between a school calendar and a school year. The school calendar is that roughly 180 day stretch from late August through the latter part of May, when students are in school. The school year is the time period from July 1 through the following June 30.

Current law was intended to provide that if an individual's license expired during the final six weeks of the school calendar, that individual could finish out those final six weeks of school without being considered "unlicensed." The current law in fact references the school year - i.e. the period ending June 30<sup>th</sup>. The language of section 6 would make the law reflect its original intent.

Section 7: This is another ESPB section. Current law provides that the ESPB may take action on an individual's teaching license if the individual has breached a contract with a school district. This covers public school teachers. Line 17 would extend ESPB's authority to those teachers under contract with nonpublic schools.

On lines 19-21, current law provides that the ESPB may take action on a school district administrator's teaching license if the administrator knowingly permitted another individual to teach in a course area or field for which the individual was not qualified. Lines 19-21 would now extend ESPB's authority to administrators in nonpublic schools as well.

Finally, the bill draft cites two sections for repeal. These are the two sections that currently reduce state aid payments for schools that are not accredited. As proposed in this bill draft, the state aid payment would be made contingent upon a school meeting approval - i.e. the minimum statutory threshold for being a school, rather than for meeting an agency's regulatory requirements.

The effective date of these provisions is proposed to be July 1, 2011 and because it is a July rather than an August date, there is an emergency clause.

Section 1, which we initially skipped over, pertains to school accreditation. If DPI wants to recognize or acknowledge schools that go above and beyond the bare minimum statutory threshold, they - as an agency - can establish higher standards using the rulemaking process. The underlined material in section 1 was actually suggested by DPI. It provides that if the DPI enacts rules for accreditation - those rules have to incorporate measures of student achievement and they have to bear a direct relationship to improving student achievement.

I'm sure members of DPI can and will provide you with greater details. What is being referenced here is inputs vs. outcomes. It says the agency cannot, for instance, require that every school have a paved parking lot unless having a paved parking lot has a direct and measurable relationship to improving student achievement.

**TESTIMONY ON HB 1029  
EDUCATION COMMITTEE**

**January 5, 2011**

**Linda M. Paluck, Director,  
701-328-1718**

**Department of Public Instruction**

---

Madam Chairman and Members of the Committee:

My name is Linda Paluck and I am the Director of the Approval & Accreditation Unit for the Department of Public Instruction. I am here to speak in favor of HB 1029 and provide information regarding how this bill will impact North Dakota public and non-public school districts and how it will allow the School Approval and Accreditation Unit of the Department of Public Instruction to be more effective.

Currently, state aid is payable to districts meeting the compliance requirements of the state accreditation process. This procedure, however, has been heavily scrutinized as compliance is currently determined through practices that do not carry a direct influence on student learning. In addition, the accreditation reports are often not issued until March or April which does not allow for effective use of information by the schools.

This year, schools were required to submit their fall reports by September 19, 2010. There are currently 492 public and non-public schools operating in North

Dakota. Following is a summary of the MISO3 school submissions for the 2010-2011 school year:

Not Reporting	1	0.20%
Greater than 4 weeks late	38	7.72%
4 weeks late	18	3.66%
3 weeks late	38	7.72%
2 weeks late	42	8.54%
1 week late	101	20.53%
Schools reporting on time	254	51.63%
Schools reporting one week or more late	238	48%

	Current DPI practices	Future DPI practices/beliefs	HB 1029
1	Schools receive their accreditation letters in mid April stating that they have met <del>compliance</del> <sup>regulatory</sup> measures and are now accredited.	The DPI has been involved in a "Mainframe rewrite" process (ND Teach) a reporting system that will greatly improve the speed and efficiency of school reporting.	Schools will submit a compliance report to the DPI by September 15 of each school year assuring compliance in 6 major areas of the NDCC.
2	A system of calculation tables (points) are used to determine accreditation by meeting at least 85% of the requirements listed.	The calculation tables (points) used to determine accreditation does not reflect student achievement.	Changes in the Administrative Rules will be addressed at the completion of the 2011 Legislative Session.
3	Schools involved in a 5-year continuous review process such as the State Education Improvement Process (SEIP) submit an Annual Review, Action Plan, and Team Chair report during the 5-year review with citations being issued if submission dates are missed.	The review process used by most schools in North Dakota is an effective set of standards that are researched and geared to enhance areas such as Leadership, Governance, Curriculum, Assessment, Professional Development, and analysis of school data. HB 1029 would give the Approval and Accreditation Unit the allowance of time to offer technical assistance to schools in areas directly related to improving student achievement.	All schools, including non-public, will participate in a review process approved by the DPI. An estimated ½ of ND schools currently use the state process while the other ½ use AdvancED (NCA). NCA however accounts for nearly 2/3 of our students.



HB1029 allows all districts to verify their practices according to NDCC which will ensure compliance (approval) and the right to receive state funding. The six areas of compliance are:

Highly Qualified	Teaching In-Field	State Curriculum	*Review Process	Background Checks	Fire Marshall Report
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\*Review Process is the only section from the present Accreditation that will move into the proposed Approval section.

This will give the Approval and Accreditation Unit the opportunity to:

- Shorten the time currently needed to process reports.
- Tie payments for public schools to approval, not accreditation.
- Work more effectively with schools in areas surrounding education improvement.
- Support the districts' compliance report through the Mainframe (ND Teach) reporting system.

HB 1029, however, does not currently provide language for the Department of Public Instruction to withhold any state aid in the case of fraud, misrepresentation or concealment of facts. A suggested amendment follows:

"SECTION 5. Section 15.1-06-06.3 of the North Dakota Century Code is created and enacted as follows:

**15.1-06-06.3. Wrongful claim of compliance - Authority to withhold state aid.**

1. If the superintendent of public instruction determines that a school was granted approval as a result of fraud, misrepresentation, or concealment of the facts, the superintendent shall withhold from any state aid otherwise payable to the district, the prorated amount attributable to the students in attendance at the school for each day beyond September 30<sup>th</sup> that the school wrongfully claimed to be in compliance with the school approval requirements.

2. The superintendent of public instruction may withhold state aid in accordance with subsection 1, even if the wrongful claim of compliance occurred in a previous biennium."

Renumber accordingly

I will now stand for questions.

# Education and the Role of the Educator in the Future



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The world is changing, and our mandate is to prepare students for their lives in the future.

**By Ian Jukes,  
Ted McCain, and  
Lee Crockett**

In a world experiencing exponential change, schools will need to prepare students for the dynamically new environment they will face upon graduation. By continuing to focus on the short term — preparing kids for the next unit, the next semester, or the next grade — we fail to recognize that our current system is becoming obsolete.

The key to successfully changing the system is to have a clear goal in mind. How do we determine what our goal should be, particularly in light of the rapidly changing modern world? To begin, we should never limit our focus by only looking at what's "hot" today. In times of exponential change, we can't base decisions on what exists in the present. The world is changing, and our mandate is to prepare students for their lives in the future.

We must look at education the same way a quarterback looks at the football field. We

**IAN JUKES** is director of InfoSavvy Group, Kelowna, B.C. **TED MCCAIN** is the associate director of the Thornburg Center for Professional Development, Lake Barrington, Ill. **LEE CROCKETT** is director of media for InfoSavvy Group and the managing partner of the 21st-Century Fluency Project. © 21st-Century Fluency Project. 2010.

This article is excerpted from *Living on the Future Edge: Windows Tomorrow*, by Ian Jukes, Ted McCain, and Lee Crockett (Corwin Press, 2010).

must perceive where things are headed so we can respond appropriately. We must accept that we have a paradigm for how we expect life to unfold; that in times of radical change, we all suffer from some degree of paradigm paralysis; and that change requires us to let go of ideas and ways of doing things that we hold dear. Keep this in mind as we outline the future goals for education. We envision a shift from text-

**We envision a shift from textbooks, brick-and-mortar classrooms, lectures, worksheets, standardized tests, bells — in fact, everything we grew up expecting of school — to learning whenever and wherever it can best happen.**

books, brick-and-mortar classrooms, lectures, worksheets, standardized tests, bells — in fact, everything we grew up expecting of school — to learning whenever and wherever it can best happen.

A shift of this magnitude will force teachers to examine their role in student learning. Without a doubt, how educators do their daily tasks will change. We must identify the broader roles that will endure as the world continues to change dramatically. The essence of what educators must do in the future is the very same as it's always been: to help students learn the relevant skills, knowledge, attitudes, attributes, and behaviors that they'll need to be good and productive citizens, parents, and workers.

As we outline the goals of education in the 21st century, let's also consider some of the new functions and responsibilities of teachers.

#### **CUSTOMIZE LEARNING FOR THE LEARNER**

Young children learn intuitively. Learning in school, however, is quite a different matter. The problem is that the school system is designed for handling large numbers of young people rather than individual students. Our entire educational system is created around a 30:1 approach to instruction, which necessitates teaching to a group rather than teaching to individuals. Students are grouped by classes, grades, and geography. This has a real cost in terms of meeting the needs of all of the students in any of these groups. A typical group of 30 students has a wide range of abilities, interests, maturity, and learning styles, and for the sheer sanity of the teacher, he or she must teach to the middle in terms of student ability.

The major casualty in this approach is engagement for the individual student. This is a problem of immense proportions; any teacher will tell you that engagement is the key ingredient to real learning. By not addressing the individual abilities and inter-

ests of each student, we've created an education system that works against the ultimate goal of fostering a love for learning in each student. In fact, the design of the current system goes against what we know about learning from brain research. John Medina has this to say in his book, *Brain Rules*:

Every student's brain . . . is wired differently. That's the Brain Rule. You can either accede to it or ignore it. The current system of education chooses the latter, to our detriment. It needs to be torn down and newly envisioned, in a Manhattan Project-size commitment to individualizing instruction. We might, among other things, dismantle altogether grade structures based on age. (Medina 2008: 69)

Technology will empower individual students to master course material at their own pace. With individualized instruction, the delivery of course content can be adjusted to the individual abilities of the student. When this occurs, the focus of schooling will shift away from achievement based on age and grade level to the mastery of content and skills.

#### **LEARNING IS BOTH VIRTUAL AND PHYSICAL**

Technology has already made virtual relationships part of our lives. As virtual worlds become more realistic, they'll blur the lines between real life and virtual reality. Virtual communication with people from around the world will approach the ease of real world communications.

This will have profound implications for education. Teachers and students will no longer have to be in the same place for learning to occur. Furthermore, the quality of the virtual interaction between teacher and student will be sufficiently natural so that the communication won't suffer simply because they're not face to face. The advantages of this kind of interaction will make its use compelling in the near future.

Technology will also empower students to accomplish learning when and where it's convenient and practical for a particular student. The staggering growth in the capabilities of technology and wireless communication to handle all types of information have huge implications for where learning will take place. No longer will education be confined to school buildings. It will take place in parks, on buses, on boats, in museums, on football fields, at the beach, and so on. Learning will take place almost anywhere the student has a teachable moment, which makes learning more relevant.

Students will still be able to meet, discuss, play basketball, and interact with others in smaller, community-based schools that are close to their homes, but the need for a large school building with all resources will be greatly diminished due to access to virtual learning resources.

## LEARNING IS NONLINEAR

New technologies will also keep track of individual progress through established educational milestones in a nonlinear fashion. This is impractical in the current education system where students are taught concepts in a unit-by-unit sequence, year after year.

Real learning often follows a nonlinear path that develops as cognitive links are formed. For example, a 6th-grade student may become interested in rockets and pursue the topic further, exploring ideas from the 8th- or 10th-grade science curriculum. The wonderful thing about this kind of learning is that, because interest drives the learning, it will be more complete and long lasting than if the student had been forced to consider 6th-grade science concepts before 7th- and 8th-grade science, each separated by a calendar year. This kind of learning spawns engagement because it allows students to follow spontaneous ideas and interests. David Thornburg captured the power of this kind of learning:

Technology allows learners to move through conceptual space at the speed of thought. (1993)

In the current system, it's impossible to keep track of an individual's progress when learning proceeds this way. However, exponential growth in the power of technology will soon produce intelligent technology that can easily keep track of the path these conceptual links follow for each individual student. How is this possible? Amazon.com, for instance, uses a technology called System for Managing Agents in Real Time (SMART Agents), which learns about a person's interests from their purchasing history and then makes suggestions for what he or she might be interested in next. Intelligent tracking software would guide students as they develop cognitive links. Intelligent tracking software will identify instructional holes and remind students of curricular goals that have not yet been met and suggest learning experiences that will cover the required course content.

*The Educator's Role: Facilitator.* The educator's role in nonlinear learning is to be a facilitator, or a guide, rather than a classroom manager. He or she must create an engaging methodology that compels students to want to learn. Educators must show students how to follow the trails to learning for themselves or how to blaze their own trails. They must en-

courage students to go in different directions from the traditional beaten paths learners have always followed.

## LEARNING WITH THINKING MACHINES

Up until now, technological tools have been used for searching, retrieving, viewing, organizing, calculating, and editing information. Although these powerful tools assist with many tasks that would normally be beyond human capabilities, their use has been guided by direct human involvement. High-level thinking and the decision-making process have remained exclusively human tasks.

A new era of intelligent machines has finally begun. In his book, *The Extreme Future*, James Canton makes the following statement regarding the growing power of machines:

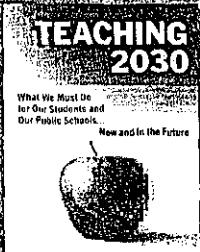
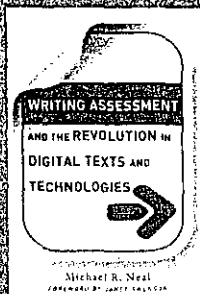
With decreased costs of computer chips and vast, exponential increases in processing power, all products in the future will have the capacity to "think." Products will be connected and sense, talk, interact, and make decisions with humans and for humans. (2006: 256)

In the future, students will interact with SMART tutors that will assist them with skill development in mathematics and reading. Web sites will run intelli-

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gent software that presents learning material in a variety of formats, responds to student questions, and tailors instruction to the individual learning style of a particular student. Face-recognition software will automatically provide an individual student with complete knowledge of his or her learning history and preferences. Interacting with this intelligent software either online or embodied in a robot or car will become as natural as interacting with human teachers.

Until now, the demands of teaching lower-level skills eat up so much time and effort that it's very difficult for teachers to make room for teaching higher-level process skills. Thinking machines can offer teachers some real hope for changing this. Some teachers, especially those who have been teaching for a long time, may find the next few years challenging, but the benefits are well worth it. The appropriate use of technological tools will allow teachers to focus their time on teaching higher-level skills.

#### **LEARNING IS FOCUSED ON MULTIMEDIA**

In his book, *Mind Set!*, John Naisbitt makes a very simple statement that has huge significance for educators:

A visual culture is taking over the world. (2006: 113)

His statement is startling. While there are substantial reasons for continuing to teach students to read, write, and process words, our connection with the daily reality of the modern world is tenuous because we have not embraced the growing visual culture that students, parents, consumers, and businesspeople experience through print and electronic media. Audiovisual communication through a variety of media has become the norm. Equipping students with the skills to process multimedia messages will very soon become imperative.

Education will focus on two sets of multimedia information processing skills. The first set of skills will be concerned with how a student receives and decodes messages sent in a wide range of media. Can the student see the real message being communicated? Is there bias in the information being presented? The second set of skills involves the communication of messages by the student using various multimedia formats. Students are not only consumers of information in the modern world, they're also producers and publishers of information. Students will need to learn how various media can be manipulated to better communicate what they want to say.

*The Educator's Role: User and Advocate of Technology.* Teachers must become advocates for getting current technology into their classrooms so that all students can benefit. Instead of banning digital devices,

1:1 computing should be encouraged. This isn't about being "progressive." It's about having a digital network culture where using digital tools is the new reality of both business and personal life. A young person simply can't leave school without relevant technology skills and expect to succeed in modern life.

#### **LEARNING IS COLLABORATIVE**

Collaboration is essential for individuals, workers, and companies. Individuals collaborate in networked games to accomplish tasks, students from different parts of the world are beginning to cooperate on projects for school, workers routinely cooperate with coworkers using a variety of online tools, and even businesses that compete with one another are discovering that working together is the best strategy for success.

Students must acquire collaboration skills if they're to succeed in life and the modern workplace. Students will have to become at ease working with virtual partners and functioning in workgroups separated by time and distance. Collaboration will also become an essential element of instruction. New online tools and SMART tutors will allow experts in various fields to virtually enter the school environment to meet with students and assist teachers with course content. The responsibility for instruction will become shared between educators and the community.

*The Educator's Role: Lifelong Learner.* Educators are beginning to understand that they must transition from teaching students to learning with students and even to learning from students. Transforming our professional practices to include continual learning is a powerful teaching strategy that enables educators to maintain relevance by becoming excellent role models, learning guides, process instructors, and futurists.

As educators in the new millennium, we must see ourselves as members of a learning organization that develops, adapts, and transforms itself in response to the needs and aspirations of people it connects with. Learning makes the organization stronger and keeps it relevant. One can't be static in such an organization. For many teachers, this will mean realizing there is a big difference between teaching for 15 years and teaching one year 15 times.

#### **LEARNING IS WHOLE MIND**

Brain research has also discovered that the high-level thought required to solve complex problems always involves both sides of the brain working in concert. Traditionally, school has focused on activities that exercise the left side of the brain — reading, writing, arithmetic, and logical analysis. This ap-

proach served people well in the late Industrial Age of the 20th century; however, the emergence of the Information Age has changed the kinds of skills that people need for success in the world.

This new age of automation and outsourcing requires higher-level thinking skills. Being able to process information to see patterns, make connections, determine meaning, and see the big picture are right-brain tasks. While students must develop left-brain skills in reading, writing, arithmetic, and logical analysis, they must also develop right-brain skills in information processing and problem solving. Daniel Pink captured the significance of this shift in his book, *A Whole New Mind*:

In a world tossed by Abundance, Asia, and Automation, in which left-brain-directed thinking remains necessary but no longer sufficient. . . . We must perform work that overseas knowledge workers can't do cheaper, that computers can't do faster, and that satisfies the aesthetic, emotional, and spiritual demands of a prosperous time. (2006, p. 61)

#### LEARNING IS BASED ON DISCOVERY

Teachers talk, students listen — repeatedly, day in and day out. Students cram for tests and try to temporarily memorize as much of the content as they can to get a good grade. This is the essential paradigm of 20th-century education. Unfortunately, the grim reality is that most students have forgotten the content they memorized within 48 hours after the test. Worse yet, students don't develop skills that will be useful to them outside the walls of school. Most teachers would prefer to delve deeper into the ma-

terial in their courses, but the limits of time to fulfill all standard requirements prevent them from exploring alternative methods of instruction.

Let's consider that young people already participate in discovery learning. They just don't do it in school. It happens as they search the Internet for information on topics that interest them. They're getting online guitar lessons, searching Google for ad-

**We must recognize that the current education system has been set up to prepare students perfectly for a world that no longer exists.**

vice on how to fix a mountain bike, learning how to alter images in Photoshop through YouTube, and investigating what to do about acne from WebMD. They're discovering all kinds of things about the world around them — just not the kinds of things they encounter at school.

Thanks to the exponential growth in technological power, learning will shift from secondhand experiences through lectures and books to firsthand discovery experiences. Online environments with SMART Agents will share multimedia information with students in natural interactions involving voice, facial expression, and body language. Simulations will empower students to discover how the world around them works through amazingly realistic virtual experiences of the microscopic, outer space, and everything in between. History will come alive with re-creations of important events, battles, speeches,

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– Lisa Kersh, Principal, Plainview High School, Plainview, TX

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The appropriate use of technological tools will allow teachers to focus their time on the teaching of higher-level skills.

and so on. Students will have access to information sources that will allow them to experience current events firsthand. The focus of teachers will shift to creating learning tasks that challenge students to develop higher-level thinking skills through discovery.

### LEARNING IS PROBLEM-BASED

The traditional approach to instruction focuses on content delivery. A great challenge teachers face is how to deliver the content in a course curriculum while creating engagement in the learning activities and providing relevance — which is essential for long-term learning to occur. Teachers will have to use right-brain thinking activities as vehicles for instruction. For example, a science class could use paintings to illustrate concepts in chemistry. These kinds of tasks not only address course content, but they also help students develop the whole-mind thinking skills they will need for future success.

*The Educator's Role: Crafter of Problems.* Teachers need to take academic material and craft problems that will lead students into the required content while developing high-level thinking skills to solve the problem. Such problem-based tasks must also be appropriate for the intellectual and social development of students. To ensure that the task produces the engagement and relevance necessary for effective learning, the problem should have a link to the world outside school. Constructing these tasks requires a bit of skill and involves a number of factors. Training in problem-based instruction needs to be a priority for teachers, especially those who have been using a content-driven approach for a long time.

### EVALUATION IS HOLISTIC

Assessment is about getting a picture of a student's learning. The main evaluative tool used by the school system for measuring performance is the written test: multiple-choice questions, essays, and written reports. These tools provide a snapshot of what a student knows about specific details on a certain topic. The question is, do these tools give a complete and accurate picture of student learning? The answer is no; written tests predominantly reflect only memory and the regurgitation of content.

To understand the limited scope of written tests, let's think about how the motor vehicle department decides whether a person has learned enough to be allowed to drive a car on public roads. A multiple-choice test assesses whether student drivers have learned the rules of the road and some basic concepts of speed and braking. Upon passing the test, a student is granted a learner's permit to practice driving a car. The final evaluation is done by an examiner who rides along with the student driver to gauge the level of driving skill as the student performs various

driving tasks. Although the aptitude test is one part of the evaluation, it can't measure the true level of a student's actual driving skills.

Clearly, written tests play only a small part in evaluation. They can't measure all of the skills developed in drawing pictures, playing an instrument, refuting an argument in a debate, playing basketball, and a whole host of other activities.

Because of the increasingly disposable nature of information, the importance of memorizing specific content will decrease. Instead, students must learn to apply processes for writing, researching, and problem solving in order to accomplish tasks. To succeed in the modern world, students must be able to:

- Determine the relative importance of various pieces of information that may be contradictory or incomplete, then make personal evaluations of that information to develop informed opinions;
- Articulate informed opinions through writing, presentations, debates, and various multimedia communications;
- Use imagination to produce creative expressions of ideas and feelings through story, poetry, music, visual art, and performing art; and
- Combine technical skill and creativity to cook a meal, build a desk, perform an experiment, and so on.

These are just a few examples of the skills students will need. Real learning encompasses social skill development and the consideration of others. We must embrace other forms of evaluation or develop new ones if we hope to get a complete picture of student learning.

*The Educator's Role: Holistic Evaluator.* It is vital that teachers become holistic evaluators. All facets of learning must be esteemed in assessment. We should consider portfolios of student work, live performances, and other demonstrations of creativity and competency when we're choosing assessment tools. Educators will provide feedback so students can improve their performance. Students need timely, targeted, nonjudgmental feedback and opportunities to make mistakes as they learn and not be penalized for them. They also need authentic audiences in a variety of settings and contexts in which to demonstrate what they can do. Most of all, students need the encouragement to try things with all kinds of tools, technologies, and techniques to create various products that reflect their understanding of concepts.

As sophisticated software takes over summative assessments, teachers will have time to use evalua-

tive tools that are currently underused or not used at all. This will be an essential shift because many of the skills and attributes of people who will be successful in the future aren't easily measured by written tests.

### NEW MODELS FOR TEACHER TRAINING

It will take more than a few professional days devoted to technology use or problem-based learning to prepare teachers for their new roles. Teachers must make a fundamental shift in their paradigm for teaching and learning. We must recognize that the current education system has been set up to prepare students perfectly for a world that no longer exists. Massive, ongoing retraining for educators is essential if schools are to be made relevant to the modern needs of all students.

Despite the perception of much of the public and the media, teaching is a difficult, challenging, stressful job. Teachers are asked to do a great number of things beyond teaching. The kinds of changes we're suggesting here will never happen within the current model of professional development for teachers.

Many companies have recognized that to be truly effective in reeducating their workforce, they have to remove their workers from their regular work for

extended periods of time so they can focus on the task of learning. Many companies have built training centers and have a significant portion of their workers attending retraining classes on an ongoing basis.

Schools will have to do the same. Retraining will require regular classes for teachers for which they are released from their regular teaching duties. If we want to see the kinds of changes necessary to bring schools in line with the new reality, then we have no option but to radically reprioritize and restructure professional development for teachers. **K**

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## Representative Monson, District 10

### HB 1029

This is an Interim Education Committee bill; Anita Thomas from Legislative Council is here to explain what this bill does. My testimony will simply give you a brief history of a problem experienced in DPI getting schools to turn in reports in a timely manner and then being able to make a determination as to if the school is approved or accredited in a timely manner.

We were told some schools never got their reports that were due in the beginning of the year into DPI until near the end of the year. There are no teeth in present code.

We decided to make a simplified compliance report due on October 1<sup>st</sup> (page 3 of the bill). If no extension is asked for or granted there are some consequences, both monetary in reduced financial aid and notification to parents of non-approval.

Approval and Accreditation are different. Accreditation will be handled by DPI rules and reconfigured by them. The main emphasis will be on approval. Hopefully, they won't be going line by line with a ruler through the reports with the new form.

**TESTIMONY ON HB 1029  
SENATE EDUCATION COMMITTEE**

**March 29, 2011**

**Linda M. Paluck, Director,  
701-328-1718 lpaluck@nd.gov  
Department of Public Instruction**

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Mr. Chairman and Members of the Committee:

My name is Linda Paluck and I am the Director of the Approval & Accreditation Unit for the Department of Public Instruction. I am here to speak in favor of engrossed HB 1029 and provide information regarding how this bill will impact North Dakota public and non-public school districts and how it will allow the School Approval and Accreditation Unit of the Department of Public Instruction to be more effective.

Currently, state aid is payable to districts meeting the compliance requirements of the state accreditation process. This procedure, however, has been heavily scrutinized as compliance is currently determined through practices that do not carry a direct influence on student learning. In addition, the accreditation reports are often not issued until March or April which does not allow for effective use of information by the schools.

This year, schools were required to submit their fall reports by September 19, 2010. There are currently 492 public and non-public schools operating in North Dakota. On the following page is a summary of the MISO3 school submissions for the 2010-2011 school year:

Not Reporting	1	0.20%
Greater than 4 weeks late	38	7.72%
4 weeks late	18	3.66%
3 weeks late	38	7.72%
2 weeks late	42	8.54%
1 week late	101	20.53%
Schools reporting on time	254	51.63%
Schools reporting one week or more late	238	48%

Item	Current Practice	Proposed Change (HB 1029)	
1	Schools receive their accreditation letters in mid April stating that they have met regulatory measures and are now accredited.	The DPI has been involved in a "mainframe rewrite" process (ND Teach) a reporting system that will improve the speed and efficiency of school reporting, correspondence with DPI along with credential renewals and validation of school reports. Application errors are expected to be reduced up to 50%.	Schools will submit a report to the DPI by September 30 of each school year assuring compliance in 6 major areas of the NDCC.
2	A system of calculation tables (points) are used to determine accreditation by meeting at least 85% of the requirements listed.	The calculation tables (points) used to determine accreditation does not reflect or support student achievement.	Changes in the Administrative Rules will be addressed at the completion of the 2011 Legislative Session.
3	Schools involved in a 5-year continuous review process such as the State Education Improvement Process (SEIP) submit an Annual Review, Action Plan, and Team Chair report during the 5-year review with citations being issued if submission dates are missed.	The review process used by most schools in North Dakota is an effective set of standards that are researched and geared to enhance areas such as Leadership, Governance, Curriculum, Assessment, Professional Development, and analysis of school data. HB 1029 would give the Approval and Accreditation Unit the allowance of time to offer technical assistance to schools in areas directly related to improving student achievement.	All public schools will participate in a review process approved by the DPI. An estimated ½ of ND schools currently use the state process while the other ½ use AdvancED. Both processes are aligned. AdvancED however accounts for nearly 2/3 of our students.

HB1029 will allow all districts to verify their practices according to NDCC by the end of September which will ensure compliance (approval) and the right to receive state funding. The six areas of compliance are:

Highly Qualified	Teaching In-Field	State Curriculum	*Review Process	Background Checks	Fire Marshall Report
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\*Review Process is the only section from the present Accreditation that will move into the proposed Approval section. (AR 67-19-01-15: Education Improvement Process - *see attached*)

This will give the Approval and Accreditation Unit the opportunity to:

- Receive assurance from the schools as indicating Approval.
- Tie payments for public schools to Approval (NDCC), not Accreditation.
- Work more effectively with schools in areas surrounding education improvement.
- Support the districts' compliance report through the Mainframe (ND Teach) reporting system.

Attached is a copy of the current administrative rules relating to the accreditation process for ALL ND schools seeking accreditation thus making them eligible to receive foundation aid.

AdvancED/NCA schools must also meet these state requirements. Schools are very much aware of this process as they have abided by it for years.

The North Dakota State Accreditation Process (Article 67-19-01) contains 43 sections. 24 of these sections have already been repealed which currently leaves 19. Section 67-19-01-15 relates to the State Education Improvement Process. This is only one of the 19 remaining sections all schools are required to meet for State Accreditation AND to receive foundation aid.

HB 1029 (if passed) will make two major changes:

1. It will move Section 67-19-01-15 to the Approval side
2. Foundation aid payment will be made from the Approval side rather than the Accreditation side.

The remaining 18 sections will be addressed after session through Administrative Rules.

Section 6 of the engrossed bill has been added to include requirements for the automated external defibrillators (AED's). Previous legislation provided \$ for all schools to have AED's. It also required all school districts to sign off, maintain and ensure training for staff. Val Fisher, Director of Coordinated School Health at the DPI sends annual information to all schools reminding them of the maintenance and training required for the AED's.

"If we are serious about school reform, we would change our efforts from the current punitive approach to a strategy of building a strong education profession and attending to the conditions of children's lives. Instead of closing schools that are often the most stable institution in the neighborhood, we would be improving them. Instead of firing experienced teachers, we would be making sure that they have the tools to do their job. Instead of ignoring poverty and its negative consequences, we would be designing programs to help families and children. Instead of creating programs to insert inexperienced teachers, principals, and superintendents into our schools, we would take steps to recruit, support, and respect those who work in our nation's schools."



Diane Ravitch is Research Professor of Education at New York University and a historian of education. In addition, she is a nonresident senior fellow at the Brookings Institution in Washington, D.C. She has written numerous articles and books -- her most recent, *The Death and Life of the Great American School System: How Testing and Choice Are Undermining Education* (New York: Basic Books, 2010).

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I will now stand for questions.

**Administrative Rule: Article 67-19 – Chapter 76-19-01****Accreditation Process:**

67-19-01-01	Definitions
67-19-01-02	Accreditation Status
67-19-01-03	Loss of Accreditation Status - Penalties
67-19-01-04	Nonclassified
67-19-01-05	Identification of Accreditation Status
67-19-01-06	Classification by School Grade Description & Authority
67-19-01-07	Enrollment Categories
67-19-01-08	Qualifications and Time Assignments for Administrators, Counselors, and Library Media Specialists
67-19-01-09	REPEALED
67-19-01-10	Review Cycle
67-19-01-11	REPEALED
67-19-01-12	REPEALED
67-19-01-13	Calculation Tables for Secondary, Middle Level & Junior High Schools
67-19-01-14	Calculation Tables for Elementary Schools
67-19-01-15	State Education Improvement Process
67-19-01-16	Administration – Superintendent Qualifications and Time Assignments
67-19-01-17	Qualifications of an Administrative Assistant or Assistant Superintendent
67-19-01-18	Administration – Secondary School Principal Qualifications and Time Assignments
67-19-01-19	Admin-Mid Level and Jr High Principal and Asst Principal-Qualifications and Time Assignments
67-19-01-20	Admin – Elementary School Principal Qualifications and Time Assignments
67-19-01-21	Admin – Shared Elem Principal – Elem Principal Qualifications and Time Assignments
67-19-01-22	Admin – Assistant Elem Principal – Elem Principal Qualifications and Time Assignments
67-19-01-23 - 29	REPEALED (7 sections)
67-19-01-29.1	Instructional Personnel – Specialized Credential Preparation
67-19-01-30	Professional Development Plan
67-19-01-31	REPEALED
67-19-01-32	Instructional Program – Enrollments in Grades Nine Through Twelve
67-19-01-33	Middle Level or Junior High School – Enrollment in Grade Nine
67-19-01-34	Instructional Program – Enrollments in Grades Seven and Eight
67-19-01-35	Instructional Program – Enrollments in Prekindergarten Through Grade Six
67-19-01-36	Class Size
67-19-01-37	Teacher Preparation Time – Prekindergarten Through Grade Twelve
67-19-01-38	Student Evaluation
67-19-01-39	Pupil Personnel Services
67-19-01-40	Counseling and Guidance Services – Prekindergarten through Grade Six
67-19-01-40.1	Counseling and Guidance Services – Grades Seven Through Twelve for the 2009-10 School Year
67-19-01-40.2	Counseling and Guidance Services – Grades Seven Through Twelve after the 2009-10 School Year
67-19-01-41	Library Media Services
67-19-01-42	School Policies - Handbooks
67-19-01-43	REPEALED

**19-01-15. Education improvement process.** All schools must implement an education improvement process that meets the needs of all students in the school. Schools may choose to follow the state education improvement process or an alternative process that at least meets the requirements of the state process. Schools that follow the state education improvement process must establish their plans as a result of assessments and must describe how the plan will lead to improved student achievement at the school as follows:

1. The continuous cycle of education improvement is conducted over a five-year period with reports submitted to the department annually by June thirtieth.
2. The five-year continuous cycle includes peer visitation and consultation.
3. The cycle results in three reports from peer reviewers external to the school: an initial team chair report, a team visitation report, and a final team chair report. The continuous cycle results in the following:
  - a. An initial team chair report submitted by the external team chair during the first year;
  - b. The action plan for education improvement submitted by the school's education improvement committee;
  - c. An annual report of the education improvement activities submitted by the school's education improvement committee;
  - d. An external team report provided by the external team chair following the team visit during the second or third year of the continuous cycle; and
  - e. A final team chair report submitted by the external team chair at the end of the cycle.
4. The annual accreditation review is based on the school maintaining progress in its continuous cycle by submitting the required reports.

**History:** Effective January 1, 2000; amended effective July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

# North Dakota Department of Public Instruction

## AED ASSURANCES



North Dakota  
Safe Heart Schools

I received an AED and cabinet via UPS from Respond Systems

Date received \_\_\_\_\_

Serial Number/s (found on back) \_\_\_\_\_

A designated AED Coordinator has been identified

Name \_\_\_\_\_

Position \_\_\_\_\_

Coordinator responsibilities include: coordinating annual training, completing any incident reports (sample form enclosed), maintain on file the specifications/technical information sheet for AED model, replenishing supplies and assessing maintenance according to manufacturer instructions and recommendations

Local Emergency Medical Services (EMS) has been notified via letter\* there is an AED in the building and of its location

Local 911 has been notified via letter\* there is an AED in the building and of its location

Specific AED/cabinet/sign location/s\*\*  
\_\_\_\_\_

Training has been / will be completed on \_\_\_\_\_ (date)

Training was facilitated by \_\_\_\_\_ (agency / name)\*\*\*

Training included AED \_\_\_\_\_ CRP \_\_\_\_\_ both \_\_\_\_\_

Training was provided to:

Educational Staff \_\_\_\_\_ Support Staff \_\_\_\_\_ Students \_\_\_\_\_ Others \_\_\_\_\_

AED signage (ND Safe Heart Schools) affixed in visible places (i.e., front door/window, office window) by all entrances. Contact DPI if you need additional door stickers.

I understand our school district is responsible for maintenance and additional AED supplies to include: two sets adult electrodes (pads) and one set pediatric electrodes (pad) within expiration dates, battery pack with adequate charge, un-used pocket mask, shaver, sheers, gauze. **If used during an "incident" Respond Systems will replace all pads and supplies free for five (5) years;** pads and battery which expire due to shelf life will be the responsibility of each school building.

\* Sample EMS and 911 notification letter enclosed

\*\* AED cabinet should be fixed upon a wall near school lobby, auditorium, cafeteria or gymnasium; designated signage (attached) should be located at all entrances. Do NOT keep AED in locked offices or locked areas.

\*\*\* See enclosed list of available AED / CPR trainers and contact information

\_\_\_\_\_  
Name / Signature of Building Principal

\_\_\_\_\_  
School Name

\_\_\_\_\_  
School City

After receiving the AED and completing the above assurances, return this form immediately via fax (701.328.4770) or mail (DPI School Health, 600 East Boulevard Avenue, Dept 201, Bismarck, ND 58505-0440) **no later than January 31, 2008.**

# 4



August 24, 2010

To: North Dakota Principals & Superintendents  
From: Valerie Fischer, Director, DPI School Health  
Re: 2010-2011 Services

Another summer has quickly passed and we all find ourselves preparing for another exciting school year. This email is developed to explain the services you can expect and request of the School Health unit at the Department of Public Instruction.

Our vision, "all students achieve their maximum education and social potential in a healthy and safe school and community environment" is the foundation from which the School Health unit operates. Our goal is simple - healthy students and safe schools. We know students who come to school sick, tired and bullied are not good learners - healthy students are better students and life-long learners! To that end, we encourage all building principals and superintendents to contact us if we can assist you with any of the following topics and issues:

• alcohol, drugs	• illness & disease
• immunizations	• weapons, violence
• tobacco	• bullying / harassment
• school climate, safety and environment	• physical education and activity / nutrition
• HIV / AIDS prevention education	• health related staff professional development
• prevention curriculum	• crisis management

**Additionally, you may find the following information valuable ....**

- *New immunization requirements for the 2010-2011 school year*

An updated school immunization schedule can be found at:

<http://www.ndhealth.gov/Immunize/Documents/Schools/School%20Requirements%202010-2011%20v2.pdf> which can be printed and shared with parents.

- *Title IV - Safe & Drug Free Schools*

As you know, the US DOE eliminated the Title IV - Safe & Drug Free Schools state grant portion of the federal program. Although we no longer receive funding, we are required to collect and report Suspension, Expulsion and Truancy as well as "persistently dangerous" schools and will follow the same methodology via STARS to do so. Additionally, we will provide technical assistance, resources and professional development to LEAs as possible regarding any issues your school experiences related to alcohol, drugs, tobacco, weapons, violence, bullying, school climate and crisis management. There are no requirements for monitoring, but we are available to conduct an assessment of your program.

- *School Health and Safety Primary Points of Contact*

An attachment to this email is the School Health and Safety Primary Points of Contact. Please use accordingly for any of your school health and safety needs.

- *Influenza reports*

As in the past, we'll provide weekly email influenza reports to all building principals and superintendents regarding the status of influenza activity across the state beginning in late October, unless we see an early seasonal increase in flu activity. A popular and frequently requested video which can be used with students and staff titled, *Why Don't We Do It In Our Sleeves?* can be accessed through this link: <http://www.coughsafe.com/media.html>.

- *Universal Precautions for School Staff*

Information flyers are available on our website to download and print:  
<http://www.dpi.state.nd.us/health/HIV/index.shtm>.

- *What Teenagers Need to Know about Sex and the Law*

An excellent resource developed with the ND Attorney General's Office, this brochure can be shared with teens and is available at:  
<http://www.ag.nd.gov/Brochures/FactSheet/SexWhatTeenagersNeedtoKnow.pdf>.

- *Youth Risk Behavior Survey (YRBS)*

The 2009 YRBS national, state and regional survey results are available on the DPI website (<http://www.dpi.state.nd.us/health/YRBS/index.shtm>). If you have any questions about your individual school report, would like to participate in the 2011 survey, or have any questions, data requests or need additional brochures, contact us at 328.2753.

- *New Bullying website*

Department of Education Secretary Arne Duncan has launched a new website ([www.bullyinginfo.org](http://www.bullyinginfo.org)) in his effort for a national strategy to curb bullying behavior across the country. Secretary of Education Arne Duncan is working to craft a national strategy to reduce and end bullying. We will provide more information on this as it unfolds.

- *AED maintenance*

Pursuant to SB 2313 in 2007, those school buildings which received an AED are responsible for maintenance, monitoring, replenishing the AED pads and battery as needed and training.

**Please be aware of new information concerning ...**

- *Emergency Guidelines for ND Schools and ND School Health Guidelines*

In late October, DPI and Dept of Health will release the much anticipated two documents: *Emergency Guidelines for ND Schools* and *ND School Health Guidelines*. Both work in unison to provide information regarding students with special health care needs and emergency health guidelines for all students. In late September, each LEA will receive an email further explaining the purposes of the guidelines, attaching the table of contents for your review. We will then take orders for those districts who request the documents. Fiscal limitations only allow us to print and provide one set per building.

Our goal is to provide you with technical assistance, resources, and professional development to ensure a safe school environment where students are healthy and safe and able to maximize their learning potential. Please feel free to contact us! Have a safe and successful 2010-2011 school year!

**Administrative Rules, Article 67-19      Department of Public Instruction**  
**Approval & Accreditation Unit**  
**Linda M. Paluck, Director**

Accreditation Process for North Dakota schools:  
Review and document the degree to which established standards are met through the  
self-reporting of each school district. (1998)

**Areas highlighted in yellow will be reviewed following the 2011 Legislative Session.**

**Repealed sections are highlighted gray**

**Sections which are now in NDCC are highlighted blue**

**ARTICLE 67-19**

**ACCREDITATION: PROCEDURES, STANDARDS, AND CRITERIA**

**Chapter**

67-19-01 Accreditation: Procedures, Standards, and Criteria

67-19-02 Waiver of Accreditation Standards or High School Unit Instructional Time

**CHAPTER 67-19-01**

**ACCREDITATION: PROCEDURES, STANDARDS, AND CRITERIA**

**Section**

67-19-01-01 Definitions

67-19-01-02 Accreditation Status

67-19-01-03 Loss of Accreditation Status - Penalties

67-19-01-04 Nonclassified

67-19-01-05 Identification of Accreditation Status

67-19-01-06 Classification by School Grade Description and Authority

67-19-01-07 Enrollment Categories

67-19-01-08 Qualifications and Time Assignments for Adm, Counselors, and Library Specialists

~~67-19-01-09 Types of Standards and Criteria - Penalties [Repealed]~~

67-19-01-10 Review Cycle

~~67-19-01-11 Appeals Procedure [Repealed]~~

~~67-19-01-12 Alternative Formats and Procedures [Repealed]~~

67-19-01-13 Calculation Tables for Secondary, Middle Level, and Junior High Schools

67-19-01-14 Calculation Tables for Elementary Schools

67-19-01-15 Education Improvement Process

PAGE 2

67-19-01-16 Administration - Superintendent Qualifications and Time Assignments

67-19-01-17 Qualifications of an Administrative Assistant or Assistant Superintendent

67-19-01-18 Administration - Secondary School Principal Qualifications and Time Assignments

67-19-01-19 Administration - Middle Level and Junior High School Principal and Assistant Principal - Qualifications and Time Assignments

67-19-01-20 Administration - Elementary School Principal Qualifications and Time Assignments

67-19-01-21 Administration - Shared Elementary School Principal - Elementary School Principal Qualifications and Time Assignments

67-19-01-22 Administration - Assistant Elementary School Principal - Elementary School Principal Qualifications and Time Assignments

67-19-01-23 Instructional Personnel - Curriculum or Instructional Area Director [Repealed]

67-19-01-24 Instructional Personnel - Secondary School Teacher Qualifications [Repealed]

67-19-01-25 Instructional Personnel - Secondary School Teacher Qualifications - Specific Subject Area Preparation [Repealed]

67-19-01-26 Instructional Personnel - Middle Level or Junior High School Teacher Qualifications - General Preparation [Repealed]

67-19-01-27 Instructional Personnel - Middle Level or Junior High School Teacher Qualifications - Specific Subject Area Preparation [Repealed]

67-19-01-28 Instructional Personnel - Elementary School Teacher Qualifications - General Preparation [Repealed]

67-19-01-29 Instructional Personnel - Elementary School Teacher Qualifications - Specific Subject Preparation [Repealed]

67-19-01-29.1 Instructional Personnel - Specialized Credential Preparation

67-19-01-30 Professional Development Plan

67-19-01-31 Written Curriculum Plan for Kindergarten Through Grade Twelve [Repealed]

67-19-01-32 Instructional Program - Enrollments in Grades Nine Through Twelve

67-19-01-33 Middle Level or Junior High School - Enrollment in Grade Nine

67-19-01-34 Instructional Program - Enrollments in Grades Seven and Eight

67-19-01-35 Instructional Program - Enrollments in Prekindergarten Through Grade Six

67-19-01-36 Class Size

67-19-01-37 Teacher Preparation Time - Prekindergarten Through Grade Twelve

67-19-01-38 Student Evaluation

67-19-01-39 Pupil Personnel Services

67-19-01-40 Counseling and Guidance Services – Prekindergarten Through Grade Six

67-19-01-40.1 Counseling and Guidance Services - Grades Seven Through Twelve for the 2009-10 School Year

~~67-19-01-40.2 Counseling and Guidance Services - Grades Seven Through Twelve after the 2009-10 school year~~

67-19-01-41 Library Media Services

67-19-01-42 School Policies - Handbooks

~~67-19-01-43 Driver's Education Program - Administrative Requirements [Repealed]~~

**67-19-01-01. Definitions.** As used in this chapter:

1. "Accredited warned status" means the status of a school that is cited on:

- a. A required criterion;
- b. An accrual of less than eighty-five percent of the total points assigned to the point-value standards and criteria; or
- c. An accrual of less than fifty percent of the point values assigned in any one section.

2. "Not accredited status" means a school does not meet the qualifying standards and criteria by enrollment categories.

3. "Unit of credit" means a minimum of one hundred twenty clock-hours of instruction for all courses except the natural sciences and career and technical courses which require one hundred fifty clock-hours of instruction.

**History:** Effective January 1, 2000; amended effective July 1, 2007.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-02. Accreditation status.** A school earning the status of accredited must:

1. Meet all the required standards and criteria;
2. Accrue at least eighty-five percent of the total point values assigned to the point-value standards and criteria that apply to the school; and
3. Accrue at least fifty percent of the point values assigned under sections 67-19-01-13 and 67-19-01-14.

**History:** Effective January 1, 2000; amended effective July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-04

**67-19-01-03. Loss of accreditation status - Penalties.**

1. A school failing to meet the required and minimum point-value standards and criteria in section 67-19-01-02 will be classified accredited warned.
2. A school must remove the accredited warned status from the previous year or the school will be classified not accredited.
3. A school that is not accredited is not entitled to the amounts resulting from applying the weighting factor as provided by the foundation aid payment formula.
4. Penalties for loss of accreditation status are provided by statute in North Dakota Century Code sections 15.1-27-08 and 15.1-27-09.

**History:** Effective January 1, 2000; amended effective July 1, 2007.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11, 15.1-27-06, 15.1-27-07, 15.1-27-08, 15.1-27-09

**67-19-01-04. Nonclassified.** A school not seeking accreditation will be declared nonclassified.

**History:** Effective January 1, 2000; amended effective July 1, 2007.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-05. Identification of accreditation status.** The accreditation status of all schools must be provided in the educational directory and listed on the annual accreditation reports issued to the schools.

**History:** Effective January 1, 2000; amended effective July 1, 2007.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-06. Classification by school grade description and authority.**

1. A school must be classified as a secondary school, middle level or junior high school, or an elementary school dependent upon the grade organization in that school. Accreditation standards and criteria must be applied according to the declared organization of a school. A school district retains the discretion to organize grades in the configurations that are most appropriate for that district.

2. Configurations for school organizations are:

a. A secondary school may include any consecutive combination of grades from seven through twelve.

b. A middle level or junior high school may include any consecutive combination of grades from five through nine.

c. An elementary school may include any consecutive combination of grades from prekindergarten through grade eight.

**History:** Effective January 1, 2000; amended effective July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-07. Enrollment categories.**

1. For organizations listed in subsection 2 of section 67-19-01-06, the enrollment categories are as follows:

a. Secondary:

- (1) One hundred or fewer;
- (2) One hundred one through two hundred fifty; and
- (3) Two hundred fifty-one or more.

b. Middle level or junior high school:

- (1) One hundred or fewer;
- (2) One hundred one through two hundred fifty; and
- (3) Two hundred fifty-one or more.

c. Elementary:

- (1) Twenty-four or fewer;
- (2) Twenty-five through one hundred;
- (3) One hundred one through two hundred fifty; and

1) Two hundred fifty-one or more.

2. A school may request a waiver of an accreditation standard for the following school year as provided in North Dakota Century Code section 15.1-06-08.

**History:** Effective January 1, 2000; amended effective July 1, 2007.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-08. Qualifications and time assignments for administrators, counselors, and library media specialists.** The qualifications and time assignments for administrators, counselors, and library media specialists must be based upon the total number of students being served. Specific sections of the accreditation standards that address this are sections 67-19-01-16, 67-19-01-18, 67-19-01-19, 67-19-01-20, 67-19-01-21, 67-19-01-22, 67-19-01-40, and 67-19-01-41.

**History:** Effective January 1, 2000; amended effective July 1, 2007.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-09. Types of standards and criteria; Penalties. Repealed effective July 1, 2007.**

**67-19-01-10. Review cycle.**

1. Before September fifteenth of each year, each school must submit required accreditation information;

2. A school will be reviewed on all standards and criteria in section 67-19-01-13 or 67-19-01-14 annually;

3. The accreditation status as provided in section 67-19-01-02 will be reported to each school by March thirty-first of each school year; and 4. Corrections must be received by the department no later than June thirtieth or the reported school status will be continued.

**History:** Effective January 1, 2000; amended effective July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11



**67-19-01-11: Appeals procedure. Repealed effective July 1, 2007.**

**67-19-01-12: Alternative formats and procedures. Repealed effective June 1, 2002.**

**67-19-01-13. Calculation tables for secondary, middle level, or junior high schools.**

1. The calculation tables outline the standards for secondary schools and middle level and junior high schools. The tables identify the required standards and the point-value standards and criteria that apply to the school.
2. The accreditation standards and criteria that are identified by the letter R are those which are required of all schools.
3. The point-value standards and criteria are designed to provide some flexibility to schools.
4. A school must accrue at least eighty-five percent of the overall points that apply to the school and accrue at least fifty percent of the points assigned to each section.
5. Schools accrue points for the standards that apply directly to them. For example, a school employing an assistant superintendent is eligible for the two points assigned to that standard if the person holding the position is qualified for the position.

**6. Calculation tables for secondary, middle level, or junior high are:**

**Points**

a. Education improvement process	R
b. Administration:	
(1) Superintendent:	
(a) Qualifications	R
(b) Time assignment	5
(Accrual of 5 points only if qualified)	
(2) Assistant superintendent qualifications	2
(Accrual of 2 points only if employed and qualified)	
(3) Principal:	
(a) Qualifications	R
(b) Time assignment	5
(Accrual of 5 points only if qualified)	
(4) Assistant principal:	
(a) Qualifications	2

(Accrual of 2 points only if employed and qualified)	
(b) Time assignment	2
(Accrual of 2 points only if employed and qualified)	
(5) Special education director qualifications:	2
(Accrual of 2 points only if employed and qualified)	
c. Instructional personnel:	
(1) Teacher preparation	R
(2) Professional development plan	R
d. Instructional program:	
(1) Written curriculum plan	R
(2) Curriculum:	
(a) Two-year course offerings (high school only)	R
(b) Curriculum subjects and time allotment (middle level or junior high only)	R
(3) Class size: Maximum accrual for enrollment category:	
0-100	10
101-250	15
251+	20
(Loss of 1 point per teacher)	
e. Student evaluation plan	R
f. (Effective for the 2009-10 school year) Pupil personnel services:	
(1) Pupil personnel services plan	R
(2) Coordinator	R
(3) Counseling and guidance services:	
(a) Counselor qualifications	3
(b) Counselor time assignment	3
(Accrual of 3 points only if qualified)	
g. (Effective after the 2009-10 school year) Pupil personnel services:	
(1) Pupil personnel services plan	R
(2) Coordinator	R
(3) Counseling and guidance services:	
(a) Counselor qualifications	R
(b) Counselor time assignment	3
(Accrual of 3 points only if qualified)	

**4) Career advisor qualifications**

**R**

When counselor and guidance services are provided by a career advisor for grades seven through twelve, a career advisor can satisfy up to one-third of the counseling requirement.

**h. Library media services:**

**(1) Library media services plan**

**R**

**(2) Librarian:**

**(a) Qualifications**

**3**

**(b) Time assignment**

**3**

(Accrual of 3 points only if qualified)

**i. School policies - handbooks:**

**(1) Teacher handbook**

**2**

**(2) Student and parent handbook**

**2**

**History:** Effective January 1, 2000; amended effective July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11, 15.1-06-19, 15.1-06-20

**67-19-01-14. Calculation tables for elementary schools.**

1. The following calculation tables outline the standards for elementary schools. The table identifies the required standards and the point-value standards and criteria that apply to the school.

2. The accreditation standards and criteria which are identified by the letter R are those which are required of all schools within the timelines established.

3. The point-value standards and criteria are designed to provide some flexibility to schools.

4. A school must accrue at least eighty-five percent of the overall points that apply to the school and accrue at least fifty percent of the points assigned to each section.

5. Schools must accrue points for the standards that apply directly to them. For example, a school employing an assistant superintendent is eligible for the two points assigned to that standard if the person holding the position is qualified for the position.

6. Calculation tables for elementary schools are:

**Points**

**a. Education improvement process**

**R**

**b. Administration:**

**(1) Superintendent (if employed):**

**(a) Qualifications**

**R**

Time assignment	5
(Accrual of 5 points only if qualified)	
(2) Assistant superintendent qualifications	2
(Accrual of 2 points only if employed and qualified)	
(3) Principal:	
(a) Qualifications	R
(b) Time assignment	5
(Accrual of 5 points only if qualified)	
(4) Assistant principal:	
(a) Qualifications	2
(Accrual of 2 points only if employed and qualified)	
(b) Time assignment	2
(Accrual of 2 points only if employed and qualified)	
(5) Special education director qualifications:	2
(Accrual of 2 points only if employed and qualified)	
c. Instructional personnel:	
Teacher preparation	R
(2) Professional development plan	R
d. Instructional program:	
(1) Written curriculum plan	R
(2) Curriculum subjects and time allotment	R
(3) Class size:	
Maximum accrual for enrollment category:	
0-100	10
101-250	15
251+	20
(Loss of 1 point per teacher)	
e. Student evaluation:	
(1) Student evaluation plan	R
(2) Readiness - kindergarten and first grade	2
f. (Effective for the 2009-10 school year) Pupil personnel services:	
(1) Pupil personnel services plan	R
Coordinator	R

3) Counseling and guidance services:

(a) Counselor qualifications 3

(b) Counselor time assignment 3

(Accrual of 3 points only if qualified)

g. (Effective after the 2009-10 school year) Pupil personnel services:

(1) Pupil personnel services plan R

(2) Coordinator R

(3) Counseling and guidance services:

(a) Counselor qualifications R

(b) Counselor time assignment 3

(Accrual of 3 points only if qualified)

(4) Career advisor qualifications R

When counselor and guidance services are provided by a career advisor for grades seven and eight, a career advisor can satisfy up to one-third of the counseling requirement.

h. Library media services:

(1) Library media services plan R

(2) Librarian:

(a) Qualifications 3

(b) Time assignment 3

(Accrual of 3 points only if qualified)

i. (Effective after the 2009-10 school year)

Student performance strategist (kindergarten through grade three)

(1) Qualifications R

(2) Time - One full-time equivalent for each four hundred students 3

j. School policies - handbooks:

(1) Teacher handbook 2

(2) Student and parent handbook 2

**History:** Effective January 1, 2000; amended effective July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11, 15.1-06-19, 15.1-07-32

**67-19-01-15. Education improvement process.** All schools must implement an education improvement process that meets the needs of all students in the school. Schools may choose to follow the state education improvement process or an alternative process that at least meets the requirements of the state process. Schools that follow the state education improvement process must establish their plans as a result of assessments and must describe how the plan will lead to improved student achievement at the school as follows:

1. The continuous cycle of education improvement is conducted over a five-year period with reports submitted to the department annually by June thirtieth.
2. The five-year continuous cycle includes peer visitation and consultation.
3. The cycle results in three reports from peer reviewers external to the school: an initial team chair report, a team visitation report, and a final team chair report. The continuous cycle results in the following:
  - a. An initial team chair report submitted by the external team chair during the first year;
  - b. The action plan for education improvement submitted by the school's education improvement committee;

c. An annual report of the education improvement activities submitted by the school's education improvement committee;

d. An external team report provided by the external team chair following the team visit during the second or third year of the continuous cycle; and

e. A final team chair report submitted by the external team chair at the end of the cycle.

4. The annual accreditation review is based on the school maintaining progress in its continuous cycle by submitting the required reports.

**History:** Effective January 1, 2000; amended effective July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-16. Administration - Superintendent qualifications and time assignments.**

**1. Qualifications:**

- a. A public high school district, parochial or private high school must employ a superintendent who has a superintendent's credential, AD01 or ADP2.
- b. A graded elementary district, parochial or private elementary school may employ a superintendent. If so employed, the superintendent must have a superintendent's credential, AD01 or ADP2.

**2. Time assignments for superintendents based on school enrollment for all grades.**

- a. Enrollment two hundred fifty or fewer. A superintendent must devote a minimum of one-half of the instructional day to functions of the superintendency (180 minutes per day or 900 minutes per week).
- b. Enrollment two hundred fifty-one through four hundred. A superintendent must devote a minimum of two-thirds of the instructional day to functions of the superintendency (240 minutes per day or 1200 minutes per week).
- c. Enrollment four hundred one or more. A superintendent must devote full time to functions of the superintendency (360 minutes per day or 1800 minutes per week), of which a maximum of one-sixth of the instructional day may be devoted to instructional activities.

**3. Two or more school districts or a consortium of schools may share a superintendent if:**

- a. The superintendent is assigned to full-time administration and supervision; and
- b. The superintendent has a superintendent's credential, AD01 or ADP2.

**History:** Effective January 1, 2000; amended effective July 1, 2007.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-17. Qualifications of an assistant superintendent.** An assistant superintendent must have a superintendent's credential, AD01 or ADP2.

**History:** Effective January 1, 2000; amended July 1, 2007.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 115.1-02-11

**67-19-01-18. Administration - Secondary school principal qualifications and time assignments.**

1. A secondary school principal administering a school with enrollments as described in section 67-19-01-06 must have the following qualifications within the person's enrollment classification:

a. Enrollment one hundred or fewer. A secondary school principal must have a secondary principal's credential, SP01, SP02, SP03, or SPP2. An individual holding an SP03 credential may continue to renew the credential only while the individual serves in the same school. The SP03 is no longer issued as an initial credential.

b. Enrollment one hundred one through two hundred fifty. A secondary school principal must have a secondary principal's credential, SP01, SP02, or SPP2.

c. Enrollment two hundred fifty-one or more. A secondary school principal must have a secondary principal's credential, SP01 or SPP2.

2. The time assignment for the secondary school principal within the person's enrollment classification must be as follows:

a. Enrollment one hundred or fewer. A secondary school principal must devote a minimum of 120 minutes per day or 600 minutes per week to the principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership.

b. Enrollment one hundred one through two hundred fifty. A secondary school principal must devote a minimum of 240 minutes per day or 1200 minutes per week to the principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership.

c. Enrollment two hundred fifty-one or more. A secondary school principal must devote a minimum of 360 minutes per day or 1800 minutes per week to the principalship. At least one-half of that time must include activities related to providing building-level instructional leadership and a maximum of one-sixth of the instructional day may be devoted to instructional activities.

3. Time assignments for shared secondary school principal. The time assignments for a secondary principal serving two schools or employed in a school that has a shared superintendent must be as follows according to enrollment category:

a. Enrollment one hundred or fewer. A secondary school principal must devote a minimum of 120 minutes per day or 600 minutes per week to the principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership.

b. Enrollment one hundred one through two hundred fifty. A secondary school principal must devote a minimum of 240 minutes per day or 1200 minutes per week to the principalship, of which at least



one-half of that time must include activities related to providing building-level instructional leadership.

c. Enrollment two hundred fifty-one or more. A secondary school principal must devote a minimum of 360 minutes per day or 1800 minutes per week to the principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership.

4. An assistant secondary school principal administering a school with enrollments as described in section 67-19-01-06 must meet the following qualifications and time:

a. An assistant secondary school principal must have a secondary principal's credential, SP01, SP02, or SPP2.

b. The time assignment for the assistant secondary school principal within the person's enrollment classification must be as follows:

(1) Enrollment five hundred one through seven hundred fifty. A secondary school assistant principal must devote a minimum of 180 minutes per day or 900 minutes per week to the assistant principalship.

(2) Enrollment seven hundred fifty-one or more. A secondary school assistant principal must devote a minimum of 360 minutes per day or 1800 minutes per week to the assistant principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership. A maximum of one-sixth of the instructional day may be devoted to instructional activities.

**History:** Effective January 1, 2000; amended effective July 1, 2007.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-19. Administration - Middle level or junior high school principal and assistant principal - Qualifications and time assignments.**

1. Qualifications by enrollment categories are as follows:

a. Enrollment one hundred or fewer. A middle level or junior high school principal must have an elementary or a secondary principal's credential, EP01, EP02, EPP2, SP01, SP02, or SPP2. An individual holding an EP03 or SP03 may continue to renew the credential only while the individual serves in the same school. The EP03 or SP03 is no longer issued as an initial credential.

b. Enrollment one hundred one through two hundred fifty. A middle level or junior high school principal must have an elementary or a secondary principal's credential, EP01, EP02, EPP2, EP03,

EP01, SP02, SP03, or SPP2.

c. Enrollment two hundred fifty-one or more. A middle level or junior high school principal must have an elementary or a secondary principal's credential, EP01, EPP2, SP01, or SPP2.

2. Time assignments by enrollment categories are as follows: a. Enrollment one hundred or fewer. A middle level or junior high school principal must devote a minimum of 120 minutes per day or 600 minutes per week to the principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership.

b. Enrollment one hundred one through two hundred fifty. A middle level or junior high school principal must devote a minimum of 240 minutes per day or 1200 minutes per week to the principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership.

c. Enrollment two hundred fifty-one or more. A middle level or junior high school principal must devote a minimum of 360 minutes per day or 1800 minutes per week to the principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership. A maximum of one-sixth of the instructional day may be devoted to instructional activities.

An assistant middle level or junior high school principal must have an elementary or a secondary principal's credential, EP01, EP02, EPP2, SP01, SP02, or SPP2.

4. Time assignments by enrollment categories are as follows:

a. Enrollment five hundred through seven hundred fifty. A middle level or junior high school assistant principal must devote a minimum of 180 minutes per day or 900 minutes per week to the assistant principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership.

b. Enrollment seven hundred fifty-one or more. A middle level or junior high school assistant principal must devote a minimum of 360 minutes per day or 1800 minutes per week to the assistant principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership. A maximum of one-sixth of the instructional day may be devoted to instructional activities.

**History:** Effective January 1, 2000; amended effective July 1, 2007.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-20. Administration - Elementary school principal qualifications and time assignments.**

**1. Qualifications by enrollment categories are as follows:**

- a. Enrollment twenty-four or fewer. An elementary school principal must have a North Dakota educator's professional license with a major, minor, or an endorsement in elementary education.
- b. Enrollment twenty-five through one hundred. An elementary school principal must have an elementary principal's credential, EP01, EP02, EP03, or EPP2. An individual holding an EP03 may continue to renew the credential only while the individual serves in the same school. The EP03 is no longer issued as an initial credential.
- c. Enrollment one hundred one through two hundred fifty. An elementary school principal must have an elementary principal's credential, EP01, EP02, or EPP2.
- d. Enrollment two hundred fifty-one or more. An elementary school principal must have an elementary principal's credential, EP01 or EPP2.

**2. The time assignment for the elementary school principal within the person's enrollment classification must be as follows:**

- a. Enrollment twenty-four or fewer. Time should be provided for the performance of administrative duties.
- b. Enrollment twenty-five through one hundred. An elementary school principal must devote a minimum of 120 minutes per day or 600 minutes per week to the principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership.
- c. Enrollment one hundred one through two hundred fifty. An elementary school principal must devote a minimum of 240 minutes per day or 1200 minutes per week to the principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership.
- d. Enrollment two hundred fifty-one or more. An elementary school principal must devote a minimum of 360 minutes per day or 1800 minutes per week to the principalship. At least one-half of that time must include activities related to providing building-level instructional leadership and a maximum of one-sixth of the instructional day may be devoted to instructional activities.

**History:** Effective January 1, 2000; amended effective July 1, 2007.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-21. Administration - Shared elementary school principal - Elementary school principal qualifications and time assignments.** The time assignments for the elementary school principal serving two schools or employed in a school that has a shared superintendent must be as follows according to enrollment category:

1. **Enrollment twenty-four or fewer.** Time should be provided for the performance of administrative duties.
2. **Enrollment twenty-five through one hundred.** An elementary school principal must devote a minimum of 120 minutes per day or 600 minutes per week to the principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership.
3. **Enrollment one hundred one through two hundred fifty.** An elementary school principal must devote a minimum of 240 minutes per day or 1200 minutes per week to the principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership.
4. **Enrollment two hundred fifty-one or more.** An elementary school principal must devote a minimum of 360 minutes per day or 1800 minutes per week to the principalship. At least one-half of that time must include activities related to providing building-level instructional leadership and a maximum of one-sixth of the instructional day may be devoted to instructional activities.

**History:** Effective January 1, 2000; amended effective July 1, 2007.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-22. Administration - Assistant elementary school principal - Elementary school principal qualifications and time assignments.**

1. An assistant elementary school principal must have an elementary principal's credential at least applicable to the next lower enrollment category.
2. Time assignments are as follows:
  - a. If a principal serves in more than one building or has another assignment other than teaching, there must be an assistant principal assigned in that building. Time devoted to the functions of the assistant principal is not regulated but must be commensurate with the assigned duties and documented to correspond to assigned duties.

For a school with an enrollment of six hundred or more, an elementary school assistant principal

must devote a minimum of 180 minutes per day or 900 minutes per week to the principalship, of which at least one-half of that time must include activities related to providing building-level instructional leadership.

**History:** Effective January 1, 2000; amended effective July 1, 2007.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-23. Instructional personnel - Curriculum or instructional area director. Repealed effective March 24, 2004.**

**67-19-01-24. Instructional personnel - Secondary school teacher qualifications. Repealed effective March 24, 2004.**

**67-19-01-25. Instructional personnel - Secondary school teacher qualifications - Specific subject area preparation. Repealed effective March 24, 2004.**

**67-19-01-26. Instructional personnel - Middle level or junior high school teacher qualifications - General preparation. Repealed effective March 24, 2004.**

**67-19-01-27. Instructional personnel - Middle level or junior high school teacher qualifications - Specific subject area preparation. Repealed effective March 24, 2004.**

**67-19-01-28. Instructional personnel - Elementary school teacher qualifications - General preparation. Repealed effective March 24, 2004.**

**67-19-01-29. Instructional personnel - Elementary school teacher qualifications - Specific subject preparation. Repealed effective March 24, 2004.**

**67-19-01-29.1. Instructional personnel - Specialized credential preparation.** All school personnel must comply with the state credential and licensing requirements appropriate to their assignment.

**History:** Effective July 1, 2007; amended effective January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

~~67-19-01-00. Professional development plan. A written school district plan must be adopted which describes a program for professional development. The plan must include a description of the program, the activities, and the timeline for completion of activities. The plan must be reviewed at least once every five years and submitted to the department head for approval.~~

**History:** Effective January 1, 2000; amended effective July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

~~67-19-01-31. Written curriculum plan for kindergarten through grade twelve. Repealed effective January 1, 2010.~~

**67-19-01-32. Instructional program - Enrollments in grades nine through twelve.**

1. A curriculum for all students in grades nine through twelve must assure each student access to a minimum of five units of credit per year.
2. The minimum units of credit listed for each course are set out in North Dakota Century Code section 15.1-21-02.
3. A secondary school must provide additional units of credit in each school over a two-year period. The number of units is determined by the enrollment categories as follows:
  - a. Eighty or fewer - seven units from two course areas;
  - b. Eighty-one through one hundred fifty - nine units from two course areas;
  - c. One hundred fifty-one through three hundred fifty - eleven units from three course areas; and
  - d. Three hundred fifty-one or more - thirteen units from four course areas.
4. Schools must count for purposes of the minimum two-year course offering those courses in which students are enrolled which are provided through cooperative arrangements between or among schools and approved by the department.

**History:** Effective January 1, 2000; amended effective July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-21-02

**67-19-01-33. Middle level or junior high school - Enrollment in grade nine.** If grade nine is included in the middle level or junior high school organizational unit, the curriculum for secondary school grades nine through twelve, under section 67-19-01-32, must be provided for grade nine students.

**History:** Effective January 1, 2000.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-34. Instructional program - Enrollments in grades seven and eight.**

1. Grades seven and eight required courses. A student must be enrolled for a minimum time of instruction per week in the following areas:

- a. English language arts two hundred minutes.
- b. Mathematics two hundred minutes.
- c. Science two hundred minutes.
- d. Social studies two hundred minutes (Social studies in grade eight must include North Dakota studies. The North Dakota studies course code must be used when reporting on the MIS03.).
- e. Physical education eighty minutes.
- f. Health fifty minutes.

2. Grades seven and eight additional courses:

a. Music must be available to all students:

- (1) For a minimum of one hundred minutes per week in grade seven;
- (2) For a minimum of one hundred minutes per week in grade eight; or
- (3) For a minimum of fifty minutes per week in grade seven and for a minimum of fifty minutes per week in grade eight.

b. A minimum of two hundred minutes per week of instruction in courses from one or a combination of the following must be available:

- (1) Art;
- (2) Agribusiness;
- (3) Business education;
- (4) Computer education;
- (5) Modern languages;
- (6) Family and consumer sciences;

7) Technology education; and

(8) Other additional courses as approved by the department.

c. A middle level or junior high school student must not be assigned to a study hall for more than one period a day.

**History:** Effective January 1, 2000; amended effective July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11, 15.1-21-01

**67-19-01-35. Instructional program - Enrollments in prekindergarten through grade six.** Specific requirements regarding the length of the minimum instructional time per week for all subject areas are:

1. Prekindergarten and kindergarten (two and three-quarters hours per day or 825 minutes per week, equivalent);

2. Primary (grades one through three)

Language arts	650	650	650
Mathematics	200	200	200
Social studies	100	100	100
Science	60	60	60
Health	40	40	40
Music	90	90	90
Physical education	90	90	90
Art	45	45	45
Unallocated time	375	375	375

Unallocated time may be used for:

- Planning and guided learning;
- Initiating or expanding a subject area;
- Providing elective offerings; and
- Providing pupil personnel services.

3. Intermediate (grades four through six) 4th 5th 6th

Language arts	460	420	420
Mathematics	200	200	200

Social studies (Social studies in grade four must include North Dakota studies.

The North Dakota studies course code must be used when reporting on the



MIS03.)

	200 200 200
Science	160 200 200
Health	80 80 80
Music	90 90 90
Physical education	90 90 90
Art	45 45 45
Unallocated time	325 325 325

Unallocated time may be used for:

- a. Planning and guided learning;
- b. Initiating or expanding a subject area;
- c. Providing elective offerings; and
- d. Providing pupil personnel services.

4. Thirty minutes of supervised recess may be counted as part of the ninety minutes of physical education for grades one through three.

**History:** Effective January 1, 2000; amended effective July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11, 15.1-21-01

**67-19-01-36. Class size.**

1. Secondary and middle level or junior high school:

- a. Class size is recommended to be twenty-five students but may not exceed thirty students.
- b. A school unit is allowed three percent of the total number of classes taught to exceed thirty students to a maximum of thirty-four students per class without citation.
- c. Science and career and technical education classes must not exceed the capacity of the learning stations provided.
- d. Instrumental and vocal music classes are exempt from the class size standard.

2. Elementary school:

a. Classroom enrollment, one grade level per teacher:

(1) Prekindergarten through grade three is recommended to be twenty students but may not exceed twenty-five; and

(2) Grades four through eight is recommended to be twenty-five students but may not exceed thirty.

Maximum classroom enrollment, two grade levels per teacher:

- (1) Prekindergarten through grade three, twenty students; and
- (2) Grades four through eight, twenty-five students.

c. Maximum classroom enrollment, three grade levels per teacher, prekindergarten through grade eight, is fifteen students.

d. Maximum classroom enrollment, four grade levels per teacher, prekindergarten through grade eight, is ten students.

**History:** Effective January 1, 2000; amended effective July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-37. Teacher preparation time - Prekindergarten through grade twelve.** A teacher's schedule must include preparation time during the teacher's working day.

**History:** Effective January 1, 2000; amended effective January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-38. Student evaluation.**

1. A school district shall develop a plan for use of standardized test scores and other available data to enable instructional personnel and supervisors to plan curriculum, to improve the instructional program, to enhance student performance, to provide for special needs of students, and to report student progress to parents and the community. The plan must be reviewed at least once every five years and be kept on file for onsite review.

2. Kindergarten or grade one. A standardized readiness test must be administered in either kindergarten or grade one, whichever is the initial point of formal education. The most recent copyright date of the standardized readiness test administered may not be more than ten years prior to the administration of the test.

**History:** Effective January 1, 2000; amended effective July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

**67-19-01-39. Pupil personnel services.**

1. Each district must provide a pupil personnel services plan, which ensures students' needs are being met in counseling and guidance services, career planning, social and psychological services, and health services.
2. A district must have a written description of the pupil personnel services plan which is developed and reviewed periodically in cooperation with the staff members from counseling and guidance, social and psychological, and health services. The written plan must be on file with the pupil personnel services coordinator, must be reviewed at least once every five years, and kept on file for onsite review. In school districts with enrollments of one through twenty-four students, a copy of the written plan must be on file with the department of public instruction. The written plan must include the scope of services, personnel, and resources; schedule and time assignments of services that will be provided; and health and immunization records.
3. The pupil personnel services must be coordinated by a credentialed school counselor, superintendent, principal, or special education unit director. The classroom teacher may coordinate the services in elementary school districts with enrollments of one through twenty-four students.

**History:** Effective January 1, 2000; amended effective May 16, 2000; July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15-20.1-24, 15-20.1-25, 15.1-02-11, 15.1-06-20

**67-19-01-40. Counseling and guidance services – Prekindergarten through grade six.**

1. Counseling and guidance services provided to students in prekindergarten through grade six must be provided by credentialed counselors at the required time assignments.
2. a. Qualifications for school counseling and guidance personnel serving students in prekindergarten through grade six are based on the total number of students in the schools served:
  - (1) School district enrollment of one through twenty-four. A credentialed counselor is not required. However, the written plan as provided for in subsection 2 of section 67-19-01-39 must state what access the student has to counseling services by credentialed or licensed mental health professionals.
  - (2) Enrollment of twenty-five through two hundred fifty. A counselor must have a counselor designate credential or an approved written plan of study on file with the department of public instruction as provided for in subdivision b.

- b. Enrollment of two hundred fifty-one or more. A counselor must have a school counselor credential. Services may also be provided in accordance with North Dakota Century Code section 15.1-13-23 and North Dakota Administrative Code chapter 67-11-05 and section 67.1-02-04-03.
- b. If a school is unable to employ a credentialed counselor, as required by the enrollment of students served, the school may employ a licensed teacher to serve as the counselor. A written plan of study to become a credentialed counselor must be submitted to the department of public instruction and must be approved as described in section 67-11-05-04 - school counselor credentials.
3. The time assignment for counseling and guidance personnel serving students in prekindergarten through grade six based on the total number of students served:
- a. The time requirement is calculated at sixty minutes per day or three hundred minutes per week for each eighty students. Proportionate time allowances may be calculated for fractions thereof. One full-time credentialed school counselor must be provided for each four hundred fifty students.
- b. A school district with enrollment of one through twenty-four must submit annually a copy of its written plan as described in subsection 2 of section 67-19-01-39 to the department of public instruction, which includes classroom guidance activities based on the same time assignment.
- c. In an elementary school, a qualified elementary school counselor or counselor designate must provide at least fifty percent of the required counselor time assignment. Other licensed counselors or licensed social workers may be used to meet the remaining fifty percent required counselor time assignment. Time in excess of the accreditation standard may be provided by either a licensed counselor or a licensed social worker included in the school's written plan as described in subsection 2 of section 67-19-01-39.

**History:** Effective January 1, 2000; amended effective May 16, 2000; July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11, 15.1-06-19

**67-19-01-40.1. Counseling and guidance services - Grades seven through twelve for the 2009-10 school year.** During the 2009-10 school year, all schools must provide counseling and guidance services to students in grades seven through twelve as follows:

1. Counseling and guidance services must be provided by credentialed counselors.
2. a. Qualifications for school counseling and guidance personnel serving students in grades seven through twelve are based on the total number of students in the schools served:

- b. School district enrollment of one through twenty-four. A credentialed counselor is not required.

However, the written plan as provided for in subsection 2 of section 67-19-01-39 must state what access the student has to counseling services by credentialed or licensed mental health professionals.

(2) Enrollment of twenty-five through two hundred fifty. A counselor must have a counselor designate credential or an approved written plan of study on file with the department of public instruction as provided for in subdivision b.

(3) Enrollment of two hundred fifty-one or more. A counselor must have a school counselor credential. Services may also be provided in accordance with North Dakota Century Code section 15.1-13-23 and North Dakota Administrative Code chapter 67-11-05 and section 67.1-02-04-03.

b. If a school is unable to employ a credentialed counselor, as required by the enrollment of students served, the school may employ a licensed teacher to serve as the counselor. A written plan of study to become a credentialed counselor must be submitted to the department of public instruction and must be approved as described in section 67-11-05-04.

3. The time assignment for counseling and guidance personnel serving students in grades seven through twelve is based on the total number of students served:

a. The time requirement is calculated at sixty minutes per day or three hundred minutes per week for each eighty students. Proportionate time allowances may be calculated for fractions thereof. One full-time credentialed school counselor must be provided for each four hundred fifty students.

b. A school district with enrollment of one through twenty-four must annually submit a copy of its written plan to the department of public instruction, including classroom guidance activities based on the same time assignment, as described in subsection 2 of section 67-19-01-39.

c. In an elementary school, a qualified elementary school counselor or counselor designate must provide at least fifty percent of the required counselor time assignment. Other licensed counselors or licensed social workers may be used to meet the remaining fifty percent required counselor time assignment. Time in excess of the accreditation standard may be provided by either a licensed counselor or a licensed social worker included in the school's written plan as described in subsection 2 of section 67-19-01-39.

**History:** Effective January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

67-19-01-40.2. Counseling and guidance services. Grades seven through twelve after the 2009-10 school year. After the 2009-10 school year, all schools must provide school counseling and guidance services to students in grades seven through twelve.

If a school has twelve or more students, the school must have a counselor. If a school has fewer than twelve students, the school must have a counselor or a teacher who is trained in counseling. Proportional line allowances may be calculated for positions in a school.

2. All counseling and guidance services must be provided by a credentialed counselor, except a school may, at the discretion of the superintendent, require a teacher with a qualified career advancement certificate to provide counseling services in a school.

History: Effective January 1, 2010.

Statistical Authority: NDCOE 1-02-11.

Law/Implemented: NDCOE 1-02-11, 1-05-19, 1-05-20.

#### 67-19-01-41. Library media services.

1. Each school must provide a library media services plan which ensures that students and staff are effective users of ideas and information.

A school must have a written description of the library media services plan, developed and reviewed periodically in cooperation with the library and instructional staff and maintained at the school district level, which includes scope of services, personnel, resources, and equipment, and schedule and time assignments of services that will be provided. The library media services written plan must be reviewed at least once every five years and remain on file for onsite review.

3. Qualifications for school library media personnel employed in a secondary, middle level or junior high, elementary, or centralized (prekindergarten through grade twelve) library:

a. The qualifications for librarians are determined by the total number of students in the schools served:

(1) Enrollment of one through twenty-four. A librarian is not required; however, the library media services plan as provided in subsection 1 of section 67-19-01-41 must state what access students have to library materials and services.

(2) Enrollment of twenty-five through two hundred fifty. A librarian must be a licensed teacher and must have an LM03, LM02, LM01, or an approved plan of study librarian credential.

(3) Enrollment of two hundred fifty-one or more. A librarian must be a licensed teacher and must have an LM01 or LM02 library media credential or an approved plan of study.

If a school is unable to employ a credentialed librarian, as required by the enrollment of students

served, the school may employ a licensed teacher to serve as the librarian. A written library plan of study to become a credentialed librarian must be submitted to the department of public instruction and must be approved as described in section 67-11-04-04 - school library media credentials.

4. The time assignment must be provided by a qualified librarian and is determined by the total number of students served.

a. The time requirement is calculated at sixty minutes per day or three hundred minutes per week for each eighty students. Proportionate time allowances may be calculated for fractions thereof. One full-time credentialed school librarian must be provided for each four hundred fifty students.

b. A school with enrollment of one to twenty-four must make library media materials and services available to all students as indicated in the district's library media services plan. The school must annually submit a copy of its written library media services plan as described in subsection 2 to the department of public instruction. c. In any school library with a full-time librarian, library media aide

time assignments may be used to fulfill time requirements in excess of one full-time librarian.

d. In an elementary school, a qualified elementary school librarian must provide at least fifty percent of the total library program time assignment for organization, curriculum, service, coordination, and supervision responsibilities. Library media aide time assignments may be used to meet the total library time assignments in excess of the fifty percent librarian serving in a prekindergarten through grade six or prekindergarten through grade eight library.

**History:** Effective January 1, 2000; amended effective May 16, 2000; July 1, 2007; January 1, 2010.

**General Authority:** NDCC 15.1-02-11

**Law Implemented:** NDCC 15.1-02-11

#### **67-19-01-42. School policies - Handbooks.**

1. Each district must develop a teacher handbook and a student-parent handbook. The handbooks must be reviewed at least once every five years and kept on file for onsite review.

2. Handbooks, kindergarten through grade twelve:

a. Teacher handbook. A school must provide to each teacher a current handbook containing the rules and regulations that pertain to the duties and responsibilities of the teacher. The handbook may include policies for the general operation of the school.

b. A school must provide to each student a current student and parent handbook that includes the school mission or philosophy, goals, objectives, student rights and responsibilities, and policies on parent and student issues that include attendance, discipline, promotion and retention, and graduation requirements.

History: Effective January 1, 2000; amended effective July 1, 2007.

General Authority: NDCC 15.1-02-11

Law Implemented: NDCC 15.1-02-11

~~67-19-01-43 Driver's education program - Administrative requirements: Repealed effective January 1, 2010~~

#### Article 67-19

67-19-01 / Accreditation: Procedures, Standards, and Criteria

67-19-02 / Waiver of Accreditation Standards or High School Unit Instructional Time

NOTES from Field: LD: 3-11-11: I would like to see it in (using storm days BEFORE grace day)an Administrative Rule, I believe they want to use their grace day first so they don't give up their Easter Holiday.!

If we are serious about school reform, we would change our efforts from the current punitive approach to a strategy of building a strong education profession and attending to the conditions of children's lives. Instead of closing schools that are often the most stable institution in the neighborhood, we would be improving them. Instead of firing experienced teachers, we would be making sure that they have the tools to do their job. Instead of ignoring poverty and its negative consequences, we would be designing programs to help families and children. Instead of creating programs to insert inexperienced teachers, principals, and superintendents into our schools, we would take steps to recruit, support, and respect those who work in our nation's schools.



Diane Ravitch is Research Professor of Education at New York University and a historian of education. In addition, she is a nonresident senior fellow at the Brookings Institution in Washington, D.C. She has written numerous articles and books -- her most recent, *The Death and Life of the Great American School System: How Testing and Choice Are Undermining Education* (New York: Basic Books, 2010).



## House Bill 1029

June Herman, American Heart Association

HB 1029 was amended with Automated External Defibrillator (AED) program language to enhance school AED readiness. It is the basic language contained in Century Code for Good Samaritan use of AEDs and the maintenance of the devices, but place in an area more closely relevant to school safety, and includes clarifying roles based on such an environment.

The language is a starting point for emphasizing school AED readiness, an issue reviewed earlier this session with this committee. It can be enhanced through legislative direction that high school health curriculum, which already includes CPR training, should also include hands-on practice and more importantly review of AED use, especially within the school setting.

### Additional Background:

North Dakota Health Curriculum already includes CPR instruction within the core curriculum.

- Health Curriculum will slated for updating work this coming biennium.
- Legislative direction to ensure psychomotor skill based training, and AED purpose and use could improve student, and instructor awareness of the school's devices and response system.
- AHA guidelines serve as the basis for both AHA and American Red Cross training. AHA serves in the lead role for science review and guideline updates, and both organizations adapt training courses accordingly.

### Language for consideration:

#### PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1029

Page 8, line 4, insert:

3. Cardiopulmonary Resuscitation (CPR) training included in high school health curriculum will include psychomotor skill based CPR training. CPR training that is approved and utilized by the school must conform to the core teaching objectives for lay provider training as outlined in AHA Guidelines for CPR , include opportunity to practice and master psychomotor skills, and must make students are aware of the purpose of an AED and its ease and safety of use.

Renumber accordingly

#6 HB1029

Flakoll Amendment HB 1029

Page 1, line 22, remove "principal", replace with "superintendent or chief administrator"

Page 2, line 23, overstrike July 31, 2011 replace with "June 30, 2011"

Page 3, line 23, remove "principal", replace with "superintendent or chief administrator"

Page 4, line 25 overstrike July 31, 2011, replace with "June 30, 2011"

Renumber accordingly

DRAFT

#7

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1029

- Page 1, line 21, remove "To be certified as an approved school by the superintendent of public instruction, the"
- Page 1, replace lines 22 and 23 with "In order to obtain certification that a public school is approved, the superintendent of the district in which the school is located shall submit to the superintendent of public instruction a compliance report verifying that:"
- Page 2, line 23, replace "July 31" with "June 30"
- Page 3, line 21, after "school" insert "district superintendent"
- Page 3, line 22, replace "its" with "a school's"
- Page 3, line 23, replace "principal" with "district superintendent"
- Page 4, line 3, replace "principal" with "superintendent"
- Page 4, line 3, after "school" insert "district in which the school is located"
- Page 4, line 9, replace "To be certified as an approved school by the superintendent of public instruction" with "In order to obtain certification that a nonpublic school is approved"
- Page 4, line 10, replace "each" with "a"
- Page 4, line 25, replace "July 31" with "June 30"
- Page 5, line 21, after "circumstances" insert "the administrator of"
- Page 5, line 22, replace "its" with "the school's"
- Renumber accordingly

# 7