

2011 HOUSE EDUCATION

HB 1036

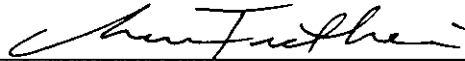
# 2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1036  
01/25/11  
13355

Conference Committee

Committee Clerk Signature



## MINUTES:

**Chairman RaeAnn Kelsch:** We will open the hearing on HB 1036.

**Brady Larson – Legislative Council:** Neutral. This bill provides for a legislative management study of developmental education also known as remedial education. During the course of higher education study there were several issues discussed and it was decided that this was an issue that needed to be studied further. It focuses on the cause of developmental education rather than ways to accommodate students that need developmental education. That concludes my remarks.

**Rep. Joe Heilman:** Would this be kind of, someone that has to retake trigonometry or something in college after they got out of high school?

**Brady Larson – Legislative Council:** Yes this would be a situation where a student is not ready to take a college course yet and needed to take an intermediate course to gain some fundamentals.

**Vice Chair Lisa Meier:** Are there certain areas of study that the study would target?

**Brady Larson – Legislative Council:** It would focus on the reasons why students need developmental education and the high schools that are producing students that need it. It is looking at the cause.

**Rep. David Rust:** Would this focus on students that may have been on IEP that now have enrolled in college courses?

**Brady Larson – Legislative Council:** There wasn't any discussion on including IEP but I believe this could be broadened to include that area.

**Rep. Mark Sanford:** I note that there is also a section that deals with alignment of curriculum between secondary schools I think that is a long time coming. It should be useful so we all know what's happening here.

**Chairman RaeAnn Kelsch:** I can answer to that as well this was a discussion held on education improvement and one of the components of the report that came out was that the

commission supports efforts at looking at the common course standard movement. Both K12 and higher education wanted to bridge that gap and that will be a component of this bill as well.

**Rep. Karen Rohr:** I appreciated line 11. My question is do we need to amend to include measurable outcomes?

**Brady Larson – Legislative Council:** It certainly could be. That is something that if for the committee.

**Chairman RaeAnn Kelsch:** Questions? Support?

**Michel Hillman – NDUS:** Testimony attachment.

**Chairman RaeAnn Kelsch:** What Mr. Hillman didn't get into was the fact that the cut scores were all across the board. That wasn't just for the university system but it was also our private institutions as well where their admission standards were a little bit subjective. They weren't necessarily based on anything hard and fast. It could be that they made their changes for allowing students in depending on the year and where the scores were that year. It became a little more subjective at least for state universities. This program makes it easier for guidance counselors and students to know what they have to have in order for them to get into a college level course.

**Rep. Lyle Hanson:** In some of our higher education institutions the nonresidents and residents are about equal enrollment. Do you have any research on the nonresident and resident students that have to take remedial classes?

**Michel Hillman – NDUS:** That is what we are hoping to get out of our new system. Last time we looked at that we didn't see a huge difference.

**Chairman RaeAnn Kelsch:** With the rigor we put in during the 2009 session is that we will be seeing the class enrollments to begin to drop. One of the issues is that it will take a little time to see the fruits of our labor.

**Michel Hillman – NDUS:** That's correct. Students needing to take developmental courses delays their degree.

**Chairman RaeAnn Kelsch:** Questions? Support?

**Robert Vallie – NDSU student:** I wanted to place a few comments for discussion. We as students at NDSU feel that the concerns of developmental education are a direct concern to us. Roughly 30% of students at NDSU do have a need for remedial education and I as well do especially when it comes to math. For us as students attempting to address the problem is a step in the right direction. Dealing with where the problems are coming from and how we can work together to combat the problem is a great way to support our future. We support the proposal in front of you.

**Rep. John Wall:** You mentioned you had problems with math. Was it because you ducked math classes in high school?

**Robert Vallie – NDSU student:** I never tried to duck away from math. The rigor of it was adequate I believe. I just never grasped the concept very well.

**Chairman RaeAnn Kelsch:** Questions? Support? Opposition? We will close the hearing on HB 1036.

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1036  
02/16/11  
14608

Conference Committee

Committee Clerk Signature



## MINUTES:

**Chairman RaeAnn Kelsch:** We will open the hearing on HB 1036. This is the one that came out of the interim higher education committee to look more closely at those issues regarding developmental education which is the new terminology for remedial.

**Rep. John Wall:** I move a do pass.

**Rep. Phillip Mueller:** Second.

**Chairman RaeAnn Kelsch:** We have a do pass motion and we will take the roll. We will close on HB 1036.

**14 YEAS 0 NAYS 1 ABSENT**  
**CARRIER: Rep. John Wall**

**DO PASS**

Date: 02-16-11  
Roll Call Vote #: \_\_\_\_\_

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1036

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. WALL Seconded By REP. MUELLER

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	X		Rep. Hanson	X	
Vice Chairman Meier			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) 14 No 0

Absent 1 - VICE CHAIR MEIER

Floor Assignment REP. WALL

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

**REPORT OF STANDING COMMITTEE**

**HB 1036: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS**  
(14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1036 was placed on the  
Eleventh order on the calendar.

2011 SENATE EDUCATION

HB 1036

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee  
Missouri River Room, State Capitol

HB 1036  
March 30, 2011  
16167

Conference Committee

Committee Clerk Signature



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

To provide for a legislative management study of developmental education issues affecting higher education.

## Minutes:

See "attached testimony."

**Chairman Freborg** opened the hearing on HB 1036; no fiscal note attached.

**Brady Larson, Legislative Council** introduced the bill; came out of the interim committee for higher education, and the bill is still in its original form. They took a look at higher education issues and the committee recommended a mandatory study on developmental education. He read the bill as is self-explanatory. Developmental education (remedial) is considered any courses below the 100 level most campuses; sometimes 100 or 101 level.

**Senator Heckaman:** Was there any talk from the committee about the needs of special education students being included in the study? **Brady Larson:** No, was not discussed.

**Jon Martinson, North Dakota School Boards Association** supports the study; he spent 23 years in higher education so is very familiar with this issue. K-12 is trying to align their curriculum more closely with higher ed. Since probably the GI bill, etc. they saw an increase in the number of students attending college and saw an increase in the need for remedial courses. Increased number of students meant more diversity—motivation, discipline, desire, achievement, skills, etc. If we want students to succeed in college—there is need for developmental courses to get the students up to speed and into regular courses.

**Doug Johnson, North Dakota Council of Educational Leaders** supports the bill. Feels there is a need to get a handle on remedial courses. Feels the longitudinal data system will help track these students to see where they are coming from and disseminate information. Also believes the North Dakota Scholarship is making a difference; students are trying harder in high school to get their grades and ACT scores up to meet the qualifications and that is carrying over to college.

**Michel Hillman, Vice Chancellor, North Dakota University System** testified in support of the bill (#1 Testimony) Handed out the SBHE Policies for Student Placement into College Courses (#2) that was recently developed.

**Senator Flakoll:** The data from your office says fall of 2009 there were 2,282 students in remedial courses. Do you know what percentage of North Dakota freshman students that take remedial courses every year—what is the range and percent? **Michel Hillman:** Until this past year they did not have any standardized placement into developmental courses or degree credit courses. Each campus had flexibility to determine which students needed to be in developmental courses; had universities that basically determined to “mainstream” all students and put them into regular courses with tutoring or whatever. Until this past year they didn’t have a clear definition of developmental. Part of the reason they didn’t is because many of the vocational and career programs don’t require, for example, College Algebra which is a requirement for the board common curriculum general education. If a student went into a welding program they did not need to complete College Algebra. They weren’t considered then because they didn’t need the course. Had definitional problems with the urging of the Commission on Education Improvement were able to work through and come up with definitions. He thinks the best way to answer the question, is to share ACT frequency distribution chart for North Dakota (#3). Raw data from the ACT administration for students graduating from high school in the spring of 2010. (explained the table)

**Senator Flakoll:** In the policy, #4 references some ACT scores and what might that translate into in terms of grades. Is that North Dakota data, and, and if not, are we working on North Dakota data to show at each ACT test score point how that might fair out in the system? **Michel Hillman:** The ACT data is based on national data of all types of institutions, not North Dakota view. Encourages campuses to participate in the ACT benchmarking, but don’t have an assessment. Looking for the longitudinal data system having better data matched up with individual students to look at performance. No exact North Dakota data.

**Senator Gary Lee:** In the policy, if a student doesn’t meet the minimum criteria to be enrolled in a particular class and end up in remedial course, do they just need to pass that or get a certain letter grade or how do they get to the next level course? **Michel Hillman:** The purpose of the policy is not to funnel a lot of students into developmental courses. It is really to identify that need in their junior year of high school and have them address those developmental needs before they come to college. Hoping that students that take the ACT exam as juniors this spring, fall below the benchmark in Math or English, take additional high school courses to address those needs. How do we retest them to know if they have addressed those needs? The policy does recognize that the Chancellor can identify equivalent exams for the ACT; draft procedure that matches up the ACT test scores with PLAN tests, Compass exam, working with the division of Distance Education on on-line support mechanisms, to address needs. IF they haven’t taken another ACT exam the college will administer the ACT Compass; there is an equivalent score that tells if they have met the new benchmark. If they meet it, go into regular course; if they don’t meet the benchmark then register for developmental course. **Senator Gary Lee:** So if they are enrolled in a developmental course, all they have to do is pass it? (Yes)

**Senator Heckaman:** Are these developmental courses non-credit or do they get credits for them? **Michel Hillman:** They are for college credit; use the National iPeds definition of what we count for credit or not. Because they don’t apply to associate or bachelor degrees they are typically not degree credit courses.

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

**Senator Flakoll:** Move a Do Pass to HB 1036; second **Senator Schaible.** **Senator Flakoll:** Has been somewhat concerned with the work output of the last couple of interim higher education committees, and that is why this past interim he suggested this study because he thinks there's been a problem of not having a sharp enough focus and maybe addressing an issue, tackling the issue and really getting some measureable progress in that area. Sometimes tend to be three miles wide and ½ inch deep on some issues and maybe this will allow them to focus on one really longstanding problem and have some things to bring back to the legislature next session to help out this. It does cost somebody millions of dollars.

Motion carried 7-0-0; **Senator Flakoll** will carry the bill.

Date: 3/30/11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1036

Senate 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 Sen. Flakoll Seconded By Sen. Schaible

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) 7 No 0

Absent 0

Floor Assignment Sen. Flakoll

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

**REPORT OF STANDING COMMITTEE**

**HB 1036: Education Committee (Sen. Freborg, Chairman) recommends DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1036 was placed on the  
Fourteenth order on the calendar.

2011 TESTIMONY

HB 1036

# TESTIMONY ATTACHMENT

## North Dakota University System

### HB 1036 House Education Committee

January 25, 2011

Michel Hillman

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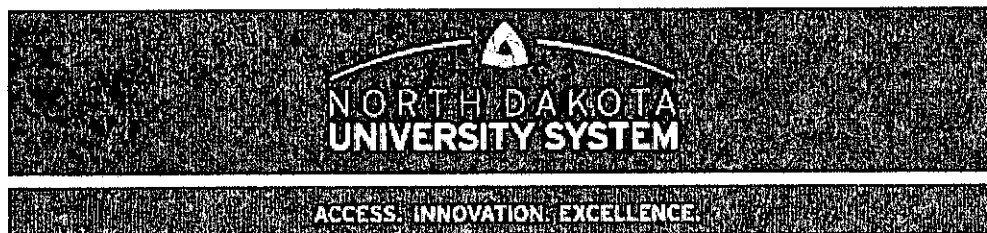
Good morning Madame Chair, members of the House Education Committee. For the record, my name is Mike Hillman, Vice Chancellor for Academic and Student Affairs with the North Dakota University System. The NDUS supports HB 1036; a legislative management study of developmental education issues affecting higher education.

At the request of the Commission on Education Improvement the State Board of Higher Education adopted systemwide uniform placement Policy 402.1.2, effective Fall 2012, for placement of students into developmental or degree credit courses. A copy of that policy is attached. This policy adopts the ACT national benchmarks defining preparation for success in college with a slight modification for mathematics placement for students entering community colleges. The Fall 2012 effective date is designed to give students and schools adequate time to prepare for the new policy. Juniors taking the state administered ACT exam this spring (Spring 2011) would have their senior year to address any ACT identified deficiencies in English or mathematics. The intent of the policy is to provide clear guidance to students regarding adequate preparation for college. The developmental needs of students should be addressed before they enroll in college. The policy is not intended to screen students out of college, or, to place large numbers of students into developmental education.

The NDUS has also worked closely with DPI on the national effort expected to lead to the adoption of new state K-12 standards. All eleven NDUS campus CEO's have signed off on their intent to use student achievement of the new standards to place students out of developmental courses and into degree credit classes.

Policy 402.1.2 will be in place until it can be updated or replaced with achievement standards based on the assessments under development for the new state K-12 standards. It would not be unusual for the processes used to develop the new standards, and the validation of instruments used to assess them, to take longer than anticipated. Policy 402.1.2 provides clear guidance and an evidence based approach to placement until it can be replaced.

Research studies have shown that students who enter college and do not need developmental courses are much more likely to complete degrees. Improvement in degree completion numbers is one measure of student success and is a goal of the SBHE. Thank you for the opportunity to testify in support of HB 1036. Please let me know if you have any questions.



## Policies and Procedures

### SBHE Policies

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**SUBJECT:** 400s: Academic Affairs      **EFFECTIVE:** December 16, 2010

**Section:** 402.1.2 Admission Policies - Student Placement into College Courses

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1. It is highly recommended that all students take the ACT Comprehensive Objective (ACT) exam in their junior year. This exam provides important admission, placement, advising and scholarship qualification information. Completing the exam in the junior year provides the student with the senior year and the summer before and after the senior year to address any academic deficiencies at the high school level before entering college.
2. Effective by the Fall 2012 term, students with an ACT English sub-test score of 18 or higher or an equivalent assessment approved by the chancellor are deemed college ready and may enroll in English 110 or any other non-developmental English courses. Students with ACT English subtest scores of 14-17 or approved equivalents may take ENGL 110 if co-enrolled in a developmental English course when a co-enrollment option is made available by the student's home campus. Students with an English subtest score less than 14 must complete a developmental course prior to taking ENGL 110. Institutions may adopt policies requiring higher qualifying scores or additional placement criteria based on the history of student experience at that institution.
3. Effective by the Fall 2012 term, an ACT Mathematics sub-test score of 22 or higher or an equivalent assessment approved by the chancellor is required for a student to enroll in Mathematics 103 (College Algebra) or any other non-developmental mathematics course at DSU, MaSU, MiSU, NDSU, UND or VCSU. An ACT Mathematics sub-test score of 21 or higher or an equivalent assessment approved by the chancellor is required for a student to enroll in Mathematics 103 (College Algebra) at BSC, DCB, LRSC, NDSCS or WSC. Students without qualifying assessment scores must successfully complete a developmental mathematics course before enrolling in a non-developmental mathematics course. Institutions may adopt policies requiring higher qualifying scores or additional placement criteria based on the history of student experience at that institution.
4. An ACT Reading sub-test score of 21 or higher and an ACT Science score of 24 or higher are associated with a 50% chance to earn introductory college course grades of a "B" or higher and a 75% chance to earn introductory college course grades of "C" or higher. Therefore, students are highly encouraged to prepare themselves to achieve at least these minimum scores.

#### History:

New Policy. SBHE Minutes, June 17, 2010.  
Amendment, SBHE Minutes, December 16, 2010.

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**North Dakota University System**  
**HB 1036 Senate Education Committee**  
**March 30, 2011**  
**Michel Hillman**

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Policy 402.1.2 will be in place until it can be updated or replaced with achievement standards based on the assessments under development for the new state Common Core based K-12 standards. It would not be unusual for the processes used to develop the new standards, and the validation of instruments used to assess them, to take longer than anticipated. Policy 402.1.2 provides clear guidance and an evidence based approach to placement until it can be replaced.

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## Policies and Procedures

### SBHE Policies

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**History:**

#2 HB 1036

Table 2.1. ACT Score Distributions, Cumulative Percentages (CP<sup>1</sup>), and Score Averages

ACT Scale Score	English		Mathematics		Reading		Science		Composite		ACT Scale Score
	N	CP	N	CP	N	CP	N	CP	N	CP	
36	6	100	5	100	31	100	13	100	2	100	36
35	47	100	37	100	33	99	16	100	10	100	35
34	51	99	39	99	86	99	14	100	14	100	34
33	52	98	40	99	77	97	27	99	28	100	33
32	60	97	52	98	78	96	16	99	49	99	32
31	78	96	66	97	105	95	55	99	69	98	31
30	103	95	79	96	163	93	87	98	109	97	30
29	100	93	104	95	196	90	105	96	136	95	29
28	169	92	168	93	193	87	142	94	152	93	28
27	167	89	245	90	205	84	206	92	224	90	27
26	298	86	330	86	216	80	271	88	281	87	26
25	260	81	388	80	308	76	438	84	359	82	25
24	337	76	452	74	327	71	423	76	462	76	24
23	376	71	436	66	372	66	616	69	424	68	23
22	418	64	390	59	488	59	440	59	501	61	22
21	509	57	282	52	427	51	654	51	544	52	21
20	418	48	424	47	483	44	601	40	477	43	20
19	409	41	384	40	353	36	433	30	442	35	19
18	314	34	400	33	278	30	412	23	427	27	18
17	296	29	542	27	375	25	254	16	384	20	17
16	338	24	554	17	281	18	194	11	292	13	16
15	319	18	313	8	262	14	142	8	192	8	15
14	223	13	106	3	231	9	112	5	152	5	14
13	110	9	38	1	137	5	72	4	90	3	13
12	120	7	7	1	94	3	71	2	45	1	12
11	120	5	1	1	50	1	35	1	13	1	11
10	80	3	0	1	19	1	22	1	2	1	10
9	63	2	0	1	4	1	8	1	2	1	9
8	26	1	0	1	4	1	1	1	0	1	8
7	11	1	0	1	5	1	1	1	0	1	7
6	3	1	0	1	0	1	1	1	0	1	6
5	1	1	0	1	0	1	0	1	0	1	5
4	0	1	0	1	1	1	0	1	0	1	4
3	0	1	0	1	0	1	0	1	0	1	3
2	0	1	0	1	0	1	0	1	0	1	2
1	0	1	0	1	0	1	0	1	0	1	1
Avg (SD)	20.7 (5.6)		21.4 (4.7)		21.7 (5.5)		21.6 (4.3)		21.5 (4.5)		Avg (SD)

<sup>1</sup>CP is the cumulative percent of students at or below a score point.

Note: Shaded portions of columns identify the students who met/exceeded the ACT College Readiness Benchmark Scores.

# 3 HB 1036