

**2017 HOUSE EDUCATION**

**HCR 3013**

# 2017 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

HCR 3013  
2/7/2017  
Job 28027

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

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

A concurrent resolution urging the Superintendent of Public Instruction to require all high school seniors in the state to take either the ACT assessment for college bound students or the Armed Services Vocational Aptitude Battery as a requisite for graduation and to receive a diploma and to require all high schools in the state to report the results of the assessments to the Superintendent of Public Instruction, and to urge the Superintendent of Public Instruction to rank all high schools in the state based on the assessment results and release the rankings to the public.

## Minutes:

Attachments 1, 2, 3, 4.

Representative Schatz: See attachment 1 for testimony.

Chairman- Mark S. Owens: any questions from the committee.

Rep. Matthew Ruby: is this a consider an either or ACT or ASVAB

Representative Schatz: what I envision is that the administration would know your grades, they would know plans, if you are going to college you would take the ACT, and if you were not going to college you would take the ASVAB. If you look on the second page of these composite ACT scores, you will notice up to 1994 up until 2010, that was the year we started to require everybody to take the ACT, between 75 and 82% took the ACT the other students did not. When you look at a kid that goes to school, and does not take the upper math classes, you are setting them to fail in the ACT, which nobody like to be set up to fail. If they are very mechanical, they are excellent at what they do, but that would not be to excel at an ACT test. So that is why the ASVAB.

Rep. Bill Oliver: I see what you are trying to do, but I have a problem. The ACT is a personal score for that child or that student to know that he can advance in education, if I am correct in assuming that, I do not think it is a way to measure a school district or a school. That is something that the standardized tests actually do to see how they are doing. And the ACT is just a completion of high school, and I don't think we need to tie a diploma to whether or not that child or the parents want to divulge that information to the school district, at that point it is really not the school districts concern, because as of that point they are actually taking

the ACT in their junior year, the senior year is not where we need to be measuring them, that junior year is where the measurement needs to happen, and we need to let them do, what they are going to do. I can tell you I took the PSAT, the SAT, and the ACT when I was in high school, but the ACT did not measure me properly, I went into the military, so actually I took the ASVAB test as well, from that point the military decided what careers I needed to be in. However, that changed in the middle of my terms, and I changed careers. But my education did not stop there, I did get a chance to go to one of the prestigious universities in this country, and I had a low ACT score, so it's not so much what your ACT score is, it's what your general knowledge is when you get ready to go to that school. They are going to test you, and they will place you in a remedial class or they are going to let you take your general education courses and get going on that. That is what I am assuming, so I guess my question to you is, do we really want to force the students with their first decision in life, you either give me your ACT score or else you do not get your high school diploma, that is my question.

Representative Schatz: yes, that would be there first decision.

Rep. Matthew Ruby: are we required to take the ACT in our junior year, correct?

Representative Schatz: I believe you can take the ACT as many times as you can get them in, from your junior to your senior year.

Rep. Matthew Ruby: is that required for a diploma though.

Representative Schatz: that I do not know. I am not sure right now.

Rep. Matthew Ruby: I don't know the answer, I thought you did, I thought you needed to have an ACT to graduate, and I understand why you would want the ASVAB as an or. I will give you an example, my first recruit was my little brother, we practiced the first part of the ASVAB which is a watered down ACT, and he failed that at MEPS, but his mechanical scores were off the chart, that qualified him for a rare waiver, and was able to get in based on him being great at mechanics, electrical, and plumbing which are hands on. I think this plays into different students learn different ways, I we already requiring them to have an ACT to graduate, I don't know how I feel about that, but if we are I have no problem allowing the ASVAB as an alternative.

Representative Schatz: if you do not take a test that has meaning to you, or some consequence to you, then why would you try very hard. I have proctored about 200 to 300 hours of standardized tests. I know some students take them seriously, and some do not. I want to get a test that everyone is taking seriously, and I think these two are the best vehicles that we have, I don't know what else there would be, unless you paid them a large amount of money. These things are not going to be public, they are going to be private. The school wants to know your numbers, and that is my point, it is not going to be put out there for everybody to see.

Rep. Mary Johnson: so the ultimate purpose of this is resolution is to rate our high schools based on best data available, is that what I am hearing.



Representative Schatz: correct, currently it is not being done, we do not rank our schools as far as I know of, especially on outcome. We want the final product is what we are after, not something in the middle, you can do great in middle and do poorly at the end. What good does that do, we want to find out the finished product, is it a good one or is there places that can be improved upon, and that is what it would tell us.

Rep. Mary Johnson: we have heard more than one bill about parental rights, and opting out, and that sort of thing. So what would you say to a parent who wants that capability to opt their child out of some assessment test, ACT's.

Representative Schatz: I really do not know what to tell you there, I guess there is an alternative to getting a diploma, there is a GED.

Chairman- Mark S. Owens: Any further questions. Any additional support for HCR 3013. Any opposition to HCR 3013.

Wayne Kutzer: see attachment 2

Chairman- Mark S. Owens: any questions

Rep. Matthew Ruby: how do the work keys and ASVAB compare, are they similar. Are they pretty similar or are they far off?

Wayne Kutzer: they are somewhat similar. The two handouts AI provided look at them side by side, you can see that the work keys applies math, and when you look at the ASVAB the first 4 components within that test talk more about those types of abilities within a student, the bottom half, starting with the electronics information, auto tech shop information, all of those are something that the work keys does not bring out.

Rep. Matthew Ruby: would it be a stretch to assume that the ASVAB could take the place of the work keys, the reason I am asking is that I assume the CTE program pays for the work keys, the military pays for the ASVAB, so it is at no cost to the school system, it is built in to the military budget, so it would save that program a little bit, if they were comparable enough. Is that too much of a stretch, are they too different that they do not relate enough.

Wayne Kutzer: from my position they are not similar enough to do that, the work keys and the ACT are both, one administration of each is paid for by the state, so that if the student takes the act one time that is paid for by the state, if they do not take the ACT instead they take the work keys that is paid for by the state, in either case that first administration is paid for by the state, and you are right the ASVAB is paid for by the military, they come out and they administer the test. It is a great test, we think all schools and student should participate in, it does provide a lot of good information, we just don't think it should be one of the required tests, and we do not think it replaces the work keys.

Chairman- Mark S. Owens: any additional questions or comments. Anyone else in opposition. Any neutral testimony



Kiersten Baesler: first and foremost. All of our 11<sup>th</sup> graders are required to take the ACT test or the work keys test, the majority of our students do take the ACT exam. Although the number of our work keys participants and test takers are growing over the last three years. The scores for those act and work keys exams are immediately and directly reported to our school districts. So that reporting process, all of our schools already receive the scores of all the students that take those exams. We do not however rank our school based on those, I have those available, you as the legislative body would have those available. They are in order, but we do not publish them to rank them. The ASVAB, and the use of that. I agree with Dr. Kutzer in his assessment, that this is a good test, it's a very good test, and as the committee that is working to write our accountability plan for the state of North Dakota, we adopted a mission last summer, that stated it is the purpose and mission of North Dakota K-12 schools to ensure that all of our students graduate from our K-12 systems choice ready, meaning that whatever that they have the knowledge, the skills, and the disposition to be successful in whatever they choose to do. Whether that be a 4-year degree, 2 years technical or trade school degree, enter the military or enter immediately into the work world. And so as we made that decision to pursue our overall goal to have 100% of our students leave our high schools choice ready in all of those areas, or at least one of those areas, we set out on certain metrics if you will on how to measure whether we met that goal, for the military ready, obviously we will include the metric, the measurement of ASVAB and so we are hoping that as students are interested in this and start to signal that they are going to take that direction and that route, that the ASVAB will become more of a metrics in our schools and more available for more of our young people.

Chairman- Mark S. Owens any questions

Rep. Bill Oliver: my question for you is an opinion that I would like to hear from you. Do you think that we need to weigh a high school diploma on whether or not somebody takes a test.

Kirsten Baesler: I think that it is important for us to ensure that our students have a well-rounded, and a balanced high school education. I am not sure that any single test should be the determinant factor in whether a student receives, proves the evidence or provides the evidence whether they should receive a high school diploma. See attachment 3 for examples.

Rep. Bill Oliver: if a parent wanted to get the grade for a school district can they get that from you/

Kiersten Baesler: absolutely yes, they can get it directly from ACT, they can get it directly from their school district. 100%

Chairman- Mark S. Owens: I just need to clarify, when you said grade Rep. Bill Oliver. Are you speaking of the individuals grade or an aggregate of the grade of the grade for the school itself.

Rep. Bill Oliver: my question is. If a parent contacted your office, and said they wanted the status of where this school district is, and they are going to make a choice, in our case is a small town, could they get the grade of that school district to see how they are educating their children.



Kirsten Baesler: if I can clarify, I am assuming that you are talking about the average ACT score, so the average score of that school district. When they contact our office, we encourage them to work with their local school board to try to keep it as local and at that level as possible, but yes if there were some circumstances if they were not able to get it from their local school district, we would certainly have those.

Chairman- Mark S. Owens: Any other questions. You said that currently everyone is required to take the ACT, we got 100%, but I keep hearing that they can take the ACT or the work keys, so you do not have to take the ACT.

Kirsten Baesler: that is correct, it is allotted that they either have to take the ACT or the work keys, the majority of our students take the ACT, but the number of work keys test takers are increasing the last several years.

Chairman- Mark S. Owens: here in the recent, it says 100% ACT's, so you have had 100% ACT instead of the work keys.

Kirsten Baesler: all of our students, there was such a small minority that took the work keys, that did not take the ACT, that we were clumped into the group of ACT analysis that was of the entire state required, so we were grouped by their analysis.

Chairman- Mark S. Owens: would you address the issue about a parent opting out the ACT for whatever reason, how that affects the graduation of that student.

Kirsten Baesler: At this point if a parent opts their child out for moral or philosophical reasons it does not impact the graduation eligibility of any students, it's a parents right.

Rep. Rich S. Becker: one series of letters that I have not seen today are SAT's, what happened to the SAT's.

Kirsten Baesler: there are 2 widely accepted college admissions exam in the nation, SAT provided by college board, and ACT which is what we take. Generally speaking, the majority of Midwestern state students take the act, and have historically. There are some of our students in the state who also take the SAT, depending on what their aspirations are for work after high school or for their education. All of North Dakota university school ask for an act exam, which is why generally most of our students take the ACT.

Rep. Rich S. Becker: soft audio.

Kirsten Baesler: I have never taken the SAT to be honest with you, nor did I administer it to any students. So the scoring module is different, there tends to be more writing that occurs with the SAT, the SAT just recently realigned, and re-evaluated and has come out with a new version of their SAT, so I know the scoring is different, but generally both tests gets to the core, and the heart of whether you are ready to be successful in post-secondary work, in the areas of English, Math, and Science particularly.

Chairman- Mark S. Owens: any other questions or comments. Any more neutral testimony for HCR 3013

Vickay Gross: see attachment 4 for testimony.

Chairman- Mark S. Owens any questions from the committee. Any neutral testimony.  
Closing the hearing for HCR 3013.

# 2017 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

HCR 3013  
2/8/2017  
Job 28056

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

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

A concurrent resolution urging the Superintendent of Public Instruction to require all high school seniors in the state to take either the ACT assessment for college bound students or the Armed Services Vocational Aptitude Battery as a requisite for graduation and to receive a diploma and to require all high schools in the state to report the results of the assessments to the Superintendent of Public Instruction, and to urge the Superintendent of Public Instruction to rank all high schools in the state based on the assessment results and release the rankings to the public.

## Minutes:

No attachments.

Chairman- Mark S. Owens: what is the committee's desires.

Rep. Bill Oliver: I move a do not pass on HCR 3013, place on consent calendar.

Chairman- Mark S. Owens: I have a motion, do I have a second, Rep. Matthew Ruby seconded the motion. Is there a discussion.

Rep. Pat D. Heinert: I am signed on to this bill, but I am not going to support it, evidently I did not do enough homework before I signed on to this, and do not realize that that other test is more prevalent than the military test, I would approve and support the do not pass.

Chairman- Mark S. Owens: I commend your focus; I have done that with a number of bills over the years that I had my name on. Once I heard the discussion.

Rep. Longmuir: I am on the same boat as Rep. Pat D. Heinert, I did sign on, the information I received even though I was not at the hearing yesterday, I will be supporting a do not pass.

Chairman- Mark S. Owens: any other comments, I will invite the clerk to do a roll call vote for a do not pass vote on HCR 3013, consent calendar. 12-0-2, and Rep. Pat D. Heinert is the carrier. This HCR is placed on the consent calendar.



Date: 2/8/17Roll Call Vote # 1

**2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3013**

House Education Committee☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☒ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ \_\_\_\_\_Motion Made By Rep. Oliver Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman- Mark S. Owens	✓		Rep. Andrew Marschall	✓	
Vice Chairman- Cynthia Schreiber-Beck	✓		Rep. Bill Oliver	✓	
Rep. Rich S. Becker	AB		Rep. Brandy Pyle	AB	
Rep. Pat D. Heinert	✓		Rep. Matthew Ruby	✓	
Rep. Dennis Johnson	✓		Rep. Denton Zubke	✓	
Rep. Mary Johnson	✓		Rep. Ron Guggisberg	✓	
Rep. Donald W. Longmuir	✓		Rep. Corey Mock	✓	
	6			6	

Total (Yes) 12 No 0Absent 2Floor Assignment Rep. Heinert

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

**REPORT OF STANDING COMMITTEE**

**HCR 3013: Education Committee (Rep. Owens, Chairman)** recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3013 was placed on the Tenth order on the calendar.



**2017 TESTIMONY**

**HCR 3013**

Attachment 1

2/7/17

HCR 3013

HCR 3013

Chairman Owens and members of the House Education Committee, HCR 3013 is a resolution to the Superintendent of Public Instruction to create a method of grading our schools using the ACT and ASVAB.

Unlike the nonconsequential standardized tests that are administered in the 4<sup>th</sup> and 8<sup>th</sup> grades, the ACT is the instrument made use of for admission into prestigious universities. The Armed Services Vocational Aptitude Battery is the test used by the military to determine placement in the forces. Not all of our students should be taking the ACT because they did not take classes in high school that would allow them a suitable score. The graph I will hand out shows that at least 20% would prefer the ASVAB.

Once all seniors are tested, they will give a copy of their scores to the administration who will tabulate and forward the scores to the Superintendent. Each school will be given an average score for both tests. If a senior refuse to produce his or her score, the school will not grant them a diploma.

The Superintendent will then confirm the tabulations and place all of the 185 districts in order of best to worst. This will give us a picture of which districts are actually educating their students in an efficient manner. I think the results will be interesting as it will put the large schools and small schools on the same page to see if there is a difference.

Thank you Mr. Chairman and I will try to answer any questions I can.



**NORTH DAKOTA COMPOSITE ACT SCORES  
1976-2015**

<b>GRAD YEAR</b>	<b>COUNT</b>	<b>PERCENT</b>	<b>Mean Composite</b>	<b>Pre-1989 Mean Composite</b>
1976	7688			18.3*
1977	7980			18.2*
1978	7445			18.1*
1979	7224			18.1*
1980	7245			18.0*
1981	7097			18.0*
1982	6589			17.8*
1983	6610			17.8*
1984	6446			17.9*
1985	6211			18.1*
1986	5424		20.5	18.5*
1987	5687		20.8	18.8*
1988	6211		20.7	18.7*
1989	6035		20.7	18.7*
1990	6118		20.6	
1991	5966		20.7	
1992	6068		20.7	
1993	6191		21.0	
1994		75%	21.2	
1995		75%	21.2	
1996		77%	21.3	
1997		78%	21.4	
1998		78%	21.4	
1999		79%	21.4	
2000		80%	21.4	
2001		80%	21.4	
2002		78%	21.2	
2003		80%	21.3	
2004		81%	21.2	
2005		82%	21.3	
2006		80%	21.4	
2007		82%	21.6	
2008		81%	21.6	
2009		78%	21.5	
2010		81%	21.5	
2011		98%	20.7	
2012		100%	20.7	
2013		98%	20.5	
2014		100%	20.6	
2015		100%	20.6	

Attachment 2 HCR 3013

2/7/17

House Education Committee  
HCR 3013  
February 7, 2017  
Department of Career and Technical Education

Mr. Chairman, members of the House Education committee, my name is Wayne Kutzer, Director of the Department of Career and Technical Education. We are opposed to HCR3013.

Current law requires all students to take the ACT or the WorkKeys.

The WorkKeys is a component of the ND CTE Scholarship. Students need a 5 on each of the three Career Readiness Assessments - Applied Math, Locating Information and Reading for Information as one qualification for the scholarship. Attached is an information sheet on WorkKeys.

This resolution ignores the WorkKeys which measures skills employers believe are critical to job success. The WorkKeys system includes job profiling, which uses the scores obtained by the student to correlate with identified skill levels for various occupations, over 20,000 unique job skills profiles.

The Armed Services Vocational Aptitude Battery, ASVAB, is not required but many schools do administer it. On line 11 of the resolution it states that the ASVAB "...indicates educational preparedness". Actually if you look at the literature, even its name, it's an aptitude test, not an academic test. Attached is a list of the tests in the ASVAB. The ASVAB is a good assessment and with our emphasis on career planning we recommend it. But it is not a replacement for the WorkKeys assessment.

In this time of concern over the amount of mandated testing, by passing this resolution you are adding to the number of tests a student needs to take.

Mr. Chairman, members of the committee we would urge a Do Not Pass on HCR3013.



## WorkKeys Basic Information

### Improving Workforce Quality

WorkKeys assessments are a first step toward closing skills gaps and improving workforce quality.

Supported by data from more than 20,000 job skills profiles and rooted in decades of workplace research, WorkKeys assessments are based on situations in the everyday working world. The assessments measure “hard” and “soft” skills.

Successful completion of three WorkKeys assessments, (Applied Mathematics, Locating Information, and Reading for Information), can help an individual earn the National Career Readiness Certificate (NCRC), a credential that documents essential work skills. More than 3 million NCRCs have been issued across the United States.

<b>Applied Mathematics</b>	This test measures mathematics skills related to success in the workplace.
<b>Locating Information</b>	The test measures your skill in placing, finding, and applying information taken from various types of graphics including tables, forms, graphs and diagrams.
<b>Reading for Information</b>	This test measures reading skills related to success in the workplace.



The CAT-ASVAB was implemented after 20 years of extensive research and evaluation.

It was the first large-scale adaptive test battery to be administered in a high-stakes setting.



## The ASVAB Tests

The ASVAB tests are designed to measure aptitudes in four domains: Verbal, Math, Science and Technical, and Spatial. The table below describes the content of the ASVAB tests. The tests are presented in the order in which they are administered.

Test	Description	Domain
General Science (GS)	Knowledge of physical and biological sciences	Science/Technical
Arithmetic Reasoning (AR)	Ability to solve arithmetic word problems	Math
Word Knowledge (WK)	Ability to select the correct meaning of a word presented in context and to identify best synonym for a given word	Verbal
Paragraph Comprehension (PC)	Ability to obtain information from written passages	Verbal
Mathematics Knowledge (MK)	Knowledge of high school mathematics principles	Math
Electronics Information (EI)	Knowledge of electricity and electronics	Science/Technical
<sup>†</sup> Auto Information (AI)	Knowledge of automobile technology	Science/Technical
<sup>†</sup> Shop Information (SI)	Knowledge of tools and shop terminology and practices	Science/Technical
Mechanical Comprehension (MC)	Knowledge of mechanical and physical principles	Science/Technical
Assembling Objects (AO)	Ability to determine how an object will look when its parts are put together	Spatial

<sup>†</sup>AI and SI are administered as separate tests in the CAT-ASVAB, but combined into one single score (labeled AS). AI and SI are combined into one test (AS) in the P&P-ASVAB. Scores on the combined test (AS) are reported for both the CAT-ASVAB and P&P-ASVAB.

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## **North Dakota Public K-12 Enrollment History and Trends**

1995 - 118,649 students

2000 - 111,705 students

2005 - 99,324 students

2010 - 93,406 students

2015 - 104,827 students (estimated)

2016 - 108,228 students (estimated) or about 15,000 more than in the 2010 school year.

At \$104 million, a major portion of the increased funding is due to the increase in the number of students that we educate.

### **Performance**

- 1) Highest graduation in the history of the State.
- 2) Our top performers on our ACT test scores have dramatically increased by 14% in the past 3 years.
- 3) Of all states who test all students for the ACT test, which is the gold standard of education excellence, North Dakota ranks 2<sup>nd</sup> in the Nation.

- 4) We have seen dramatic improvements in student achievement for students who are English Language Learner Students.
- 5) Normed score of the NAPE test. So if too many kids get above the average you recalibrate it so that there are still a generally equal number of student above and below the mean. So to hold even means that you continue to have a steady number of kids that are achieving well as the expectations and rigor increase.
- 6) The number of marathoners that qualify for the Boston Marathon remains the same each year. The qualifying time changes to make certain that only a certain number "make the grade".

The point being that like athletic standards, our education standards continue to increase each generation by very measurable amounts. So as times get faster, they keep raising the qualifying time. So in essence much like marathon qualifying times, as our student achievement increases we continue to raise the bar for what defines the median and what defines superior.

- 7) If you are 30 - 45 what you learned as a sophomore is now being taught to 8<sup>th</sup> graders, If you are 45 and above, what you learned as a sophomore is now being taught to eighth graders. So we continue to raise the bar.

Attachment 4 2/7/17

House Education Committee

February 7, 2017

HCR 3013

HCR 3013

Chairman Owens and members of the House Education Committee, my name is Vickay Gross, Disabilities Advocate with the Protection & Advocacy Project. I am here today to express concerns I have regarding this resolution.

My role as a Disabilities Advocate for the Protection & Advocacy Project is to help individuals with disabilities access services and overcome barriers to employment. This includes assisting students with disabilities as they transition out of high school into the adult world.

This concurrent resolution urges the Superintendent of Public Instruction to require all high school seniors in the state to take either the ACT assessment or the Armed Services Vocational Aptitude Battery. There are students with disabilities who would not be able to successfully take an ACT assessment or the Armed Services Vocational Aptitude Battery. Many are not required to take standardized tests that are currently administered for this reason. Of the students with disabilities who could take the test, many would need accommodations which the schools would need to be prepared to provide. Schools would also need to pay the fees associated with these types of assessments. Students with disabilities are to receive a free and appropriate public education therefore the schools would not be able to assess testing fees.

Thank you for allowing me the opportunity to comment on HCR 3013. I would be happy to try to answer any questions you may have regarding my testimony.

Vickay Gross  
vgross@nd.gov  
701-329-2950