

FISCAL NOTE
Requested by Legislative Council
01/11/2017

Bill/Resolution No.: SB 2186

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

SB 2186 allows school districts that wish to participate in an innovative pilot program to apply to the state superintendent for approval of a pilot plan that provides more local control and flexibility aimed at improving student educational performance. There is no anticipated fiscal impact.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

SB 2186 does not request additional state resources to implement the innovative pilot program. School districts that wish to participate in the pilot will assume costs (if any) of the pilot from existing local resources. It is anticipated that districts may reallocate existing local resources in support of their plan.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

SB 2186 has no impact on state revenue.

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

SB 2186 will require no additional state expenditures.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

SB 2186 requires no additional appropriation.

Name: Robert V. Marthaller

Agency: Department of Public Instruction

Telephone: 701-328-2267

Date Prepared: 01/12/2017

2017 SENATE EDUCATION

SB 2186

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2186
1/16/2017
Job Number 26890

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Sandra Baumgartner

Explanation or reason for introduction of bill/resolution:

Relating to an innovative pilot program to improve student educational performance

Minutes:

#1 (p.1-2), #2 (p.1-3), #3 (p.1-3), #4 (p.1),
#5 (p.1), #6 (p.1-2), #7 (p.1).

Chairman Schaible: Call committee to order on SB 2186.

Senator Nicole Poolman: Testimony #1 (p.1-2). Given more freedom, we could really see more off-campus activity. There were many partners in writing this bill.

Kirsten Baesler: Superintendent of DPT. Testimony #2 (p.1-3) Innovative program would apply for individual planning. ND does not allow an independent charter school in ND. Questions and answers: (meter reading 9:44-24:47)

Kirsten Baesler: The school could identify the needs of the students and could be individually develop plan for their development. More people involved creates more ideas. First year, the schools would bring their plan to the state superintendent for approval. Second year they would collect information and data needed. The third year is when we would work with them on an abstain ability plan. A 3-year implementation plan with up to 5 years with long abstain ability. Teachers could not ask for a specific waiver. They would have to go through school board approval. A school could have a school within a school, or a department within a department. Small steps toward what a community wants.

Aimee Copas: Shared Cory Steiner, Superintendent of Schools at Northern Cass School District testimony. #3 (p.1-3).

Nick Archuleta: President of North Dakota United gave testimony #4 (p.1).

Russ Ziegler: Assistant director for the ND Council of Educational Leaders. Testimony #5 (p.1). Schools would be held accountable.

Maggie Barth: Amateur Education Researcher. Testimony #6 (p.1-2) Come as mother of 2 young boys, to speak in favor of SB 2186. Schools need to change just as our world is.

Dr. Ben Johnson: Representing Bismarck Public Schools along, Superintendent Selman, and Dr. Tianna Kincaid. Testimony #7 (p.1) Explained the use of 20-minute block system in their school and the flexibility it involves with the student and classes. Students become a self-directed learner.

Kirsten Dvorak representing The Arc. Mother of child with special needs, with an individual education plan expressed support of SB 2186.

Anita Thomas: General Council of the ND School Board Association. Expressed support of SB 2186. Waivers of authority is the concept here.

Chairman Schaible: Questions? Other testimony?
Close hearing on SB 2186

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

1/17/2017

Job Number 27000

SB 2186

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature

Sandy Baumgardner

Explanation or reason for introduction of bill/resolution:

Relating to an innovative pilot program to improve student educational performance

Minutes:

Committee meeting for SB 2186

Chairman Schaible: A lot of responsibility and control would be given to the Superintendent of Public Instruction without being reviewed by legislatures or committee of any kind. Everything we have in statute is protected by code in the way we review things. This is big step and a lot of responsibility that we are delegating away from legislatures and from statute and giving it to the Department of Public Instruction.

Senator Oban: We are giving more power to the school boards in my mind.

Chairman Schaible: It doesn't say by board approval, so a superintendent could do it. Where is the public recourse? It could happen without the public knowing about it.

Senator Oban: Could we change the line "with approval of the local school board," and then say the superintendent may do all these things?

Senator Vedaa: They couldn't change requirements for graduation?

Chairman Schaible: I see it as a chance to do an alternative high school and do all kinds of stuff, life learning experiences and job shadowing. I think the potential is to totally change. You have to make your own credentials for that. But it does leave it wide open in my opinion.

Senator Vedaa: Does this mean they, on their own, can replace any class and call it whatever?

Chairman Schaible: I see no restrictions in here that would tell them they couldn't do it. That is my point. It doesn't have any restrictions, other than the approval of the Superintendent of Public Instruction.

Senator Vedaa: How does that effect the student moving onto college?

Chairman Schaible: This could evolve into something with no restrictions. I would like to see some safeguards in there.

Discussion continued on core courses and Legacy High School, where they have been doing different time structure in the school. Discussion continued on flexibility, accountability, and unknowns. Concerns were about giving away control to the Department of Public Instruction. Concern was stated for what is best for students in North Dakota.

Senator Rust: Could we have people in here and talk it out?

Chairman Schaible: I suggest we have people in and listen to their projects and what they are and how extreme they are. We will have a better understanding.

 Close the discussion on SB 2186.

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2186
1/24/2017
Job Number 27242

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Sandy Baumgartner

Explanation or reason for introduction of bill/resolution:

Relating to an innovative pilot program to improve student educational performance

Minutes:

Senator Schaible: Meeting called to order for SB 2186.

Phone conference with **Jeff Schatz** and collegiates, representing Fargo Schools.

Discussion was held on the innovative types of programs that they have in the Fargo High School. Demonstrate opportunities to develop 21st century skills, whether they are academic, skills, or military. Blending content or have a hybrid course with non-traditional seat time or service time committed to give back to the community. Project based learning is something they want for the future for students.

Cory Steiner, Superintendent of Northern Cass, explained the leadership course they have had with 9 students this year. Explanation was given on the importance of students developing budgeting time, planning, making connections, develop script and phone skills which are needed for their service learning program. Parents and board are supportive of this approach to more education with the changes. Being creative, but accountable was discussed. Customized learning is their future, with students being independent in their learning. They should be able to learn in their passion areas. Goal is to have every student come out of our school with a year of college under their belt. Students could not graduate early. We ask for the committee to pass this and let schools be creative.

Questions and answer time followed.

Chairman Schaible: Thanked both schools for information given. No other questions.

Meeting closed.

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2186
1/24/2017
Job Number 27251

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Sandy Baumgartner

Explanation or reason for introduction of bill/resolution:

Relating to an innovative pilot program to improve student educational performance

Minutes:

Chairman Schaible: Meeting opened for SB 2186.

Kristen Baesler: State Superintendent of Public Instruction: Commented about the Fargo and Northern Cass schools' innovative programs and ideas that they would like to and have implemented in their schools. School boards need to be on board along with the teachers, parents and community. The first year of planning would be to get everyone on board and then run into the second year implementing the plan. Assessment would be in the third year. The state has the formulate assessment for the year, also with ACT's, NWEA or Stars test. There are plenty of mechanisms to measure achievement for an extended plan.

Discussion was held on school board approval along with that of the teachers and parents.

Chairman Schaible: For the committee, I have amendments pending with school board making the request and reporting requirement to Education Committee.

Adjourned

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2186
1/25/2017
Job Number 27389

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Sandy Baumgartner

Explanation or reason for introduction of bill/resolution:

Relating to an innovative pilot program to improve student educational performance

Minutes:

#1, #2, #3

Chairman Schaible: Open for SB 2186. We will pass out the amendment #1. Explained 17.0695.001. Delivered to your desk was the Christmas tree version. #2 It hasn't been voted on yet. We also have a suggestion from the school boards association. They asked me if they could speak on this and I thought there was no reason not to listen to what they suggested.

Anita Thomas: General Council for ND School Boards Association. #3 Do you all have a copy of the Christmas tree version? Put the 2 amendments side by side and I will talk to you a little bit about the concerns in the original amendment and how it would be better addressed with ours. Amendments were explained and clarified. In the Christmas tree version, it starts out with a "notwithstanding any other provision of law". The superintendent of public instruction may prove an application from the board of a school district of any public or non-public school. We have problems with the English with that one. There is nothing on the law that prevents the superintendent from approving an application. So that section doesn't help much. My biggest problem is in sub section 1, that this power program is to provide for more local control and flexibility for schools. We don't know what that means. It is great testimony. Great intent, but I can guarantee you the AG won't know what that means when he is asked to do an opinion on it. The courts won't know what that means. We believe that it is just a fast track for districts into litigation seeking clarification of that. Our interest, as an association, is to make sure that the wording gets done properly in this bill. Further explanation on their proposed version continued. Any questions for the amendment we have suggested?

Chairman Schaible: In your opinion, does your amendment do everything we think the sponsors would want? In your opinion, is what the sponsors have offered cause us a bunch of trouble?

Anita Thomas: I can tell you if you go with the language of the sponsors offered, we will have to try to amend it, and we are not in the position to be supportive of the language. We are supportive of the concept, but the language is very problematic.

Chairman Schaible: Do what you propose hinder the intent of what you think they intended?

Anita Thomas: No, not at all. We believe that the language in our amendment would make that into a reality and would create a piece of legislation that not only can superintendents be proud of, but all the legislative assembly be proud of as can the people of North Dakota. It would allow the school districts and the school boards to be as creative and innovative as they can possibly be, and do it with the full authority of the statutes.

Chairman Schaible: We have had discussions about “out of the box” type thinking and moving past the 60’s. Do you see this as a pathway to do this?

Anita Thomas: Absolutely, ASBA views this bill and particularly in our amended version as the most significant piece of education legislation that we have seen come through this session. We are very much behind and encouraging that type of 21st century thinking.

Chairman Schaible: Other questions?

Discussion on revisiting on future session for updates.

Anita Thomas: We want to make sure if we have laws on the books that are hampering innovation at the school district level, that those laws be appropriately addressed. We don’t want to have 2 sets of laws we are working under. One being the ND Century Code and the other being waivers, programs that the department of public instruction as authorized. We encourage that laws that seem to be problematic, be addressed as soon as possible. Those in the education profession will monitor this closely to ensure that the appropriate bills do get drafted.

Chairman Schaible: Any direction you would like to go committee?

Senator Oban: I have a strong appreciation for trying to get this right when it is such a big bold idea. Getting it right is very important to all of us who support this concept. My frustration is with, all due respect, to the amendment offered, in my opinion a good one. This process of which we are trying to rewrite things 3 weeks after it was brought forward is frustrating. We will not have time to do that all the time. I want for the sake of all the groups that have been involved in this to know that these discussions need to happen long before we get to this point. In the future, especially, when we are talking about a big, bold idea, to have the language the best it can be when it gets here, so we can refine it and not be left with something like starting over. I support the innovation or the idea, though.

Chairman Schaible: If it is not good we have the option to approve or kill it. If it is good, we should try to improve it. In conference we might be doing some more changing. I feel it is such an immense change and that we are doing as much as we can. We have 2 weeks to get his bill out. I don’t want to be forced to make a decision.

Adjourned for SB 2186

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2186
1/30/2017
Job Number 27557

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Sandy Baumgartner

Explanation or reason for introduction of bill/resolution:

Relating to the innovative pilot program to improve student educational performance

Minutes:

#1

Chairman Schaible: SB 2186, Amendment (#1), handed out to the committee members.

Senator Oban: Explained the amendments to committee. This is a meld of the changes from the discussions with Superintendent Baesler and information Anita Thomas gave last week. A lot of this is to make sure we have the right wording. What the amendment does is removes some language that would prevent the Superintendent of Public Instruction from waiving certain things that we were trying to allow her to waive in this bill, that was not included in the first version. More explanation of amendment was given.

Senator Kannianen: I certainly approve the concept of blending multiple classes together for the same seat time.

Chairman Schaible: Is this what we want?

Senator Rust: I would like to look this over before I vote.

Chairman Schaible: We will come back to this.

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2186
2/1/2017
Job Number 27738

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Sandy Baumgatter

Explanation or reason for introduction of bill/resolution:

Relating to the innovative pilot program to improve student educational performance

Minutes:

#1

Chairman Schaible: Committee meeting for SB 2186

Senator Oban: Handed out proposed amendment #1 for SB 2186 and explained the differences. There were only 2 changes in the versions 002 to 003. I will have a Christmas Tree version ready for Tuesday. Discussion was held about the 2 changes made.

Meeting closed for SB 2186

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB2186
2/7/2017
Job Number 28013

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Sandy Baumgartner

Explanation or reason for introduction of bill/resolution:

Relating to the innovative pilot program to improve student educational performance

Minutes:

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Chairman Schaible: Open meeting for SB2186

Senator Oban: Everyone has the 2004 amendment which is the one I would like us to move forward with. I think Jeff is getting us a Christmas Tree copy. It is not all that different from 2003, but I really for the sake of us all being on the same page it would be nice to talk about the 0004 version. Do you want to wait for the Christmas Tree version?

Chairman Schaible: Yes, we can wait unless it is going to take all day. Why don't we turn to a different bill then until we get it?

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2186
2/7/2017
Job Number 28006

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Sandy Baumgartner

Explanation or reason for introduction of bill/resolution:

Relating to an innovative pilot program to improve student educational performance

Minutes:

#1

Meter reading was at 15:20 to begin

Chairman Schaible: Meeting open for SB 2186. Did we get the amendment? Go ahead and please explain it.

Senator Oban: In the 2004 amendment #1 you saw multiple versions which are pretty similar, but we can run through what this final version would do. The first section is repealing the language in just sub-section 1 that prevents the Superintendent of Public Instruction from actually waiving anything that would need to be waived in order to have this innovation program put into place. I believe this section of code is specific to time for high school units. Questions on the first section? Moving on to section 2. This is laying out what we need in order to get this program started. Section 2, sub-section 1 is giving the superintendent the authority to adopt rules, administer the following. Sub-section 2 gives the authority to accept the proposal if the public or not public school has been given approval by the local school board or governing board to participate in an innovative education program. That proposal must specify the innovations that they are pursuing as a part of their plan and if it will improve the education, improve the administration of education, provide increased educational opportunities or improve the academic success of students. Sub-section 3 gives the superintendent the ability to approve it, reject it or work with the proposal to modify it to work. Sub-section 4 is during the school's initial year in the program, the school shall develop a comprehensive implementation plan and work with the superintendent to insure the viability. Sub-section 5 allows the superintendent to approve the plan for a period of up to 5 years. There is a determination plan to work on modifications. Explanation followed on other changes.

Senator Oban: I will move 17.065.01004.

Senator Rust: I will second.

Chairman Schaible: We have a motion and a second for the 01004 amendment. Any other discussion?

Senator Kannianen: Last week was mentioned taking out the word waiver possibly.

Senator Oban: That is part of the reason why we worked long on this. For the interest of full disclosure, we debated on using it once or 4 times, so we concluded it wouldn't make a difference.

Chairman Schaible: Other discussion? We will have roll.

Roll taken: 5 Yeas, 0 Nays, 1 absent

Chairman Schaible: Now we have an amended 2186 in front of us. What are your wishes?

Senator Oban: I would move a Do Pass on amended SB 2186.

Senator Rust: I second.

Chairman Schaible: We have a motion and Do Pass on amended SB 2186. Any other discussion? Let's check the fiscal note.

Senator Oban: The fiscal note is nothing.

Chairman Schaible: Roll called:

Roll call 5 yeas, 0 nays 1 absent

Senator Oban will carry.

February 7, 2017

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2/7/17
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PROPOSED AMENDMENTS TO SENATE BILL NO. 2186

Page 1, line 2, after the first "to" insert "the creation of"

Page 1, line 2, replace "pilot" with "education"

Page 1, line 2, remove "to improve student educational"

Page 1, line 3, replace "performance" with "; and to amend and reenact section 15.1-06-08.1 of the North Dakota Century Code, relating to statutory waivers"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 15.1-06-08.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-08.1. Statutes - Waiver.

1. ~~The superintendent of public instruction may not waive any statute, in whole or in part, except as provided for in this section.~~
2. A school or school district may apply to the superintendent of public instruction for a waiver of section 15.1-21-03, ~~provided if~~ the waiver:
 - a. Encourages innovation; and
 - b. Has the potential to result in improved educational opportunities or enhanced academic opportunities for the students.
- ~~3.~~2. The initial waiver must be for a specific period of time but may not exceed one year. The school district may apply for extensions of the waiver. The first extension may not exceed a period of one year. Additional extensions may not exceed periods of two years.
- ~~4.~~3. If the superintendent of public instruction, after receipt and consideration of an application for a waiver under this section, approves the waiver, the superintendent shall file a report with the legislative council. The report must provide a detailed account of the reasons for which the waiver was granted and the specific time period for the waiver. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the legislative council. If requested, the superintendent shall appear and respond to questions regarding the approval or denial of any application for a waiver under this section.
- ~~5.~~4. The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications and the monitoring of any school or school district that receives a waiver under this section."

Page 1, line 7, replace "learning" with "education program"

Page 1, line 7, replace "Pilot program" with "Participation - Reports to legislative management"

Page 1, line 8, after "1." insert "The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section.

2."

Page 1, line 8, replace "approve an application" with "accept a proposal"

Page 1, line 9, remove "for a one-year pilot program to improve student educational"

Page 1, replace lines 10 through 12 with "upon approval by the local school board or governing board, for participation in an innovative education program. The proposal must specify the innovations to be pursued at the school or school district level and the manner in which the proposal will:

- a. Improve the delivery of education;
- b. Improve the administration of education;
- c. Provide increased educational opportunities for students; or
- d. Improve the academic success of students."

Page 1, line 13, replace "2." with "3."

Page 1, line 13, replace "Following" with "The superintendent of public instruction may approve the proposal, reject the proposal, or work with the submitting school to modify the proposal.

4. During"

Page 1, line 13, after the first "the" insert "school's"

Page 1, line 13, replace "approval of a program and before the end of the one-year pilot" with "year of participation in the innovative education"

Page 1, line 14, replace "may submit" with "shall develop"

Page 1, line 14, replace "to" with "and work with"

Page 1, line 15, after the first "instruction" insert "to ensure the long-term viability of the proposal"

Page 1, line 15, after the underscored period insert:

"5."

Page 1, line 15, remove "shall"

Page 1, line 16, remove "assist the school in creating a long-term sustainability plan for the program and"

Page 1, line 17, after the first "the" insert "comprehensive implementation"

Page 1, line 17, replace "to continue the program" with "developed under subsection 4"

Page 1, line 17, after "for" insert "a period of"

Page 1, remove lines 18 through 24

Page 2, replace lines 1 through 6 with "If, due to a change in circumstances, there is a determination by either the school or the superintendent of public instruction that modifications to the comprehensive implementation plan are necessary, the school and the superintendent of public instruction shall work with each other to achieve the necessary modifications.

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6. Beginning in the initial year of the implementation of the program, the superintendent of public instruction may provide the school with a waiver of any state statute or rule or provide authorization necessary for implementation of the plan.
7. The superintendent of public instruction may revoke any waiver or authorization granted under this section if the superintendent of public instruction determines the school has failed to perform in accordance with the agreed upon terms of the program or failed to meet the requirements of this section.
8. Any school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction.
9. The superintendent of public instruction shall provide periodic reports to the legislative management regarding the innovative education program."

Renumber accordingly

Date: 2-07-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2186

Senate Education Committee

☐ Subcommittee

Amendment LC# or Description: 17.0695.01004, 02000

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 Oban Seconded By Rust

Senators	Yes	No	Senators	Yes	No
Chairman Schaible	✓		Senator Oban	✓	
Vice-Chairman Rust	✓				
Senator Davison	ab				
Senator Kannianen	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment N/A

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

Date: 2-07-17
Roll Call Vote #: 2

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2186

Senate 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 Oban Seconded By Rust

Senators	Yes	No	Senators	Yes	No
Chairman Schaible	✓		Senator Oban	✓	
Vice-Chairman Rust	✓				
Senator Davison	ab				
Senator Kannianen	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Oban

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

REPORT OF STANDING COMMITTEE

SB 2186: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2186 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first "to" insert "the creation of"

Page 1, line 2, replace "pilot" with "education"

Page 1, line 2, remove "to improve student educational"

Page 1, line 3, replace "performance" with "; and to amend and reenact section 15.1-06-08.1 of the North Dakota Century Code, relating to statutory waivers"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 15.1-06-08.1 of the North Dakota Century Code is amended and reenacted as follows:

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1. ~~The superintendent of public instruction may not waive any statute, in whole or in part, except as provided for in this section.~~
2. A school or school district may apply to the superintendent of public instruction for a waiver of section 15.1-21-03, provided if the waiver:
 - a. Encourages innovation; and
 - b. Has the potential to result in improved educational opportunities or enhanced academic opportunities for the students.
- ~~3-2.~~ The initial waiver must be for a specific period of time but may not exceed one year. The school district may apply for extensions of the waiver. The first extension may not exceed a period of one year. Additional extensions may not exceed periods of two years.
- ~~4-3.~~ If the superintendent of public instruction, after receipt and consideration of an application for a waiver under this section, approves the waiver, the superintendent shall file a report with the legislative council. The report must provide a detailed account of the reasons for which the waiver was granted and the specific time period for the waiver. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the legislative council. If requested, the superintendent shall appear and respond to questions regarding the approval or denial of any application for a waiver under this section.
- ~~5-4.~~ The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications and the monitoring of any school or school district that receives a waiver under this section."

Page 1, line 7, replace "**learning**" with "**education program**"

Page 1, line 7, replace "**Pilot program**" with "**Participation - Reports to legislative management**"

Page 1, line 8, after "1." insert "The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section."

2."

Page 1, line 8, replace "approve an application" with "accept a proposal"

Page 1, line 9, remove "for a one-year pilot program to improve student educational"

Page 1, replace lines 10 through 12 with ", upon approval by the local school board or governing board, for participation in an innovative education program. The proposal must specify the innovations to be pursued at the school or school district level and the manner in which the proposal will:

- a. Improve the delivery of education;
- b. Improve the administration of education;
- c. Provide increased educational opportunities for students; or
- d. Improve the academic success of students."

Page 1, line 13, replace "2." with "3."

Page 1, line 13, replace "Following" with "The superintendent of public instruction may approve the proposal, reject the proposal, or work with the submitting school to modify the proposal.

4. During"

Page 1, line, 13, after the first "the" insert "school's"

Page 1, line 13, replace "approval of a program and before the end of the one-year pilot" with "year of participation in the innovative education"

Page 1, line 14, replace "may submit" with "shall develop"

Page 1, line 14, replace "to" with "and work with"

Page 1, line 15, after the first "instruction" insert "to ensure the long-term viability of the proposal"

Page 1, line 15, after the underscored period insert:

"5."

Page 1, line 15, remove "shall"

Page 1, line 16, remove "assist the school in creating a long-term sustainability plan for the program and"

Page 1, line 17, after the first "the" insert "comprehensive implementation"

Page 1, line 17, replace "to continue the program" with "developed under subsection 4"

Page 1, line 17, after "for" insert "a period of"

Page 1, remove lines 18 through 24

Page 2, replace lines 1 through 6 with "If, due to a change in circumstances, there is a determination by either the school or the superintendent of public instruction that modifications to the comprehensive implementation plan are necessary, the school and the superintendent of public instruction shall work with each other to achieve the necessary modifications.

6. Beginning in the initial year of the implementation of the program, the superintendent of public instruction may provide the school with a waiver of any state statute or rule or provide authorization necessary for implementation of the plan.
7. The superintendent of public instruction may revoke any waiver or authorization granted under this section if the superintendent of public instruction determines the school has failed to perform in accordance with the agreed upon terms of the program or failed to meet the requirements of this section.
8. Any school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction.
9. The superintendent of public instruction shall provide periodic reports to the legislative management regarding the innovative education program."

Renumber accordingly

2017 HOUSE EDUCATION

SB 2186

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

SB 2186
3/8/2017
Job 28898

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to the creation of innovative education program.

Minutes:

Attachments 1, 2, 3, 4, 5, 6, and 7.

Chairman- Mark S. Owens: opens hearing for SB 2186.

Senator Poolman: see attachment 1 for testimony.

Vice Chairman- Cynthia Schreiber-Beck: with ESSA in place today, and when we had no child left behind, would we have been able to do this, do you think with no child left behind it would have been harder, or could you expound on that please.

Senator Poolman: I think that certainly Superintendent Baesler is the expert in terms of the new flexibility under ESSA. I think that generally from federal government we are going to see more flexibility, and it is a prime opportunity for us to offer that flexibility at the state level as well.

Chairman- Mark S. Owens: any other questions, thank you. Anyone else in support of SB 2186.

Kirsten Baesler: see attachment 2 for testimony.

Chairman- Mark S. Owens: are there any questions.

Rep. Mary Johnson: is it necessary that on page 1 line 8 we allow you to be able to waive any statute in whole or in part to implement an innovative education program, seemingly this is all encompassing, it covers the entire century code, is that necessary.

Kirsten Baesler: because through the work of our last 2 and a half years, there are different approaches that our school districts wanted to take, and some are ready for more expansive changes, they have their school community, their school board on board. Others want to take small steps, so what was determined was that in order for us to be as flexible as our local school districts wanted us to be, it was necessary to phrase that language in that

manner, but also considering that none of this can happen without a approval by the local school board, without support from the local community, and the local teacher within that school district. We also must be part of a long range plan, it cannot be scatter shot, and it is going to be reported to the legislature every interim.

Chairman- Mark S. Owens: calls on Rep. Dennis Johnson.

Rep. Dennis Johnson: I think it is a great idea, and I appreciate being on the bill, but it hasn't passed, have you seen interest from the schools that are out across the state here, that want to participate in a pilot program like this.

Kirsten Baesler: yes, a very strong interest. A very very strong interest, we had a dozen schools that participated in our August training, we have more schools that have contacted our office since then, wanting to hear the ideas that others are having, you will be hearing from several superintendents, and a student actually later today about what their plans are, three of the superintendents already have plans, and ideas about how they want to take advantage of this, and that is one of the hopes that we have with this is to scale out these good ideas. As a pilot we as I said we had increased interest contacting our office saying what are other schools doing, we know we have to change for our students, we know our students are learning differently, we have to prepare them differently, but we don't know how to start, and so we have several school districts that want to start, and there are large school districts and small school districts, you will hear from them today, and so those ideas can be shared, and they can work with the department to develop ideas for innovation.

Chairman- Mark S. Owens: any further questions.

Rep. Brandy Pyle: in your testimony it says to waive the high school institutional time, can you give an example of what that would be like in a student's day or a teacher's day.

Kirsten Baesler: the instructional time 15 minutes of math 15 minutes of English 15 minutes of science that is the required instructional Carnegie unit by which we allow our students to accumulate earned credit, and then graduate. And we do that in isolated learning blocks, isolated learning periods of time, nine weeks a semester, a full year. And what we have is learning is variable within the set amount of time, and time is the constant, and so there are two different ideas to approach that. What if learning was the constant, everybody learned and mastered the skills, and time was the variable. It may take some students 8 weeks to master a semester a semester of algebra, it may take some students 12 weeks, it may take some students 18 weeks. Maybe it will take some students 20 weeks, but for that student that is only meeting 8 weeks to master a semester of algebra should we hold them back. SO that is one way to look at instructional time differently, the other way to look at instructional time differently is to do more project based, learn the basics within a classroom of algebra or of math, science, and English. But then combine and apply that knowledge in a block of 3 hours, or a block of 4 hours instead of 50 minute periods learned in isolation. I am not sure about you, but in any other jobs that I have held since high school graduation I didn't sit down at any desk that I was given and do 50 minutes of English, and then it was time to switch to 50 minutes of math, and then 50 minutes of science. I had to integrate all of those skills, and apply all of those skills, and we would like our high schools to be free from that binding of 50

minute isolated blocks where they can have experiences in high school that more accurately reflect their life after school.

Rep. Brandy Pyle: how will this affect our credentialing for the teachers.

Kirsten Baesler: the credentialing of our teachers are still a requirement. So all of these classes and all of these teachers would need to be working together, all of these classes would need to be supervised and the learning declared by a licensed certified teacher within that content area. It may have more of our science, math, and English teachers, social studies teachers working together, but all of them must be licensed and credentialed.

Rep. Matthew Ruby: this is not sacrificing any standards, right? All these programs still have to hit all the state standards.

Kirsten Baesler: yes, the learning standards and expectations will still be what we expect from our students.

Rep. Rich S. Becker: the proposed study that you are presenting with the waivers, obviously you have put a lot of planning and thought into this, but my question is have you borrowed any ideas from a neighboring states; Minnesota I am told likes to think that they are ahead of the curb, and many occasions with trying new things, but have you been able to blend some other areas that you might be able to mention that had some good ideas that you are trying to put into this.

Kirsten Baesler: very good question, yes. Over the last 3 and a half years now almost 4 years we have done extensive research. The education commission of the states have helped us, marzano labs have helped us gather that research, the committee when we started meeting in June of 2013, we have researched that, we have found best practices. We have gone to other schools, and visited those other schools with models like that. Colorado is moving forward, Maine is moving forward, Michigan is moving forward, Oregon, Washington, South Dakota is doing some innovative things and you will hear about some of the schools that are there as well. Yes, we have tried to find best practices to say how will that work best in North Dakota, and I believe the key is this is local communities taking control of knowing what their students need to know and how to learn that best.

Rep. Rich S. Becker: I assume that you have done that.

Rep. Bill Oliver: but the question needs to be asked, we have been talking about high school. How are we going to institute this in K-8.

Kirsten Baesler: that is an excellent question, I was at Legacy elementary school in West Fargo last week, and as an elementary teacher myself, there is a lot of innovation that is going on at our elementary schools, and much of the model that we see in elementary schools is now, our students are learning best. You will see those projects in elementary schools because they are not as confined by 50 minute instructional time, and that is the way our students are learning best, they are very curious, they are very engaged, that continues through middle school, and it is no secret we lose engagement of our students, and we lose motivation in our students when they hit that high school level, and I have to believe that part

of it is because we've lost that hands on application learning that they are so used to with those projects, and those integrated collaborative environments at the elementary school and middle school, we are trying to move it all the way through now.

Rep. Bill Oliver: we are not going to prohibit them from finding new ways though.

Kirsten Baesler: excellent question, this too will free them up to think more innovatively, very good point, thank you.

Chairman- Mark S. Owens: any additional questions.

Vice Chairman- Cynthia Schreiber-Beck: a couple of questions, the first one that I ask Senator Poolman, do you have any comments on that.

Kirsten Baesler: refresh my memory.

Vice Chairman- Cynthia Schreiber-Beck: whether or not given some similar flexibility than no child left behind.

Kirsten Baesler: yes it has, I think we would have been able to take this on regardless, we were intending to take this on regardless of the federal government would move, but ESSA has provided an opportunity to bring so much more control back to the state from the federal government, and we in turn want to at the state level give that local control back to our local school districts, and our local elected school board members. Essa also provides a much deeper and greater understanding of the importance of a well-rounded well balanced education, which is what innovative learning will really work to address.

Chairman- Mark S. Owens: any further questions. Superintendent I keep trying to get passed this one point, and I can't, so I am going to ask you about it, and it is subsection 4 section 2. It says, because it is my understanding that I submit a proposal and you give them a waiver for a year, and the after that they can do an additional two years, and additional two years. Here it says during the schools initial year participation in an innovative education program, they shall develop a comprehensive implementation plan for long term, coming from the planning world it seems to me that you want them to get close to finishing that first year so that they would know what was good, and what was bad to put into that plan rather than doing it while they were in the middle of the first years, so I am just wondering why it has to be done during that initial year, why not wait until after that initial year in order to as a requirement for extension.

Kirsten Baesler: that first year initial planning year is, I am willing to work with you on language to clear this up if you would like, but our belief was is that first year is when they need to build that teacher support, that community support, have transparency with the community, and then have the school board approval, so they have to be working through all of those issues as they worked to create the plan of what, and to identify. It can't just be, we want to try something new, it has to be very thoughtful and pragmatic about what are we trying to gain, what do we hope will be our results if we do this differently, and then identify what your goals are, and then identify a mechanism in which to measure those goals and be able to report on that. So when you are having deep dives with questions like that, and

determining measurement metritis, you should be involving your community, you should be involving your teachers, and you most certainly must be involved in your school board members. So with that that's why we would want to plan it, and then in that first year is, is this a thoughtful approach that would be the approval. Are there very understandable deliberate differences that we want to see, and gains that we want to see, and then they bring that to the department of public instruction.

Chairman- Mark S. Owens: well and that to me personally that was the A answer, I wanted to make sure that the proposal you were talking about wasn't, hey I just saw you in the lunch room and I got this idea, that they did have to kind of plan out the proposal and everything even for the waiver, and I assume that was the case, I just wanted to eliminate the question. There was something you said during your testimony that struck a curious note with me. You were talking about the Carnegie strategy, and then you talked about going to work and not doing that, I don't even know in my work where I ever learned how to do any of it to be honest with you, but then all of a sudden it started to sound like the movie. You know what movie I am talking about; I never could remember the name of it.

Kirsten Baesler: most likely to succeed.

Chairman- Mark S. Owens: thank you, something about succeeding, yes so most likely to succeed. To me that is an excellent example of possibly, well I will tell you my concern about that movie is if this turns out in that movie that school that they have created, not to work, and we do not find it out for five or six school years. What happens to that generation that we lost, I am worried about those kids that that school is going to go through, and it seemed like it was an extreme to me, I certainly support the soft skills, and learning those, but that seemed like we went from Carnegie all the way over here, and the way you mentioned about business and everything I guess, I am asking the question because I want to make sure we are not going from Alaska to Hawaii.

Kirsten Baesler: that is a very valid question, and a good point. I appreciate the opportunity to address that. So the film crew followed these students at high tech high in the movie around for a full year. And then condensed that into a 90-minute documentary, and so just by the opportunity to be able to travel around with the producer of that film, I learned more about what went on, and what you didn't see on camera and in the film in that documentary was the fact that they had very direct and deliberate instruction as well for reading, writing, and math skills. But it was only a portion of their day, and then the other portion of the day was applying those skills. And so I agree with you, we can't go from zero to 90, and we have to have very deliberate planning, and we have to make sure that not only are students having the soft skills, but they also have the core foundational knowledge as well. We have some superintendents here that have visited schools that actually one of them has visited that very high school that was featured, and he has taken community members and board members out there as well, so he will be able to provide some better insight. But to that point as well, the high tech high has been in existence for a number of generations, a number of high school generations now, and their students are successful. And even though they did not teach to the test at the end of the film or the end of the documentary, you may remember that even though they didn't teach to the test, that high school produced on average higher test scores than the state average. So the students were learning what they needed to do in

the content areas of math, English, science, but they were also learning how to apply that knowledge.

Chairman- Mark S. Owens: and the question, my question obviously was generated from a whole year being condensed into 90 minutes.

Kirsten Baesler: exactly. We have superintendents and actual people in the field here that will be able to speak very specifically to that if that would be the direction that they would go.

Chairman- Mark S. Owens: any other questions, seeing none thank you. anyone else in support of SB 2186.

Tim Gaffrey: I am going to explain to you the importance of what SB 2186 means to my school, but across the state as well. In 2006 an organization called P21 conducted a survey of 431 employers representing over 2 million US employees. Questions on this survey related to college, and asked if those employers felt their new workforce entrants are ready for the task at hand. Over half of respondents declared that entrants coming out of high school were not prepared for some of the more important skills such as critical thinking, problem solving, creativity, and innovation. 4-year college grads fared a bit better with only about ¼ being viewed as unprepared, the main point that I like to reflect on this study is, it is 11 years old, so that means we have been still teaching kind of in that same timeline and the same concepts, and we are falling dramatically behind. At our school district we realized that it's time to do things differently, our district is in the process of implementing projects based learning, and this method of teaching and learning will give us the opportunity to provide real world experiences for students to apply important skills in communication, collaboration, critical thinking, and creativity in a manner that will better prepare them for challenges of both college and work in the 21st century. And in order to do this it is an effective and efficient manner, we will need flexibility on how we structure our day or curriculum, and the requirements for students to successfully maneuver their own education. It is no longer acceptable to us to simply graduate students, it's our mission to give them the tools to move into the future as successful professionals in any endeavor they choose. The bill is not only important to the Richmond school district; it is important to North Dakota. By granting that flexibility through waivers, and allowing our state superintendent the autonomy to grant those waivers, this legislative body is creating the opportunity for North Dakota students to participate in an educational system that is no longer ruled by structural boundaries, established in a time when cars, computers, and cell phones didn't exist. I ask that you vote do pass on SB 2186 and allow educators in our great state to create educational experience and opportunities that will enable our students to be successful now, and well into the future. I would also like to expound on the movie: most likely to succeed. You are right, we convinced a lot of time, and a lot of things that went behind the scenes into a small blurb called most likely to succeed, but I visited the school 2 times. The first time I took the teacher up part of my district leadership team to see how projects based learning looked into action, and see how we could take some of those things back to our district, and implement it for our students. It was a huge success, because it was an eye opener, so some of the things we found out were, there are standards based school districts, they follow common core, and plan everything they do around academic standards. They also take smarter balance assessment much like North Dakota, and they do score at least on average 10 higher than the remainder of the state, and one thing about California is they don't require the ACT or

SAT for juniors or anyone in high school to take, so that's voluntary on the student's behalf, but in 2016 alone over 95% of their juniors chose to take the SAT. The one young lady that took this through, I said well have you taken the ACT yet, she said yes I have taken the first time, she said well I decided to take it as a sophomore just to see how I do. I said how did you do, she said I scored a 30 so I am going to take it again, because I was not happy with that. So I kind of went further in depth with her, so what about dual credit classes, she said we don't take those we take honors classes, which are AP classes. I said how does that prepare you for college, she said I don't think that is good enough, we have a partnership with a local college, and I go to school there for half a day. So yes what you saw in the movie was not indicative of what you will see in North Dakota, but it was something truly amazing to me to help my parents and some school board members we took another trip out there, and I think I created advocates for it in that period of time, because just it made the students recently, and problem solve even at the youngest ages, and they are proud of themselves, and they are engaged. And that is one thing we lack in education nowadays is that engagement, students come to class often because they think they have to, not necessarily because they know it is a connection to their future, and allowing us the ability to create that innovative practice within our schools, helps them engage because we create something more personal for them. What we do now focuses on the students, and focuses on their needs to be successful in the future world, and not necessarily on the Carnegie unit or the Prussian model of schooling where we think everything is confined in a vacuum that everybody first in, instead of trying to fit education to each student. So that is my proposal, I hope that you choose a do pass on it, thank you.

Chairman- Mark S. Owens: any questions.

Vice Chairman- Cynthia Schreiber-Beck: I equate it to 4h which was hands on project based learning, you had to have some skills obviously to be able to do things, but you progress at your rate, you did your thing, different projects, different levels, is that a simple way to explain this.

Tim Gaffrey: I think one way to look at is, ask your children even at the elementary level, what is their favorite class. When they come home ask them what did you do today, well we had PE, well that is projects based learning, and what we are looking at an innovative process that we are thinking we are kind of throwing everything out we have always done, and adding something new and kind of going over the top with it, but we are not. You are right it is 4h, it is also student government, student council, it's PE, it's agriculture classes, it is things we have been doing all along, but what it does more than anything is it allows a practical applicable skills, so we can no longer teach calculus in the classroom, and saying go out the door and use this in your life, because there is no connection. We are creating opportunities for them to be managers, and problem solvers in a more of a real world context which is what colleges and what businesses are asking for, and saying we are not turning out now, so it is 4h, but in my opinion it is everything else.

Chairman- Mark S. Owens: any additional questions

Rep. Andrew Marschall: now this program I am kind of curious, when they come up with a plan, could this plan be also tailored to say you've got an exceptional student, could it be tailored to get approval for that student vs most of the time this is going to be for a group or

for the school. But if you come up with a child that is gifted, and you wanted to do something special for that child and come up with some sort of curriculum and get approval, could it also be tailored down to say like an individual child.

Tim Gaffrey: I am glad that you brought that question up, because actually it is tailored to each child, and that is where we look at competency based education in one, and this is part of that broader umbrella of competence based education. What projects based learning does, and that is just an explanation of how my district is doing it. Projects based learning authors multiple points of entrance, as you are creating a project, and remember we don't teach for hours upon hours upon hours, and then we have a project at the end. Projects based learning is creating a project, and teaching as we are going along, and for those students of more skilled or more adept it allows them to excel, and become more independent in those projects. And some projects are group, small group, whole group, and some are independent, and it is amazing to think about it, because it's not just building something, it's not just creating something, but a research project that culminates in a research paper or something like that, that is also what we consider projects based learning, and competency based education, so it is multiple outlets, not just for students that excel or students that are average with their peers, but also the students that struggle, it gives them the opportunity to access it, and start applying all the things that they are learning, and then gain more knowledge from that.

Chairman- Mark S. Owens: any further questions, seeing none thank you. Additional support for SB 2186

Tammara Uselman: attachment 3 for testimony.

Chairman- Mark S. Owens: are there any questions. Your example intrigues me from the standpoint of um, the internships that you talk about, I am just wondering if you are familiar with some other countries, I know of one where by the time they reach high school they spend half a day in school and the other half is an internship, and apprentice programs, so that when they graduate high school, they are ready to go do something, that does not mean that child is locked into that, they may change 3 or 4 times throughout high school before they find what they want, is that anything you were familiar with that you were looking at or.

Tamara Uselman: well I am familiar with that in that the idea that a student who is ready is given that opportunity it takes the lid off for the student, and you have the careful construction of the standards, you have proficiency skills to measure the amount that they are learning to give feedback, it's perfect and it works for that student who deserves that opportunity I will say their parents pay taxes too, all kids deserve to be challenged and this gives us that chance to really challenge those high flyers.

Chairman- Mark S. Owens: and yet they have been doing it for 40 years, and we are now just getting around.

Tamara Uselman: we are getting around to it, but it is the right time, I mean to me it is the perfect time to get this done.

Chairman- Mark S. Owens: any other support for SB 2186

Corey Steiner: Attachment 4 for testimony.

Chairman- Mark S. Owens: are there any questions, seeing none thank you. Any further support for SB 2186.

Dossen Chaffer: I have amassed quite a network of young people that I think are truly remarkable, and reflect the caliber of students that we have here in our state, and when I reached out to them about SB 2186 and the prospects that that has for our public education system, I will tell you that they are excited, it's not just teachers, it's not just administrators of the department of the public instruction, it is students that are excited about the opportunities that they have to begin learning outside of the classroom, to begin learning outside of the textbook in a desk for 50 minutes. Many of you have maybe seen me in the capitol building quite a bit these last couple of weeks, I have really been here more than I would like to care to admit, but my school is very flexible, and how allowed me to attend the legislative session for a different hearings and work that I have been able to do, and they have allowed these absences to be school related. Now the work that is required of me, I still have to fulfill 100 percent, and I plan to do that rather permitting if I can get back to Langdon tonight, that is my plan I will catch up on homework. But imagine a state where we can offer credit to somebody who has lived in the legislative process for the last 2 weeks, I learn more down here than I would in my problems of democracy class sitting in Langdon, and I can absolutely attest to that, because this is my passion, I love being around working with legislators, visiting with you, meeting with you, and testifying whenever I am able, and I learn a plethora of things. As you know sitting on a policy committee sometimes you get focused in in one are, but the legislature in North Dakota looks at everything, and so in the last two day I spent in house appropriation education, and environment section for the majority of my time, and there they covered everything, and so I have gotten to hear higher ed budgets. I truly believe that when you allow students to go explore what their passion is in a real world setting, they will walk away with real world skills and relationships that will benefit them beyond their secondary education, and as they enter their post-secondary journey. I will reiterate what you have heard from teachers, superintendents in the department of public instruction today, and that is that the education community in North Dakota is excited about this, they are excited about the future of what this can offer our students, and what this can offer the state of North Dakota and so I would certainly support passage of SB 2186.

Chairman- Mark S. Owens: any questions, seeing none thank you. Anyone else in support of SB 2186.

Aimee Copas: attachment 5 for testimony.

Chairman- Mark S. Owens: any questions.

Rep. Brandy Pyle: I am really excited about this bill, I grew up in Minnesota, so a lot of the stuff that we did when I was in high school is starting to come here, so I am feeling really excited. What are some thoughts of international experiences, my senior year was spent in Venezuela with the rotary exchange programs, so all my requirements were done by my junior year, I had to take independent classes to make sure everything was done. A lot of times what I see here is we don't expand their minds, we are just focusing on North Dakota

or just US, and if you visit with Canadians or Europeans and they know the Asian markets, they know the Mexican markets, they understand the evaluation of the Venezuelan currency, and the issues happening down there, and how the country is imploding. What do we need to do to expand that portion of it.

Aimee Copas: I think the beauty of this lies within the conversation that happen within a local community, since this truly owned locally, you can have that excitement. Let's say hypothetically speaking that you are the teacher in that school with this idea, this home grown idea, you take this to your local administrator and local school. You gain that support locally, and it is just a submission to superintendent Baesler to provide that waiver. I don't see any restriction in here, it is just truly getting the buy in of your local community to do these things, you know I share with you some of those similar concerns with regard to us being not only competitive in our state, but regionally, nationally, and globally. Frankly we live in a society where our borders are rather great, and we can't hold our students back or we are truly doing them a disservice, so if you have that local teacher that see's beyond that like you do right now, there is no reason without just going through the process, that I can't see why it would get denied.

Chairman- Mark S. Owens: any further questions, seeing none thank you. Anyone else in support of SB 2186.

Anita Thomas: attachment 6 for testimony.

Chairman- Mark S. Owens: any questions, seeing none thank you. Anyone else in support of SB 2186.

Tom Gerhardt: attachment 7 for testimony.

Chairman- Mark S. Owens: any questions. Seeing none thank you. Anymore support for SB 2186, any opposition to SB 2186, any neutral testimony for SB 2186. Closing the hearing on SB 2186.

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

SB 2186
3/8/2017
Job 28896

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to the creation of innovative education program.

Minutes:

No attachments.

Chairman- Mark S. Owens: this has to do with re-arranging school I think. What is the committees pleasure.

Rep. Corey Mock: It is a great bill, I move a do pass.

Chairman- Mark S. Owens: we have for SB 2186 a do pass move by Rep. Corey Mock, and seconded by Rep. Bill Oliver. Any discussion.

Rep. Mary Johnson: one point for some future central legal research legal student who is perusing the transcripts of committee work for legislative intent on this, I like to point out by eliminating page one line 8 and 9 we are in no way suggesting that by eliminating that portion that the superintendent may waive any statute in whole or in part. That is not the purpose of this, the school districts still have to apply for a waiver, there it's in the record.

Rep. Corey Mock: for that legal researcher or someone who is perusing the record, let the record show, thank you for researching this, I hope your day is going well, good luck with the bar exam, and all other well wishes that we can extend this person, this is a nice little easter egg for the record.

Rep. Bill Oliver: when I was in kindergarten, we actually did this in South Dakota in Rapid City, and this was a great program for me, and then in 5th grade again in central Illinois I had a teacher that did this with our class, and we had the most advanced class, I think we had 60% out of our class go on to college, because of that one teacher.

Chairman- Mark S. Owens: any additional comments.

Vice Chairman- Cynthia Schreiber-Beck: 15 to 20 years ago when I was still teaching we collaborated myself and the learning disabilities teacher who had numerous other titles to her name. For our special students to take them out of the 4 walls of the school, it was a

tremendous amount of work on our part, but these were kids in high school that never experienced anything beyond failure in classroom environment, because of their disability, their learning style, etc. So the community became involved, the administration let us do it, we had kids all over the two towns, and it was amazing what can be accomplished, and I did not realize that we would be working on this bill today, so it is successful for students that are not just ordinary educational students, for kids that are special needs students it works very well.

Chairman- Mark S. Owens: Vice Chair I don't think you have to sell it to the committee.

Vice Chairman- Cynthia Schreiber-Beck: I am just explaining; I was 20 years old.

Chairman- Mark S. Owens: any other comments. Seeing none I invite the clerk to call the roll for a do pass for SB 2186. 14-0-0, and carried by Vice Chairman- Cynthia Schreiber-Beck.

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

SB 2186
3/13/2017
Job 29108

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to the creation of innovative education program.

Minutes:

No attachments.

Chairman- Mark S. Owens: I missed and thanks to a number of other people we found before we voted on it, because it would have probably died on the floor, a painful and ugly death, and I do mean ugly, so we brought it back, it is not a money bill, so we are going to let it sit, and we are going to hear SB 2272. We will have a discussion in committee and working, and it will probably be next week before we finally try to put it back together again in the way it needs to be to provide innovation to DPI, to the classrooms, to the teachers, and the school boards, but without giving up or without including some of the items that are in it now. There was a couple of paragraphs that slipped by me, so we will, but we are going to hold that one. We've got to finish the budget bills this week, and I think we just finished most of them except for SB 2272 which we will hear at 9am tomorrow. And that is the one we'll have to work on tomorrow and Wednesday, because we got to get it out by Wednesday. We got to get the appropriation bills out this week, and then we can finish up. At 3:30pm the bank of North Dakota is coming by, just to further explain something to me in SB 2272, for the lack of a better decision I call it split dollar because it works like an insurance policy that is known by the same name, that is why and I just want them to go over it with me again, you are welcome to sit in if you like. Not required, but you are welcome to.

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State capital

SB 2186
3/21/17
29528

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the creation of an innovative education program.

Minutes:

1 attachment

Chairman- Mark S. Owens: opened the hearing for SB 2186. This has been brought back to the committee for reconsideration I will entertain a motion for this committee desire.

Rep pyle: I will make a motion to reconsider

Rep. Zubke: Seconded

Chairman Rep. Andrew Marschall; I have a motion from Rep. Pyle to reconsider the action of SB 2186 and seconded by Rep. Zubke any discussion? Let's try a voice vote. Voice Vote Passed. We have a voice vote in from of us. The issue of pulling it back was paragraph 6 and section 2. Yesterday before we left I asked everyone to read and review give any thoughts that you have on this this bill. *(attachment 1)*

Rep. M. Johnson: I was thinking on some of the items you have on your proposed amendments.

Chairman S. Owns: We won't discuss that in the amendments. I was hoping to capture the meat of what everyone is thinking what the previous discussions. I believe everyone has a copy of the amendment 02002.

Rep. Heinert: I move an adoption of the amendment 02002 in its entirety to SB2186.

Rep. Longmuir: Second.

Chairman S. Owens: We have a motion to adopt the amendment 02002 to SB 2186 and a second from Rep. Longmuir. Let's try a voice vote, Is there any discussion? On page 1 line8 remove the overstrike and remove the overstrike on line 9 which would put that back in the code. (explained the rest of the amendment)

Rep. M Johnson: How about Career and Tech Ed.?

Chairman S Owens: We left Career and Tech Ed out because they are under I TV and it was the same issue when we tried to give them money before. What we are trying to do is include the one that falls under education rather than the one that falls under ITV.

Rep. Becker: It would make it easier if we amendment SB 2186 with a proposed amendment. Is there a way that we then can it back into the bill so we can leave the bill without all the inserts and deletions?

Chairman S. Owens: I don't think we can get it through that way. Not until we vote on it. I would like everyone to consider what we were giving here in 15.1 and 15.

Rep. Oliver: 15.1 deals with K-12 the Superintendent of Public Instruction should have that authority.

Chairman S. Owens: It is her section but it is also the legislatures instructions.

Rep. M Johnson: How do we avoid a lengthy discussion on the floor?

Chairman S. Owens: It is not going to happen.

Rep. Pyle: What if there is a teacher shortage and we need to teach a banker to teach a finance class but they don't have the teacher qualifications?

Chairman S. Owens: Out of all the 50 states in the United States North Dakota and Minnesota are the only once that don't have the emergency certification. We can adopt this, hold it until tomorrow but we need to get it out tomorrow and then talk about just that one section about the waivers.

Rep. Becker: I have 10 emails that are all against us that we are giving too much power.

Chairman S. Owens: They are coding paragraph 6 section2 which this eliminates completely.

Rep. Pyle: If we adopt the amendment and one of them put in is line 8 and 9 on page 1 on we then have to further amend to clarify which section can be waived?

Chairman S. Owens: Yes, because the Rep. Pyle lines 8-9 say that you can't wave anything and take it apart unless it is referenced.

Rep. Pyle: Do we have a motion and a second?

Chairman S. Owens: We do have a motion from Rep. Heinert and a second by Rep. Longmuir to adopt amendment 02002. Let's try a voice vote voice vote passed. We have an amended bill in front of us. We have a motion by Rep. Longmuir and a second by Rep. Johnson.

Rep. Pyle: I ask that we do some research before we take a vote on this to identify which sections should be put back into this bill as amended.

Rep. Zubke: I would prefer to come back tomorrow.

Rep. Longmuir: Motion withdrawn.

Rep. M. Johnson: Motion withdrawn.

Chairman S. Owens: We have an amended bill in front of us and a review 15 and 15.1 and will meet at 9:30 on Wednesday morning.

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

SB 2186
3/22/2017
Job 29567

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to the creation of innovative education program.

Minutes:

No attachments.

Chairman- Mark S. Owens: opens hearing on SB 2186. We are here to discuss and to finalize this morning SB 2186, the issue was when we left yesterday was lines, subsection 2 of section 1, which is lines 10, 11, 12, dealing with the sections that a district may apply to the superintendent of public instruction for waivers. So I will leave it up to the committee does anyone have any discussion points.

Vice Chairman- Cynthia Schreiber-Beck: I have 2 additional amendments, so there is two sets that we would like to review, and I would also like Mr. Marthaller to comment on anything, because he served on a number of committees prior to any of this being written, so he would do that.

Chairman- Mark S. Owens: would you like to hear from him no, before discussing the amendments.

Bob Marthaller: assistant superintendent of public instruction, I am here to answer any questions that you might have. Superintendent Baesler and I have been out of town for a couple day, but I did have some conversation with her this morning regarding this bill, and I guess my comments would be that we certainly do want this innovative bill to pass, we want the bill in its final form, however to be not so prescriptive, so that it puts school districts within a tiny box, that they can't get out of to develop a comprehensive plan of various innovations or a single innovation that the school district believes would provide a better education for their kids, so we would prefer that the bill not be prescriptive, we would prefer that they bill be rather open, and we believe that it would allow considerable innovation at the school district level. I can tell you that my conversation with superintendent Baesler this morning she believes, and the department would believe that if the bill is so prescriptive, that it doesn't allow that outside innovative kind of thinking, that we would prefer that the bill not move on, and that it would die.

Rep. Mary Johnson: can you define prescriptive, because right now we are at a, first it was everything, and now we are at 15.1 and 15.19.

Bob Marthaller: I believe superintendent Baesler, I believe this is part of an amendment, and it's a list of 15.1, I believe that the departments position, and superintendents Baesler's position would be, she would be ok with that part of it, but if you go so much outside of that, then.

Vice Chairman- Cynthia Schreiber-Beck: you mean the whole title?

Bob Marthaller: I believe that's what she was, that was the conversation that I had with her this morning.

Vice Chairman- Cynthia Schreiber-Beck: we have amendments that are on the front and back, we have one set of amendments that were dropped, that only includes those that are.

Bob Marthaller: so to clarify members of the committee, I do believe those are the ones that the superintendent was talking about, I think.

Vice Chairman- Cynthia Schreiber-Beck: that she would prefer, the full title 15.1 vs anything that was, what you might call prescriptive, ok thank you.

Chairman- Mark S. Owens: just to clarify for me please, she feels that she needs the ability to waive something for home education, in order to get innovation in K-12, that's what you are telling me, that she needs to be able to waive per pupil payment in order to get something innovative. That she needs to be able to waive non-resident tuition and reciprocity in order to get something innovative. She needs to be able to waive adult education to get something innovative, am I understanding you correctly. Teacher qualifications, teacher certification.

Bob Marthaller: I am certain that superintendent Baesler does not wish to have any authority or intent to waive tuition formula payments to school districts, levy's, those kind of statutes that you find. I believe she believes she needs clear authority to waive anything except for what I just said, that would get in the way of school districts developing instructional kinds of programing, and learning that would improve education. We have been asked for many years to do something different, we are investing a lot of dollars, a lot of time and yet we are being told the results aren't changing, so this is an opportunity for school districts to develop comprehensive kinds of plans that school districts believe can make a difference and actually maybe we will see test scores go up.

Chairman- Mark S. Owens: well sir, my problem with that is just to say title 15.1 all that is included in 15.1, and based on that the legislature I don't think as a whole will give her authority just overrule everything they have done in some of these sections.

Bob Marthaller: maybe I misunderstood the amendment, so the ones that are stated are in the amendment.

Chairman- Mark S. Owens: well then let me say I am sorry, and let me clarify my position, ok. It was my understanding what you said when you stepped up, she wanted 15.1 period, the entire title, is that what you intended.

Bob Marthaller: That is what I said Mr. Chairman, yes.

Chairman- Mark S. Owens: so in respect for that I was asking why would she need to waive any of these other items if for some reason it was in a proposal, and there was some reason given on why they would need to waive teacher licensing for some reason, and all of a sudden she'd have the authority to waive teacher licensing, and I can certainly see state aid coming back with, I have a proposal waive state aid. Obviously that's not going to get through the house, I mean it's just not going to do it, so the issue is my understanding of what is really necessary, because the original bill said that she could waive instructional time, and then in paragraph 6 it said any state statute. Well of course that was not going to fly, so if we take state statute out that just leaves instructional time, and that was the only thing she could wave, so here we are trying to expand her of what she can waive to get this innovation off the ground, and we are not going to solve the innovation problem overnight, if we can just get them started, is the goal here. I would imagine, but now it is coming back saying that it's not good enough, and we need 15.1. So if it's the committees desire to send it to the floor, with just 15.1 we can do that, it will I believe, it will fail. And I hate to see that for the schools and the school districts, and the teachers, and the superintendents that came before us, and the ones that e-mailed us, that really want an opportunity to try something new, I hate to see that.

Rep. Bill Oliver: I know that Vice Chairman- Cynthia Schreiber-Beck has been working on something, but you are talking about the piece of paper I have not seen yet.

Vice Chairman- Cynthia Schreiber-Beck: you want a copy of this one.

Rep. Bill Oliver: yes please.

Chairman- Mark S. Owens: this one will have the highlighted sections that he was refereeing to, so I am sorry I want to bother Rep. Bill Oliver real quick, did you have anything else that you wish to add at that point Rep. Corey Mock.

Rep. Corey Mock: the departments preference is that 15.1 be a blanket provision in the bill, may I presume it's because you don't know what you don't know, and that there may be ties if there is a statute in perhaps a curriculum in testing or school attendance provision of law that you have to suspend, but it may have an effect on again on funding formula because of ADM or, is that my understanding, can I presume that the reason you want that latitude is because you don't know what implications may exist, by suspending one statute, and not suspending or temporarily suspending a portion of another.

Bob Marthaller: yes, I believe that's an honest presumption. We want once again; we want for school districts to have the flexibility. There is no way that the state superintendent is, even if you pass the bill the way it is, there is no way that the state superintendent can possibly say we are going to wave the current payment, I mean we would never get away with that, that wouldn't work. That plan, we would have to say no we can't do that, we are

going to have to bring that, you know if we are going to change that we'd need to bring that to the legislative body in the next session. There are certain things we wouldn't get away with. So again, to leave the bill, to leave the innovation part of it as open as you possibly can to allow that flexibility for school districts, send us their comprehensive plan so that the superintendent of public instruction has considerable authority to waive some of those provisions would be I guess I would finalize my comment.

Rep. Corey Mock: if we are looking at prescribing specific statutes or sections of 15.1 that we would authorize the superintendent to temporarily suspend for the purposes of innovation, would the department be supportive if we limited the immediate authority to specific sections, however granted contingent authority upon approval by perhaps the budget section, if there was an additional chapter 15.1 not otherwise included, but was needed for the full innovation program to be executed.

Bob Marthaller: yeah, I think that would be acceptable. I guess it would be best to have the policy of it, have it in place with maybe restrictions that you are talking about, than to not have it at all. Again I keep going back and re-emphasizing we want to keep it as open as we can.

Rep. Ron Guggisberg: I just like to say that, let's remember that these are ideas that have come forward from a local school district, they have put some thought into, they brought it to the DPI, and the superintendent is a politician, and she understands the political risks she would take if she were to do something that is outside of what she thought this body gave her the authority to do, and she knows that we would take this away from her, and she would be subject to political problems there. A couple of other things is, charter school seem to be all the rage, even though personally I think they are not working, they don't have any rules like this, and so why are we so concerned with this idea that she might, like I don't know what we are afraid of with sectioning out even more of this bill, because I work for government as you know, and it is frustrating to try to be innovative, because the culture is while we want to try something new, first thing we are going to do is look through all the rules, and see if we are going to break any rules. And that is the way government used to work, we make rules, and then we follow rules. And this new trend in innovation in government is find a problem, and solve it. We need to get out of the way of people who are trying to solve problems, and I think we should leave the bill as open as we can, I think if we even add things like approval from the budget section or legislative management, that is just going to add another hurdle for people trying to be innovative, and help our kids.

Chairman- Mark S. Owens: then what happens if the bill dies, and there is nothing.

Rep. Ron Guggisberg: I don't, I think we should have let it go the first time, it would have passed, it wouldn't have passed unanimously, and there might have been some questions on the floor. This is not, this passed the senate unanimously, until we started bringing things up, it wasn't a problem.

Chairman- Mark S. Owens: well I tend to disagree with you on that first time, but that is fine. Look it's up to the committee, if you all want to send it to the floor with 15.1 we can watch it die, I mean that is what I believe will happen, but once it's dead that is it.

Rep. Mary Johnson: if we do not remove the sections regarding any moneys, does it have to go to appropriations then.

Chairman- Mark S. Owens: this doesn't have any money in it, it doesn't have to go to appropriations.

Rep. Mary Johnson: if you can waive state aid or any moneys, if she can waive it.

Chairman- Mark S. Owens: yeah, but there is no appropriation so we do not have to send it to appropriations.

Rep. Mary Johnson: there is no appropriation now, but there was no appropriation on SB 2037, and they took that away.

Chairman- Mark S. Owens: well that was because it was an extension of an existing appropriation, that is the way they were viewing it. This doesn't need to go to appropriations.

Rep. Mary Johnson: even if we allow her to waive state aid or state tuition.

Chairman- Mark S. Owens: it doesn't need to go to appropriation, but before it said it might be in the state statute, and it didn't go to appropriations, so we don't need to go to appropriations.

Rep. Denton Zubke: I probably couldn't agree with you more Rep. Ron Guggisberg, but I think, this is my personal opinion, if you go to that house floor with a bill that says a waiver of title 15.1, and one person gets up and starts questioning these sections in that waiver, I think this bill is going to get killed, that is my opinion.

Rep. Pat D. Heinert: following up on what Rep. Denton Zubke just said, if we break down the individual sections though, even with sections on this checklist where we checked off like 15.1-06, you start looking in there and we start talking about the school year, school holidays, the length of school calendar, the school districts, here is one that got me the display of the United States flag, when we are getting into areas within the sections. Displaying the US flag is 15.1-06-17, so I am going back to what I said yesterday, in that at the end of the amendment we looked at yesterday page 1 line 11, where we add in title 15.1 and chapter 15.19 we add in the language, which directly relate to innovation implementation. In my mind if we put that type of language in there on 15.1 and 15.19 there is no way the superintendent of public instruction can talk about the flag in the school, because you cannot directly relate that to innovation, but she can talk about the teaching certificate if you decide to bring the local banker in to teach a class, who does not have an educational background, but we want to do a business class, and we want the banker to teach it, then she can waive the teaching requirements for that individual to come in and teach that specific class, and I think that's really what we are trying to get at with the innovation side, is open this up so schools can look outside their current boundaries and look for something innovative and to keep our kids interested in high school, and not drop out, and keep our kids learning more, and get them on a fast track to a higher learning status. This innovation bill in my mind is the best thing we've probably done for education in a long time if it goes through, but I totally agree, we just

can't put 15.1 and 15.19 on the floor, because there's no way you can support if you start looking into that chapter, all the things that can possibly be waived.

Chairman- Mark S. Owens: Rep. Pat D. Heinert I understand in your example of bringing the banker in, they can do that now as a guest speaker, you don't have to have a, they don't have to amend the certificate just to have him come in and explain things, schools have guest speakers all the time, so I don't think that's an issue, but again I am trying to get this passed on the floor, is what I am concerned about.

Rep. Pat D. Heinert: and I agree Mr. Chair, my whole theory on the banker and that example was not just a one-day class, but maybe that banker is going to come in and teach a whole semester of finance, you know and actually be the instructor for that section of finance.

Rep. Ron Guggisberg: I just want the committee to know I appreciate that we want to get this bill passed, and I understand your concerns, but my thing is this is how we operate now, we dig through these bills, and try to find something that is not there, and then it gets out and now we are talking about the superintendent of DPI taking the flag down, well that is not going to happen. This status quo needs to end, and we are all part of it.

Chairman- Mark S. Owens: Rep. Ron Guggisberg I don't disagree with you, I think this committee has a good head on its shoulders, unfortunately this committee is not the one that gets to decide if this bill passes or not, that's the problem. It's some of the other personalities that I am concerned with, and while I am not interested in pleasing every one of those personalities, by any stretch of the imagination, I just want to please just enough to get over that 48, that is all I care about.

Bob Marthaller: I would like to also thank the committee, but also remind the committee that the local school board also has to approve the plan that is being submitted to the department, it already has an approval of an elected body at the school board level, and so with that I will escape to my chair.

Chairman- Mark S. Owens: thank you, and I have pointed that out to a number of personalities, and it doesn't seem to make a difference to some of them.

Rep. Mary Johnson: I agree with Rep. Corey Mock that really to pass muster there is going have to be some legislative oversight, I think that will go a long way.

Chairman- Mark S. Owens: let me ask you this, we don't have a motion on the table, so I am going to stop the conversation, and ask if somebody has a motion to make it, so we can talk about that intelligently, and then we can consider it, because we just going in circles here, and I am not even in a car around a racetrack, and that's what I'd enjoy, but.

Rep. Corey Mock: I don't have a motion at the moment, but I do want your information, I will be working and drafting that amendment that we just discussed, and that would be in addition to if we were to waive, give authority for the superintendent to waive specific statutes or associated rules, but there would be a blanket provision that they could waive any other statute within 15.1 or associated rules, if it meets the same conditions as otherwise specified, but they would be subject to approval of legislative management, and I will have that

amendment drafted, and hopefully we can get it to the committees, I know it's a clock game. Well we certainly can, I just want to make sure that we are giving it done a proper way.

Chairman- Mark S. Owens: does anyone have a motion right now, nope.

Rep. Bill Oliver: I have a question; yesterday did we not approve the first set of amendments.

Chairman- Mark S. Owens: we did.

Rep. Bill Oliver: do we have to take those amendments off of the bill at this point.

Chairman- Mark S. Owens: no, we are further amending is what we are doing right now. Are we not Vice Chair? That's what we are talking about is further amending, yeah. No we have not, the bill is before you with the amendment 02002 on it, so.

Rep. Pat D. Heinert: I would move that we amend the amendment 02002 page one line 11, add the language at the end of where it says title 15.1, chapter 15.19 add the language which directly relates to innovation implementation.

Rep. Denton Zubke: say that again.

Rep. Pat D. Heinert: which directly relates to innovation implementation.

Chairman- Mark S. Owens: ok, well we have a motion before us, and we have a second from Rep. Ron Guggisberg. Any discussion.

Rep. Longmuir: were we adding that after "or any associated rules" or before that.

Chairman- Mark S. Owens: it was moved that we were adding it prior to that, was the motion.

Vice Chairman- Cynthia Schreiber-Beck: there are 2 other sets of amendments I think that need further review with the addition of Rep. Corey Mock's amendments, before we amend this bill any further, so I can't support the amendment until we dive deeper into this issue. Thank you.

Chairman- Mark S. Owens: is there any other comment. Well, I will resist the motion simply because we already have in there encourages innovation, so it really already says that in my opinion. So I will resist the motion, because in order if it says if the waiver encourages innovation, and has the potential to result, and improve education, so that is already in there as a requirement. So, is there any other discussion. Hearing none, I will try a voice vote. All those in favor of the motion say I, all those opposed same sign, motion fails. We still have a 02002 in front of us. Are there any other motions or amendments.

Vice Chairman- Cynthia Schreiber-Beck: exactly my suggestion, to wait until we see this next amendment, that is in the process of being drafted.

Rep. Ron Guggisberg: I was wondering if we could get that amendment e-mailed to us so we can review it before we get here this afternoon, so we can get it done.

Chairman- Mark S. Owens: please. Well in that case, as much as I don't want to do this, we will adjourn until 3:30pm.

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

SB 2186
3/22/2017
Job 29569

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to the creation of innovative education program.

Minutes:

Attachments 1, and 2.

Chairman- Mark S. Owens: opens hearing on SB 2186. Has anyone got some new.

Vice Chairman- Cynthia Schreiber-Beck: I do have amendments to present to the committee, if we can do that, and it looks like we are going to be short copies.

Chairman- Mark S. Owens: ok, while we are waiting on that.

Rep. Corey Mock: just for the record I will submit this, the amendment is version 02005 (attachment 1), I will pass the amendment around. If I may I just briefly explain. The amendment as I understand is the 02006 (attachment 2) amendment with one exception, there is one change, there is a new subsection as you look at the Christmas tree version you will see on page one line 18 there will be a new subsection inserted that reads upon approval by legislative management superintendent of public instruction may grant to waive or request by a school or school district of any chapter under title 15.1, or any associated rules not otherwise listed in subsection 2. So this amendment would allow, if there is for whatever unforeseen reason an application of another chapter in 15.1 that needs to be waived, that beyond those that are listed that the superintendent would at least have that authority contingent upon the approval of legislative management. Mr. Chairman I don't know if you would like us to move this or do you want to consider other amendments.

Chairman- Mark S. Owens: I want to make sure everybody has the other amendments first, and then they can weigh the two, and then we can, so they know what they are looking at. Alright, are we still waiting on everybody to get a copy? I want to make sure that everybody has a copy of everything first before we continue. Does everybody have a copy of 5 and 6 and a Christmas tree, what are you missing Rep. Rich S. Becker. The committee has not yet told me, hang on a second, we will get there. This is not a one-person rule thing; this is a committee. So I just want to make sure everybody's got both copies, I don't care about the Christmas tree, but I want to make sure everybody has both copies of the two amendments. So Rep. Corey Mock explained what he added, and the only difference between his, and

Vice Chairman- Cynthia Schreiber-Beck's, I am going to ask Vice Chairman- Cynthia Schreiber-Beck to explain to the committee what her amendment does.

Vice Chairman- Cynthia Schreiber-Beck: so it's 02006 on the top, and other than obviously we have already moved a portion of this so, but what it does is add the chapters within code, one chapter 15-20.1 is career and tech education, and 15-106 is schools, 18 is teacher qualifications, 20 is school attendance, 21 is curriculum and testing, 22 is kindergarten, and 25 is post-secondary enrolment, 32 is special education, and 38 is English language learner's instruction. On 06 it was 38.

Chairman- Mark S. Owens: ok, on both cases 05 and 06 read the same.

Vice Chairman- Cynthia Schreiber-Beck: the change then in 2a, b, c, and d it nears page 2 lines 21 through 24. It is identical to that, instead of having different language, and then a couple of changes making sure council was turned into management, and I believe taking local out in front of schoolboard, and we discussed before was page 2 line 18 and 19, it was include evaluation criteria, and we also discussed page 3, 17, 18, and 19, and line 15 putting annual in. And those are the amendments, and then it does specify line 9 page 3 that it refers to a particular section, which is the first section status waiver.

Chairman- Mark S. Owens: anything else you would like to highlight Vice Chairman- Cynthia Schreiber-Beck?

Vice Chairman- Cynthia Schreiber-Beck: nope, but I will take any questions if you have them.

Chairman- Mark S. Owens: well let's do this first, committee members.

Vice Chairman- Cynthia Schreiber-Beck: so we will have to make sure it goes on the amendment; he did the page 3. Right that will be needed, which is important, page 3 line 7. It needs to say a second to the last one, on the amendments itself he has instead of, it says page 3 line 7, but it should say page 3 line 9.

Rep. Corey Mock: I believe that is ok, that is correct, because the Christmas tree version includes removed language, so this shows the amendment in context, but it does not remove, so it is adding language, so I think the numbering that you are going to see on the instructions for 02006 is going to be based off of the 02002 version, which that amendment we adopted earlier in the week. So the numbering may not match up between the Christmas tree version, and the instructions, it is the instructions that we are adopting, and the amendment is what it would look like in context.

Chairman- Mark S. Owens: and that was my point exactly, in that we need to, since we did already move 02002, and both of these amendments include the 02002 along with some additions, we need a motion to reconsider our actions, whereby we amended this bill previously. We first need to reconsider our actions whereby we amended the bill. There wasn't a motion to, we were just talking about the amendments, we haven't made it a motion for the amendments yet. Well no, we adopted 02002 yesterday, that is what I am saying, so we have to reconsider our actions on that amendment on that amendment. Rep. Bill Oliver what are you troubled by?

Rep. Corey Mock: I would move that we reconsider our actions where we adopted the 02002 amendments to SB 2186.

Chairman- Mark S. Owens: ok I have a motion from Rep. Corey Mock, and seconded by Rep. Bill Oliver. Any discussion.

Rep. Pat D. Heinert: question, on page 1 I am looking at the Christmas tree 02006, on page 1 line 13, even though on page 1 line 2 we called this related to the creation to innovative education program on line 13 we removed the words encourages innovation, and replaced it with improves delivery of education.

Vice Chairman- Cynthia Schreiber-Beck: it should mirror if you can turn to page 2, it is mirroring lines 24, 25, 26, and 27 vs being different language. It is nearing that section.

Chairman- Mark S. Owens: and we will take that up here in a minute, but right now we want to, we have a motion on the table for to remove the amendments from 02002, and go back to the original bill, is there any discussion on that. Seeing none I will try a voice vote, all those in favor say I, all those opposed same sign, we have an un-amended bill in front of us. What is the committees pleasure?

Rep. Corey Mock: I have the two versions, and we are now we are operating off of the original un-amended bill, I have 02006 and 02005 in front of me, as I mentioned the only difference between the two is the addition to, again looking at the Christmas tree versions of both of these amendments, so the 02005 version includes an additional subsection, which would be the new subsection 3, beginning on page line 18 of the Christmas tree version, this was done, because in discussion we wanted to insure that there were no, we wanted to insure that the superintendent's office would be able to respond in the case that either a chapter that we are allowing her to waive had a connection or a relation to any other unlisted section of that code, to give them the flexibility if needed to waive an additional section in title 15.1. I have been visiting with others about it, I know that there is, that would be an ideal solution if we wanted to give legislative management that opportunity to grant that additional authority on a case by case scenario, that said I do want to make sure that this is a pilot project, and something for a lack of a better phrase an innovative approach to approaching K-12 education, and working with the superintendent's office along with local schools, I want to make sure that we get this through, and I think for the purposes of discussion, and since we are in the second period of the legislative session, as we are ending up in hockey season, that I want to make sure that we can get a workable version through the house, and if it passes, if it passes with a strong margin, that we can send it back to conference committee, we can continue this conversation whether or not we need to extend any additional latitude for the superintendent's office to waive any other chapter within title 15.1, so while we have the amendment 02005 before us, and it would address those concerns, it would give that additional latitude contingent on legislative managements approval, I would prefer that we move forward with the 02006 version, pass this bill out of the house, and if possible or if needed bring it to conference committee, and see if there is any additional changes that may be needed to give that at a latitude. So Mr. Chairman if its ok with you I would move the adoption of the 02006 amendment.

Chairman- Mark S. Owens: alright, I have a motion for the adoption of the 02006 amendment by Rep. Corey Mock, and seconded by Rep. Denton Zubke. Rep. Corey Mock thank you for your comments, I do believe the issue would be questionable, I agree with you there, and at least if we pass it out, and we get to conference committee, if they don't like it, they can then turn around and refuse the conference report, and we get another bite at the apple. If it dies this first time we've lost it, so that may be an excellent strategy in my mind.

Rep. Andrew Marschall: I was just curious, shouldn't we move 02005, because 02005 has section 3 placed in it, whereas 02006 does not. Line 18, upon approval of legislative council.

Rep. Corey Mock: Rep. Andrew Marschall you are exactly right, what I wanted to move the 02006 version, I actually for the purposes of this discussion, and for us moving the bill forward it is preferred that we keep it more focused and limited in scope, instead of granting that authority for the superintendent to waive any title or any chapter in title 15.1, that we focus on those subsections listed, and if that comes through the house, if we got good support, if there is continued discussion, that we can consider that additional subsection in a conference committee if we want to grant more latitude.

Chairman- Mark S. Owens: Rep. Andrew Marschall that's what I was saying, if we put it in now, and it dies on the floor it's dead. But if we don't put it in, and it passes like we want this bill to do, because we want some innovation out there on the front lines, we can forget about this building, we are talking about the front lines where the teachers are. Then if we put it in a conference committee, if we can get it in a conference committee, because back from the floor they don't like it, well then they just they blow off the conference committee report and send it back to conference committee, it doesn't die and we get a second opportunity. See that's why conference committee is important. Any further discussion. Rep. Pat D. Heinert did you get your question answered. Well then ask it again sir.

Rep. Pat D. Heinert: I am curious as to why in page 1 line 13 we remove the wording encourages innovation, when the bill is supposed to be creation of innovation education program, and I understands that correlates with the language of the next page, but why didn't we keep the innovation language in there. To me improving delivery of education could be construed differently than encourages innovation.

Vice Chairman- Cynthia Schreiber-Beck: in discussions with people, innovation is a very broad term, which we all like. But in trying to keep the bill, that we are not changing something from one section to the other, it was more valid to take the word innovation out of there, we can still call it the innovative learning bill, but innovation is a very broad concept, not maybe as measureable in some of the other forms, but that were in the language on page 2, so it was in some discussions it was thought let's just meet that language on page 2.

Rep. Pat D. Heinert: I understand that totally, but if we change encourages innovation to the language that is in here now, improves the delivery of education, not quite sure we are trying to encourage innovation, I think we are just trying to encourage what we are currently doing to make it better. I don't think we are creating an innovative thought process in school districts, and school boards.

Chairman- Mark S. Owens: well actually the focus Rep. Pat D. Heinert was to make the 2 sections read the same, so I don't care if we put encourages innovation, and in both places. Personally, that would be up to the committee, but that was not the motion, so if that satisfies the people that made the motion and seconded.

Rep. Denton Zubke: I don't have a problem with handing that back in, but I do think it does make the scope a lot broader. That would be my only comment.

Chairman- Mark S. Owens: I appreciate your point, but at that point it would say 'and' all the rest of it rather than 'or' everything else is 'or' but that would say 'and' as it reads right now.

Rep. Rich S. Becker: who are we concerned about constituency wise, that might object to the encourages innovation.

Chairman- Mark S. Owens: as far as I know there was no objection to it at all, they was just trying to mirror the two sections, that is why I said it doesn't matter, you can put that back in and mirror both sections.

Rep. Rich S. Becker: so maybe we are being overly conscience

Chairman- Mark S. Owens: we are just trying to make the two sections look alike, so. So Vice Chairman- Cynthia Schreiber-Beck would you like to explain that change then, clearly.

Vice Chairman- Cynthia Schreiber-Beck: we would add A would be encourages innovation and, and then we would list B, C, D, E which B would be improves the delivery of education, improves the administration of education, where do we have to put in the 'or' that's the question.

Chairman- Mark S. Owens: it's there in the bottom.

Vice Chairman- Cynthia Schreiber-Beck: D would be provides increased education opportunities for students or E improves academic success of students. We're going to have to word that properly though, because that's not going to work out that way, I think. If the waiver, I think we might have to put, if the waiver encourages innovation and

Chairman- Mark S. Owens: any one of those others, that's the way it reads. If you just put and, and then you put everything else as or.

Vice Chairman- Cynthia Schreiber-Beck: we would have to add 'or'.

Chairman- Mark S. Owens: or is after what would be now D.

Vice Chairman- Cynthia Schreiber-Beck: we need technically to make sure that that is put in there properly, so it's not misconstrued, that it has to have every point.

Chairman- Mark S. Owens: I hated English in school.

Vice Chairman- Cynthia Schreiber-Beck: we would have to add the 'or' where at. I am going to refer to Rep. Mary Johnson, she is always good at this.

Chairman- Mark S. Owens: or any associated rule, if the waiver encourages innovation and has the potential to result in improved educational opportunities are enhanced academic opportunities. No no no, has the potential to result in improved academic opportunities. Would be or improves it.

Vice Chairman- Cynthia Schreiber-Beck: we are going to have to put the 'or's'.

Rep. Denton Zubke: why can't it just simply say encourages innovation, and improves the delivery of education, B says improves the administration of education, C says provides bla blah blah.

Chairman- Mark S. Owens: it can.

Rep. Mary Johnson: then why wouldn't the language for the waiver say that, it somehow needed to administer a proposal, because that's what it ties to, right. The proposal has to include all those things, and then the waiver needs to assist in the program of the innovation education. It must assist the proposal; they are going to ask for a waiver to help with their program that they have proposed. So the waiver just needs to be critical to that program, that they proposed, I don't know that it has to do all that other stuff. She just needs to say that it's critical, and this is why. I don't know why we sunk in all this other language.

Rep. Corey Mock: Rep. Pat D. Heinert you made really good points, if one of our intentions is for this to find its way into a conference committee, one of the ways I know for sure is if we make just enough changes that the senate wants to have a conversation about it, that we can have this conversation, and hash out the differences in section 2 of subsection 2 within section 1. I would actually say for moving this forward, and then I would also state that one of the conversations that will come up is, they may grant the waiver on conditions that need to be somewhat measureable, otherwise it's subjective, for one person what may encourage innovation may not encourage innovation for someone else how can you come back and say it satisfied all the requirements laid out in subsections A and B. Mr. Chairman I would have no problem with us going back to or including any of the old language, but I think we could visit this more especially if we get this back to a conference committee, I would say we vote on this amendment as proposed, and then we can continue the dialog after the house moves it forward.

Chairman- Mark S. Owens: is there any further discussion.

Rep. Ron Guggisberg: sorry Mr. Chairman I was out, where are we at right now.

Chairman- Mark S. Owens: there has been a motion and a second.

Rep. Ron Guggisberg: to adopt 02006 as it is.

Chairman- Mark S. Owens: Rep. Corey Mock made the motion, and Rep. Denton Zubke seconded it. Any further discussion. Seeing none I will try a voice vote, all those in favor say

I, all those opposed same sign. We have an amended bill in front of us. What is the committees wishes?

Rep. Matthew Ruby: I have one more, small but big amendment that I would like to offer up. The only reason I think it's covered the way we have the wording, the checks and balances is fine enough, but I know there is some issue with opting out. I threw this together, and something to consider, just parents ability to opt out of these programs if it's not something that they want. The biggest concern I am seeing, either people e-mailing me or contacting me on FB stuff like that. So this is why I offered it.

Chairman- Mark S. Owens: ok Rep. Matthew Ruby, is that a motion.

Rep. Matthew Ruby: yes.

Chairman- Mark S. Owens: ok, we have a motion. I will let you get that, and see if there is a second.

Rep. Matthew Ruby: like I said I think the wording that we have takes care of this, but as we found out with the higher education bill, sometimes it has to be clearly written out where it's, like I said the big concern is that a parent isn't going to be able to opt out of something, either testing basically kinda what 1386, 1387 whatever. Again I don't think this bill the way it was written overrules that ability, but just clearly writing it out I don't have an issue putting it in there.

Chairman- Mark S. Owens: ok, we have a motion from Rep. Matthew Ruby, and a second from Rep. Rich S. Becker. Discussion.

Vice Chairman- Cynthia Schreiber-Beck: I just have a question, I don't know that this should fall in this bill, or into a different section of code that you are going to offer, because you know what I am saying, there's section of code that speak to that, and then the other thing is or the other issue I have is you can opt out, you don't have to have a religious, philosophical, or moral belief, it's you can opt out in ESSA, there is no requirement that you have any type of difference you just opt out. So I don't know that that would even need to be necessarily in there to the religious, philosophical, or moral belief. Um, and then you come back into how do you measure, if they are not in an approved innovation program, and obviously the school board is your key here, it is done at local level, so I am not sure how to meet, maybe address that further. That is what I am thinking, just immediately I am thinking that, is this the right section or should it be someplace else.

Rep. Corey Mock: Rep. Matthew Ruby I appreciate the amendment, and I think I would add, I would completely agree with you, actually the reason I may resist the motion isn't because I disagree with the premise of it, but my understanding of this program is that it is designed to be tailored to those who want to opt in to innovation and not change an entire curriculum, so actually I don't know if the opt out of an opt in is necessary. I think we are covering it by saying if you want a custom or to tailor a program for specific students, that they would be given that opportunity, if we find out and then I would like to think if this record has any bearing on the measure, I would say that the intention is to make this a program not only for the students, but for the school superintendent or the school boards. But it is giving ultimate

latitude and flexibility to customize an educational program or curriculum for individual students. Making it more of an opt in instead of a required program for all students.

Rep. Matthew Ruby: I guess I had the understanding that if a 4th grade class is going to be part of this, it is a class by class not a student by student as far as the opt in, so if the class goes into it, just the ability to opt out of the class, I could be wrong, that is how I was reading the program.

Chairman- Mark S. Owens: is there any other discussion. Ok, well I voted for the bill last time Rep. Matthew Ruby, you know that on the floor, I don't have a problem with opting out, I do believe we have the ability to opt out already, I am going in this case to resist it, because I just don't want to clutter the innovation bill up with the other stuff, so I mean that is just me, so.

Rep. Corey Mock: at the risk of complicating this what I would like to do is, if it's ok with Rep. Matthew Ruby, I would actually move to overstrike "due to a religious, philosophical, or moral belief" from his amendment, so that the amendment would actually read a parent may opt their child out of any part of an approved innovation program.

Rep. Matthew Ruby: I concur. Second.

Chairman- Mark S. Owens: Rep. Rich S. Becker seconded that.

Rep. Brandy Pyle: how would you, I mean you can opt out of certain things existing in the classroom right now, and if the classroom is attempting something new, how do you give that child the instructional material, and. Would you have to have a classroom of one, how is this implemented.

Rep. Bill Oliver: I have experience with this, I did this in fifth grade, this is a student by student thing, and if you have a group of students in one class that want to learn more if you will. Let's take the positive side, that teacher must be able to teach those kids, to continue their education as an individual thing. So it's like a class within a class, and it may be a class of one, but it's still going to be a class within a class.

Rep. Brandy Pyle: so if you have a math class, and you have four students who are excelling, and they can do, just sit in a classroom by themselves and go through the book faster, and that's how they learn, and they can pass the tests, and they pass everything. That is what I see this being as, and those are excelling, so it's an opt in, and I don't think you need to opt out.

Rep. Matthew Ruby: ok, I am fine. I am fine with it, I had a different understanding of the programs, so I will rescind my motion.

Chairman- Mark S. Owens: ok.

Vice Chairman- Cynthia Schreiber-Beck: I have one thing for Rep. Matthew Ruby to is that, this will not happen unless the parents, the administration, the teachers concur. So it is, although the school board has to ask for a waiver, there is a process that you have to go

through, and I think the superintendent from Northern Cass addressed that, that they have already started that process of meeting with the parents, meeting with the administrators, and all that.

Chairman- Mark S. Owens: any further discussion.

Rep. Mary Johnson: I move do pass on SB 2186 as amended.

Chairman- Mark S. Owens: ok we have a motion for a do pass SB 2186 as amended from Rep. Mary Johnson, and we have a second from Rep. Bill Oliver, is there any further discussion. Seeing none I will call the clerk to call the roll. Vote is 13-1-0, and carried by Vice Chairman- Cynthia Schreiber-Beck.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2186

Page 1, line 8, remove the overstrike over "~~The superintendent of public instruction may not waive any statute, in whole or in part,~~"

Page 1, remove the overstrike over line 9

Page 1, line 10, remove the overstrike over "~~2.~~"

Page 1, line 11, overstrike "section 15.1-21-03" and insert immediately thereafter "title 15.1, chapter 15-19"

Page 1, line 11, after "~~provided~~" insert "or any associated rules."

Page 1, line 15, remove the overstrike over "~~3.~~"

Page 1, line 15, remove "2."

Page 1, line 19, remove the overstrike over "~~4.~~"

Page 1, line 19, remove "3."

Page 1, line 22, overstrike "council" and insert immediately thereafter "management"

Page 2, line 4, remove the overstrike over "~~5.~~"

Page 2, line 4, remove "4."

Page 2, line 15, after "must" insert "include evaluation criteria and"

Page 3, remove lines 3 through 5

Page 3, line 6, replace "7." with "6."

Page 3, line 10, replace "8." with "7."

Page 3, line 13, replace "9." with "8."

Page 3, line 13, replace "periodic" with "annual"

Page 3, line 14, after "program" insert: ", including:

- a. The status of the implementation plan;
- b. A summary of any waived statutes or rules; and
- c. A review of evaluation data results"

Renumber accordingly

3/22/17 DP
1082

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2186

Page 1, line 2, remove "and"

Page 1, line 3, after "waivers" insert "; and to provide for a report"

Page 1, line 8, remove the overstrike over "~~The superintendent of public instruction may not waive any statute, in whole or in part,~~"

Page 1, remove the overstrike over line 9

Page 1, line 10, remove the overstrike over "2."

Page 1, line 11, overstrike "section 15.1-21-03" and insert immediately thereafter "chapters 15-20.1, 15.1-06, 15.1-18, 15.1-20, 15.1-21, 15.1-22, 15.1-25, 15.1-32, and 15.1-38"

Page 1, line 11, after "provided" insert "or any associated rules,"

Page 1, line 12, overstrike "Encourages innovation; and" and insert immediately thereafter "Improves the delivery of education;"

Page 1, line 13, overstrike "Has the potential to result in improved educational opportunities or enhanced"

Page 1, line 14, overstrike "academic opportunities for the students" and insert immediately thereafter "Improves the administration of education;

c. Provides increased educational opportunities for students; or

d. Improves the academic success of students"

Page 1, line 15, remove the overstrike over "3."

Page 1, line 15, remove "2."

Page 1, line 19, remove the overstrike over "4."

Page 1, line 19, remove "3."

Page 1, line 21, overstrike "council" and insert immediately thereafter "management"

Page 2, line 1, overstrike "council" and insert immediately thereafter "management"

Page 2, line 4, remove the overstrike over "5."

Page 2, line 4, remove "4."

Page 2, line 14, remove "local"

Page 2, line 15, after "must" insert "include evaluation criteria and"

Page 3, remove lines 3 through 5

Page 3, line 6, replace "7." with "6."

Page 3, line 6, remove "or authorization"

Page 3, line 7, remove "this"

3/22/17 DR
2 of 2

Page 3, line 7, after "section" insert "15.1-06-08.1"

Page 3, line 10, replace "8." with "7."

Page 3, line 13, replace "9." with "8."

Page 3, line 13, replace "periodic" with "annual"

Page 3, line 14, after "program" insert: ", including:

- a. The status of the implementation plan;
- b. A summary of any waived statutes or rules; and
- c. A review of evaluation data results"

Renumber accordingly

Date: 3/8/17

Roll Call Vote 1

2017 HOUSE STANDING COMMITTEE
Roll Call Votes

BILL/RESOLUTION NO. SB 2186

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 Mock Seconded By Oliver

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

Total (Yes) 14 No 0

Absent 0

Floor Assignment Schreiber-Beck

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

Date: 3-21-17Roll Call Vote # 1

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2186**

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. Pyle Seconded By Rep. Zubke

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			Rep. Brandy Pyle		
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		

Total (Yes) _____ No Passed

Absent _____

Floor Assignment Rep. _____

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

Date: 3-21-17Roll Call Vote # 12

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. - 2186**

House Education Committee☐ SubcommitteeAmendment LC# or Description: 17.0695.02002

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. Heinert Seconded By Rep. Longmuir

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			Rep. Brandy Pyle		
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		

Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep. _____

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

Date: 3-22-17Roll Call Vote # 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2186

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. Heinert Seconded By Rep. Guggisberg

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			Rep. Brandy Pyle		
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		

Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep. _____

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

(Voice vote; motion fails.)
02002 page 1 line 11, add language at the end of where it says title 15.1, chapter 15.19 add language which directly relates to innovation implementation.

Date: 3-22-17Roll Call Vote # 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2186

House Education Committee☐ SubcommitteeAmendment LC# or Description: 17.0695. 02002

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. Mock Seconded By Rep. Oliver

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			Rep. Brandy Pyle		
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		

Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep. _____

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

Voice vote to reconsider and remove 02002 amendment. voice vote passed, and we have an unamended bill.

Date: 3-22-17Roll Call Vote # 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2186

House Education Committee☐ SubcommitteeAmendment LC# or Description: 17.0695.02006

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. Mock Seconded By Rep. Zubke

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			Rep. Brandy Pyle		
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		

Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep. _____

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

~~Roll Call Vote~~ voice vote:
 Motion passed

Date: 3-22-17Roll Call Vote # 3

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2186

House Education Committee☐ SubcommitteeAmendment LC# or Description: 17.0695.02C06

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. M. Johnson Seconded By Rep. Oliver

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	✓		Rep. Brandy Pyle	✓	
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	✓	
	7			6	1

Total (Yes) 13 No 1Absent BFloor Assignment Rep. Schreiber-Beck

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

REPORT OF STANDING COMMITTEE

SB 2186, as engrossed: Education Committee (Rep. Owens, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2186 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2186, as engrossed: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2186 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "waivers" insert "; and to provide for a report"

Page 1, line 8, remove the overstrike over "The superintendent of public instruction may not waive any statute, in whole or in part,"

Page 1, remove the overstrike over line 9

Page 1, line 10, remove the overstrike over "2."

Page 1, line 11, overstrike "section 15.1-21-03" and insert immediately thereafter "chapters 15-20.1, 15.1-06, 15.1-18, 15.1-20, 15.1-21, 15.1-22, 15.1-25, 15.1-32, and 15.1-38"

Page 1, line 11, after "provided" insert "or any associated rules."

Page 1, line 12, overstrike "Encourages innovation; and" and insert immediately thereafter "Improves the delivery of education;"

Page 1, line 13, overstrike "Has the potential to result in improved educational opportunities or enhanced"

Page 1, line 14, overstrike "academic opportunities for the students" and insert immediately thereafter "Improves the administration of education;

c. Provides increased educational opportunities for students; or

d. Improves the academic success of students"

Page 1, line 15, remove the overstrike over "3."

Page 1, line 15, remove "2."

Page 1, line 19, remove the overstrike over "4."

Page 1, line 19, remove "3."

Page 1, line 21, overstrike "council" and insert immediately thereafter "management"

Page 2, line 1, overstrike "council" and insert immediately thereafter "management"

Page 2, line 4, remove the overstrike over "5."

Page 2, line 4, remove "4."

Page 2, line 14, remove "local"

Page 2, line 15, after "must" insert "include evaluation criteria and"

Page 3, remove lines 3 through 5

Page 3, line 6, replace "7." with "6."

Page 3, line 6, remove "or authorization"

Page 3, line 7, remove "this"

Page 3, line 7, after "section" insert "15.1-06-08.1"

Page 3, line 10, replace "8." with "7."

Page 3, line 13, replace "9." with "8."

Page 3, line 13, replace "periodic" with "annual"

Page 3, line 14, after "program" insert: ", including:

- a. The status of the implementation plan;
- b. A summary of any waived statutes or rules; and
- c. A review of evaluation data results"

Renumber accordingly

2017 TESTIMONY

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SB 2186

Testimony - Senate Education Committee

Nicole Poolman, District 7

Good morning, Chairman Schaible and members of the education committee, my name is Nicole Poolman, state senator from District 7 representing Bismarck and Lincoln.

I am excited to sponsor and introduce this bill. SB 2186 is designed to offer schools the opportunity to truly individualize education. We all know, and have known for a long time, that students do not all learn in the same way or at the same pace, yet we continue to hold on to rules and regulations that often force districts to pursue a "once size fits all" approach. This bill will encourage school districts to truly find new ways to reach students and prepare them for the world that awaits them upon graduation. Opening the door for schools to rethink seat time, practical experience, and any other traditional delivery methods will empower teachers to use their creativity and experience to improve learning opportunities for all kids.

Which is not to say that schools aren't already being innovative. When I think about what high school looked like 19 years ago when I began teaching, to what my classroom and the classes of my colleagues look like today, the changes in structure, technology, and content make today's classroom unrecognizable when compared to the model of yesterday. If you haven't been in the classroom in the last five years, you haven't been in the classroom. Legacy High right here in Bismarck is a prime example of a school well on its way to truly preparing students in new and innovative ways. If given more freedom, I know schools and teachers are ready to do more.

The opportunity to work with parents and faculty to create a pilot program modernizing and individualizing education makes sense for districts big and small. It makes sense for the gifted students and our students who struggle in school. For those who are college-bound, and those who want to immediately enter the world of work. This bill will not simply allow schools to innovate in the best interests of kids, it is the first step in encouraging it.

TESTIMONY ON SB 2186
Senate Education Committee
January 16, 2017
by Superintendent Kirsten Baesler
(701) 328-4572
Department of Public Instruction

Mr. Chairman and members of the committee:

My name is Kirsten Baesler, State Superintendent of the North Dakota Department of Public Instruction. I am here today to provide supportive testimony for SB 2186, which provides North Dakota school districts an opportunity to participate in a pilot program focusing on improving student educational performance through innovative practices.

The North Dakota Century Code §15.1-06-05 and §15.1-06-08.1 currently provides the State Superintendent flexibility and authority to work with school districts allowing them to reconfigure their instructional day and to waive high school instructional time. Each district's proposal must encourage innovation and provide improved educational opportunities or enhanced academic opportunities for students. The legislative assembly placed this flexibility in code allowing schools districts to creatively meet their unique needs.

There are still many challenges that exist in the current waiver structure that prevent the flexibility and innovation necessary in order to prepare today's students for their future of tomorrow. Districts have historically submitted a request to reduce instructional time which would allow them to provide additional teacher professional development time. During the 2016-2017 school year, it is noted that 93% of districts (98 districts) requested school calendar flexibility in order to offer additional teacher professional development time. While offering some advantages, these waivers are

general in nature and lack a comprehensive approach. The results provided by districts are anecdotal and inconsistent, and lack innovative learning environments for students. We are at a time when we can and should be allowing our schools to think more broadly about their approach to update education for our students. This bill is about so much more than a “waiver” from something. It is about deliberately planning, and systemically implementing a strategic plan for better delivery of education with better outcomes for our students.

The NDDPI and districts across the state have been exploring options for innovative practices and alternate learning environments for students for several years. In June 2013, a group of educators from across the state began meeting to examine what other states are doing to provide innovative learning opportunities to help all students reach their fullest potential. The group analyzed the conditions necessary for personalized learning to be successful. Barriers that were found when reviewing state policy are the lack of flexibility and the need for a comprehensive, systemic plan of approach. In August 2016, a full day training was held for district teams specifically focusing on innovative learning practices and competency based education. After reviewing their self-assessment results, they began planning for implementation.

The proposed pilot outlined in SB 2186 would require a comprehensive, systemic plan from participating districts in exchange for the flexibility to implement their plan. The comprehensive plan would require a multi-year approach and have documented support from teachers, school staff, parents and community members. It is important to note that if a school chose to pursue this opportunity it would be completely within the control of the local school. This is not a requirement.

If a school is interested in creating an innovative learning environment at their school the NDDPI is prepared to support participating schools in creating long-term sustainability plans for the innovative learning program and has begun conversation

on the expected adopted implementation rules. Implementation results would be monitored and data would be reviewed for evaluation and assistance with sustainability.

This initiative does not require additional funding. The innovative learning pilot program encourages districts to seek better results with the funds already in place. Innovation requires us to think differently, and openly analyze our current practices.

This pilot project promotes innovative thinking with **planning** in order for North Dakota districts to prepare a customized learning approach for students.

Mr. Chairman, this completes my testimony. I am available to answer any questions.

Thank you.

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#3 (p. 1)

Testimony in support of SB2186 – Innovation Pilots

My name is Dr. Cory J. Steiner and I'm the Superintendent of Schools at Northern Cass School District in Hunter, North Dakota. We are a PK-12 district with 600 students located 25 miles northwest of Fargo. I was unable to attend today's committee meeting as we are holding a joint professional learning opportunity with the Central Cass School District today. I'm testifying in support of Senate Bill 2186.

The structure and function of our schools today must change to meet the needs of our society. We are operating too closely on an industrial model of education. In schools, we have been tasked to prepare students to be productive members of society. We have been asked to prepare students for college and career. We are asked to prepare the students of today for jobs that don't yet exist. We are asked to develop 21st century skills such as collaboration, communication, creativity, and critical thinking. We must develop academic, social, and emotional skills while making sure to develop long-lasting relationships in a safe environment. The list of important things to do and accomplish is never-ending.

Yet, we are 17 years into the 21st century and still using the jargon 21st century skills. We are not doing enough to teach these skills in a meaningful and authentic manner. It is not from lack of effort or ability. Our schools in North Dakota produce a high quality product due to the dedicated and passionate educators throughout our state. I'm proud of our state, our educational system, and our students, but I worry about our future. I'm not sure we can accomplish anything of substance in our current model. I feel as if we have stopped making gains and are on a plateau. We must do something different if we are to expect different results. Now is the time to do things differently. We have boards, administrators, and teachers ready to change the model into one which promotes authenticity through a customized approach. We have the ability to individualize learning for our students like never before. However, our current system not only doesn't allow this, but discourages creativity and innovation. Seat time, limits to when students can take high school credit, and confining schedules actually encourage district to maintain the current model. We can't move away from an industrial model until we are willing to challenge our own thinking and empower the leaders within our educational system.

I'm dismissive of the idea 'change is hard'. I believe 'bad change' is hard. Change which benefits is rewarding and necessary. Redesigning our model is daunting. It must be done in steps with careful planning which includes clear objectives, goals, and a plan for evaluation. It also must include clear communication plans and a strategy for sharing this work at the state level. I firmly believe Senate Bill 2186 will allow schools to be creative. It is only through creativity where schools can truly meet the needs of our students. At Northern Cass, we are ready to submit an application for a pilot program which will customize learning for students in 8th and 9th grade. It is our vision that this pilot program will then be extended to additional grade levels at both the secondary and elementary level. I have shared this vision with teachers, parents and student. There is genuine excitement. A parent of a student who is gifted recently shared their student was bored with their day in our school. They love the teachers, but know their students is not being challenged at a high enough level. We must be honest with these types of situations. We have students who don't need us to be successful in our schools. They have the skill set to do exceptional work. These students need a way to go faster and to utilize their unique skill set on a daily basis. The model we currently utilize expects students to go at the same pace within the confines of a traditional curriculum. It doesn't work for our enriched students. On the other end, a parent recently shared with me concerns about their child's ability to graduate with the necessary skills for the world of work. They believe their child can do the work, but not at the pace of their peers. They are worried their student is not developing key skills in this model. At our school, we are proposing an initiative which will 'catch' students who need either remediation or enrichment. This bill would allow us to make our vision a reality. We could customize learning to allow students to take more electives which includes dual credit and Advanced Placement. It will allow our students to travel to Fargo and participate in internships and participate fully in our CTE center courses. All of this would be possible if we were allowed to pilot a program which reinvents the educational experience at Northern Cass. I firmly believe in the vision Superintendent Baesler has set forth for our state. She understands our schools, but more importantly, she has challenged us to do more for our students. As a state, we have the chance to do things differently. Too often, we wait and follow. As a state, we are on the cusp of greatness, but we must keep pushing forward. The only way to do this is give Superintendent Baesler the ability to approve innovation

in a formalized way which will produce models of excellence which can be recreated throughout our state.

I'm not asking for funding, but rather an opportunity. We have teachers and students who are ready to move forward on this initiative. For the first time, we will control pace and space differently. We will challenge students differently. We will challenge teachers differently. We will challenge parents differently. In the end, we will change our model to one which builds off of strengths while recognizing the importance of developing areas of growth.

This bill can't be about politics. It must be about students. Our rural schools are limited by our location. This bill will break down barriers and allow every student in every school to have opportunities to 'write' their own story. Accountability for schools and individual accountability for students will transform education in this state.

Innovation won't be accomplished in our state unless we empower our leaders an opportunity to allow districts to take risks without the fear of failure. I ask all members of this committee to recommend a 'Do Pass' and do so knowing it will provide every student with a path towards success.



Great Public Schools

Great Public Service

Testimony before the Senate Education Committee
SB 2186
January 16, 2017

Good Morning Chairman Schaible, member of the committee. For the record, my name is Nick Archuleta and I am the president of North Dakota United. On behalf of our 11,500 members, I rise today in support of SB 2186.

As NDU's educator members know and demonstrate on a daily basis across the state, effective teaching can take many forms. More and more, teachers are taking what they have learned from brain research, pedagogical studies, and student observations to create lessons based on their students' interests and designing lessons that spark their imagination.

SB 2186 is a step in the right direction in that it helps to clear the path to unlock the creativity of teachers and learners alike. By empowering the Superintendent of Public Instruction to approve district plans for creative teaching and learning, SB 2186 goes a long way to reverse the rigid, monolithic tenets that defined the wildly unpopular and ineffective No Child Left Behind that proscribed teaching and learning for a generation of learners in ND and around the country.

This piece of legislation will allow for greater flexibility for school districts in awarding credit for educational experiences. In Governor Burgum's State of the State address, he addressed the need to rethink how information is transferred between teacher and student. SB 2186 accommodates that need while allowing for teachers to more fully employ project based learning, internships, and other imaginative and brain based methods of imparting knowledge to students. This, in turn, will help to unlock the imaginations of our students and encourage them to work collaboratively and take chances in drawing conclusions. And all this will occur under the tutelage of North Dakota's outstanding professional educators.

Again, Mr. Chairman, I urge a DO PASS vote on SB 2186.

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Senate Bill No. 2186

Testimony in Support

North Dakota Council of Educational Leaders

Good Morning Chairman Schaible and members of the Senate Education Committee. For the record, I am Russ Ziegler assistant director for the North Dakota Council of Educational Leaders. Thank you for allowing me to testify in favor of Senate Bill No. 2186.

I totally agree with what educational author Dr. Daniel Edelson has said, "Giving people an image of what learning could be like is a really important part of improving education." Senate Bill 2186 does exactly that. There are certain parts of education that have not changed in many years. You heard our new Governor mention that he is looking for innovation in education. At the moment, it is very difficult for school to try new ideas when it comes to the educational process such as changing seat time, trying competency based learning, or the ability to count learning that happens outside of the physical school setting or school day, etc.

Schools were created with the factory mindset from the industrial revolution. But, while industries used invention and innovation to grow, schools were left behind. I believe one reason for this is because the culture and tradition of schools is so entrenched in our society. As an administrator, I often heard the phrase "It was good enough for me!" It is time to add to that phrase and change it to It was good enough for me, but it is not good enough for my kids!

Thank you again for allowing me to speak in favor of Senate Bill 2186. I am now able to answer any questions that you may have.

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#6 (p.1)

Chairman and Senate Education Committee members, thank you for your time this morning. My name is Maggie Barth. I live here in Bismarck and have come to discuss Bill #2186, speaking as a mother of two young boys, an active local PTO member, and as an amateur educational researcher.

I was excited to hear that this session would include a piece of legislation that has to do with innovative education practices. Since my oldest started in kindergarten 4 years ago, I have been learning a lot about how our students learn and how we can enhance our more traditional classroom structure and system to enable rapid growth and foster a lifetime love for learning. Many, many people... everyone in fact, can agree that we all want education to be *better*. In my years of research, I have discovered that in order to be better, education really just need to be *different*... and this difference would equate to better.

Thirteen years ago, when today's seniors were just starting kindergarten, I was working my first "real job" here in Bismarck for a man named Ed Schafer. Ed had started a telecommunication company called Extend America. This was a venture capital-backed company with big dreams to extend wireless service throughout the rural Midwest. Working for a start-up, especially fresh out of college, was exciting and challenging. Ed was our CEO, but because North Dakota wasn't a hub for technology, the rest of the executives had to be flown into Bismarck or worked remotely. The majority of our employees, however, were local people, working hard to make this dream a reality. My job was to sell cell phones to businesses. It was a challenge. We were competing with CellOne's \$30 wireless plan. People still had bag phones they didn't want to give up because they could use them everywhere. We had people wondering why their kids were racking up all kinds of overages only to find out that they had a limit to these things called "text messages". But when we released the first camera phone to the area, what sticks in my mind so vividly was the response from potential customers, "Why would I ever want a camera in my phone?"

Now, go back to those kindergarteners... our current high school seniors. Look how much has changed, in such a short amount of time. How is their entire world different, from then until now, even just from the simple aspect of having a camera in their phone? These are the same kids that employers, in another 5 years, will be complaining about because they don't have enough drive, can't communicate with others, have a hard time identifying problems and applying critical thinking skills, and just overall aren't effective enough to be competent employees.

Our current education system is obsolete... as obsolete as an old bag phone. Created during the Industrial Age, the assembly line system we have in place has little relevance to what we know kids need to actually thrive. Most of us know this, yet making room for the huge shift that is necessary for the system has been difficult, if not impossible. There is fear with the unknown. We are dealing with intangible ideas meant to shape young minds. This is not as easy to see outcomes, gains, or progress as it is in other

areas. Take an architect for instance... she creates a blueprint that fits a client's needs and satisfies local building and ADA codes. This blueprint is then handed to a builder who creates the project. This is tangible. We can critique the architect's work, her artistry, her functionality, her design flow, etc. We can critique this because we can see and feel and walk through her building. It is different with teachers and students. That's where the fear comes in. We can teach students and work with them and try to prepare them for life, and yet, they are a person. The mind that we have been working on is an intangible object. We cannot see it, feel it, or walk through it, making it difficult or even impossible to critique it and the work that was done to it. This fear leads to more testing, less flexibility, less subjectivity in evaluation, and treating our kids more like robots we can download than warm, human beings who need care, love and concern in order to thrive. And of course, our teachers do their best but because the system is so antiquated, our kids feel more like downloaded robots than the radiant, creative beings they truly are.

This is where this bill comes in. This is the start... the beginning for change. We need our kids to be creative. We need them to identify problems and then solve them, doing this work together on teams using collaboration and effective communication. Our traditional classroom needs to look different, in order to motivate our kids to learn in this way. This bill will give schools the chance they need to lead the way. There are changeleaders here in North Dakota who are waiting for this to happen. There are teachers itching to have support to grow their classrooms into this kind of environment. Our students don't even know what they are missing! They are the ones being shortchanged by our current system. And sadly, they are the ones who get blamed. It is often these same employers that complain about the state of the current employee pool that are the ones saying "Just keep school like it was when I was there... it worked fine for me!" Personally, I think that sounds a lot like, "Why would I ever want a camera in my phone?" We want... we very much need our kids to be successful and stay here. We don't want to be flying in higher ups because we are a rural area with too little talent to choose from. We have to learn from our past and make changes for our future.

Please support this bill. You have the power to impact change for our students. As this year's seniors graduate, think about how the world will look in another dozen years... that is the world we need to prepare our kindergartners for... innovation and flexibility at a local level is paramount to their success in our future community.

Again, thank you all for your time. I would be happy to answer any questions you may have for me. Thank you.

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Senators,

Regarding Senate Bill No. 2186

We are representing Superintendent Uselman and Bismarck Public Schools. We have been working to align our professional development, with good standards, program evaluation data, and flexible tools. We are confident in DPI to screen and approve applications.

It would allow us to do academic internships based upon student interests and North Dakota Standards. This Innovative learning pilot program would allow flexibility for local teacher designed learning experiences with students to meet the unique learning needs of Bismarck Public Schools students.

Respectfully,



Dr. Ben Johnson and Dr. Tanna Kincaid

January 24, 2017

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#1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2186

Page 1, line 7, after "**program**" insert "**- Reports to legislative management**"

Page 1, line 8, replace "The" with "Notwithstanding any other provision of law, the"

Page 1, line 8, after "from" insert "the board of a school district of"

Page 1, line 10, remove ". Notwithstanding any other provision of law, the superintendent of public"

Page 1, line 11, replace "instruction may approve public and nonpublic school pilot programs that" with "and"

Page 1, line 12, replace "of the program" with "for schools"

Page 1, line 17, replace the first "the" with "a"

Page 1, line 19, remove "use any of the following methods to improve implementation."

Page 1, line 20, remove "innovation, and state evaluation"

Page 1, line 21, replace "Awarding" with "Award"

Page 1, line 23, replace "Allowing" with "Exercise"

Page 2, line 1, replace "Allowing" with "Exercise"

Page 2, line 1, remove "appropriate"

Page 2, after line 3, insert:

"5."

Page 2, line 4, remove "for"

Page 2, line 5, replace "review any data requested by" with "to"

Page 2, line 5, replace "which is" with "of public instruction any data"

Page 2, line 6, remove "project or"

Page 2, after line 6, insert:

"6. The superintendent of public instruction shall provide periodic reports regarding the program to the legislative management."

Renumber accordingly

Introduced by

Senators Poolman, D. Larson, Oban

Representatives D. Johnson, Schreiber-Beck, Guggisberg

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota
2 Century Code, relating to an innovative pilot program to improve student educational
3 performance.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 15.1-06 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Innovative learning - Pilot program - Reports to legislative management.**

- 8 1. TheNotwithstanding any other provision of law, the superintendent of public instruction
9 may approve an application from the board of a school district of any public or
10 nonpublic school for a one-year pilot program to improve student educational
11 performance. ~~Notwithstanding any other provision of law, the superintendent of public~~
12 ~~instruction may approve public and nonpublic school pilot programs that and provide~~
13 ~~for more local control and flexibility of the program for schools~~ than provided for under
14 state law.
- 15 2. Following the initial approval of a program and before the end of the one-year pilot
16 program, the school may submit a comprehensive implementation plan to the
17 superintendent of public instruction. The superintendent of public instruction shall
18 assist the school in creating a long-term sustainability plan for the program and may
19 approve thea plan to continue the program for up to five years.
- 20 3. During the implementation period the superintendent of public instruction may
21 authorize the school to-use any of the following methods to improve implementation,
22 innovation, and state evaluation:
- 23 a. AwardingAward credit for learning that takes place off school premises or outside
24 normal school hours;

b. Allowing Exercise flexibility regarding instructional hours, school days, and school years; and

c. Allowing Exercise any other ~~appropriate~~ flexibility necessary to implement the program.

4. The superintendent of public instruction shall create evaluation criteria for any pilot project and adopt rules to implement the program in accordance with chapter 28-32.

5. Any school participating in a pilot project or implementing a program shall submit ~~for review any data requested by~~ to the superintendent ~~which is~~ of public instruction any data required for evaluation of the ~~project or~~ program.

6. The superintendent of public instruction shall provide periodic reports regarding the program to the legislative management.

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NORTH DAKOTA
SCHOOL BOARDS
ASSOCIATION
INCORPORATED

Excellence in North Dakota public education through local school board governance

L. Anita Thomas, J.D., LL.M.
General Counsel
North Dakota School Boards Association
January 19, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2186

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to the creation of a twenty-first century education innovation program; and to amend section 15.1-06-08.1 of the North Dakota Century Code, relating to statutory waivers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Twenty-first century education innovation program – Participation – Report.

1. The board of a school district or the governing board of a nonpublic school may file with the superintendent of public instruction a proposal for participation in the twenty-first century education innovation program. The proposal must specify the innovations to be pursued at the school or school district level and the manner in which the proposed innovations would:

- a. Improve the delivery of education;
- b. Improve the administration of education;
- c. Provide increased educational opportunities for students; or
- d. Improve the academic success of students.

2. The superintendent of public instruction may accept the proposal, reject the proposal, or work with the submitting board to modify the proposal.

3. During its initial year of participation in the twenty-first century education innovation program, a board shall develop a comprehensive implementation plan and work with the superintendent of public instruction to ensure the long-term viability of the innovations.

4. The superintendent of public instruction may approve the comprehensive implementation plan developed under subsection 3 for a period up to five years. If due to a change in circumstances there is a determination by either the board or the superintendent of public instruction that modifications to the comprehensive implementation plan are necessary, both the board and the superintendent shall work with each other to achieve the necessary modifications.

5. a. Beginning with its initial year of implementation, the superintendent of public instruction may provide a board with a waiver of any state statute or rule, which impedes the implementation of the plan, and may authorize any other lawful activity not currently provided for by statute.

b. The superintendent of public instruction may revoke any waiver or authorization granted under this subsection upon determining that the board has failed to perform according to agreed upon terms or otherwise failed to meet the requirements of this section.

6. The superintendent of public instruction shall by rule develop criteria for the submission, approval, and evaluation of proposals and plans under this section.

7. As a condition of participation, the board of each school district must agree to provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent.

8. The superintendent of public instruction shall provide periodic reports to the legislative management regarding the twenty-first century education innovation program and recommend statutory changes for consideration by the sixty-sixth legislative assembly.

SECTION 2. AMENDMENT. Section 15.1-06-08.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-08.1. Statutes - Waiver.

1. ~~The superintendent of public instruction may not waive any statute, in whole or in part, except as provided for in this section.~~

2. A school or school district may apply to the superintendent of public instruction for a waiver of section 15.1-21-03, provided the waiver:

a. Encourages innovation; and

b. Has the potential to result in improved educational opportunities or enhanced academic opportunities for the students.

3. ~~2.~~ The initial waiver must be for a specific period of time but may not exceed one year. The school district may apply for extensions of the waiver. The first extension may not exceed a period of one year. Additional extensions may not exceed periods of two years.

4. ~~3.~~ If the superintendent of public instruction, after receipt and consideration of an application for a waiver under this section, approves the waiver, the superintendent shall file a report with the legislative council. The report must provide a detailed account of the reasons for which the

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waiver was granted and the specific time period for the waiver. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the legislative council. If requested, the superintendent shall appear and respond to questions regarding the approval or denial of any application for a waiver under this section.

~~5.~~ 4. The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications and the monitoring of any school or school district that receives a waiver under this section."

Renumber accordingly

Sixty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2186

1-30-17
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Introduced by

Senators Poolman, D. Larson, Oban

Representatives D. Johnson, Schreiber-Beck, Guggisberg

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota
2 Century Code, relating to the creation of an innovative piloted education program to improve
3 student educational performance; and to amend and reenact section 15.1-06-08.1 of the North
4 Dakota Century Code, relating to statutory waivers.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 15.1-06-08.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-06-08.1. Statutes - Waiver.**

9 1. ~~The superintendent of public instruction may not waive any statute, in whole or in part,~~
10 ~~except as provided for in this section.~~

11 ~~2.~~ A school or school district may apply to the superintendent of public instruction for a
12 waiver of section 15.1-21-03, provided if the waiver:

13 a. Encourages innovation; and

14 b. Has the potential to result in improved educational opportunities or enhanced
15 academic opportunities for the students.

16 ~~3.2.~~ The initial waiver must be for a specific period of time but may not exceed one year.
17 The school district may apply for extensions of the waiver. The first extension may not
18 exceed a period of one year. Additional extensions may not exceed periods of two
19 years.

20 ~~4.3.~~ If the superintendent of public instruction, after receipt and consideration of an
21 application for a waiver under this section, approves the waiver, the superintendent
22 shall file a report with the legislative council. The report must provide a detailed
23 account of the reasons for which the waiver was granted and the specific time period
24 for the waiver. If the superintendent of public instruction denies an application for a

waiver under this section, the superintendent shall file a notice of denial with the legislative council. If requested, the superintendent shall appear and respond to questions regarding the approval or denial of any application for a waiver under this section.

5.4. The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications and the monitoring of any school or school district that receives a waiver under this section.

SECTION 2. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Innovative learning education program - Pilot program Participation - Reports to legislative management.

1. The superintendent of public instruction may ~~approve an application~~ accept a proposal from any public or nonpublic school ~~for a one-year pilot program to improve student educational performance. Notwithstanding any other provision of law, the superintendent of public instruction may approve public and nonpublic school pilot programs that provide for more local control and flexibility of the program than provided for under state law.~~ upon approval by the local school board or governing board, for participation in an innovative education program. The proposal must specify the innovations to be pursued at the school or school district level and the manner in which the proposal will:
 - a. Improve the delivery of education;
 - b. Improve the administration of education;
 - c. Provide increased educational opportunities for students; or
 - d. Improve the academic success of students.
2. ~~Following~~ The superintendent of public instruction may approve the proposal, reject the proposal, or work with the submitting school to modify the proposal.
3. During the school's initial ~~approval of a program and before the end of the one-year pilot~~ year of participation in the innovative education program, the school may ~~submit~~ shall develop a comprehensive implementation plan ~~to~~ and work with the superintendent of public instruction to ensure the long-term viability of the proposal.

1 4. The superintendent of public instruction shall assist the school in creating a long-term
2 sustainability plan for the program and may approve the comprehensive
3 implementation plan to continue the program developed under subsection 3 for a
4 period of up to five years.

5 ~~3. During the implementation period the superintendent of public instruction may~~
6 ~~authorize the school to use any of the following methods to improve implementation,~~
7 ~~innovation, and state evaluation:~~

8 ~~a. Awarding credit for learning that takes place off school premises or outside~~
9 ~~normal school hours;~~

10 ~~b. Allowing flexibility regarding instructional hours, school days, and school years;~~
11 ~~and~~

12 ~~c. Allowing any other appropriate flexibility necessary to implement the program.~~

13 ~~4. The superintendent of public instruction shall create evaluation criteria for any pilot~~
14 ~~project and adopt rules to implement the program in accordance with chapter 28-32.~~
15 ~~Any school participating in a pilot project or implementing a program shall submit for~~
16 ~~review any data requested by the superintendent which is required for evaluation of~~
17 ~~the project or program. If, due to a change in circumstances, there is a determination~~
18 ~~by either the school or the superintendent of public instruction that modifications to the~~
19 ~~comprehensive implementation plan are necessary, the school and the superintendent~~
20 ~~of public instruction shall work with each other to achieve the necessary modifications.~~

21 5. Beginning in the initial year of the implementation of the program, the superintendent
22 of public instruction may:

23 a. Provide the school with a waiver of any state statute or rule, which impedes the
24 implementation of the plan;

25 b. Authorize any other lawful activity not provided for by statute; and

26 c. Revoke any waiver or authorization granted under this subsection if the
27 superintendent of public instruction determines the school has failed to perform in
28 accordance with the agreed upon terms of the program or failed to meet the
29 requirements of this section.

- 1 6. The superintendent of public instruction shall adopt rules to administer this section and
2 develop criteria for the submission, approval, and evaluation of the proposals and
3 plans under this section.
- 4 7. To participate in the program, the board of a school district shall provide program
5 evaluation data to the superintendent of public instruction at the time and in the
6 manner requested by the superintendent of public instruction.
- 7 8. The superintendent of public instruction shall provide periodic reports to the legislative
8 management regarding the innovative education program.

January 26, 2017

1-30-17
SB 2186
H 1. p 5

PROPOSED AMENDMENTS TO SENATE BILL NO. 2186

Page 1, line 2, after the first "to" insert "the creation of"

Page 1, line 2, replace "pilot" with "education"

Page 1, line 2, remove "to improve student educational"

Page 1, line 3, replace "performance" with "; and to amend and reenact section 15.1-06-08.1 of the North Dakota Century Code, relating to statutory waivers"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 15.1-06-08.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-08.1. Statutes - Waiver.

1. ~~The superintendent of public instruction may not waive any statute, in whole or in part, except as provided for in this section.~~
2. A school or school district may apply to the superintendent of public instruction for a waiver of section 15.1-21-03, ~~provided if~~ the waiver:
 - a. Encourages innovation; and
 - b. Has the potential to result in improved educational opportunities or enhanced academic opportunities for the students.
- ~~3.2.~~ The initial waiver must be for a specific period of time but may not exceed one year. The school district may apply for extensions of the waiver. The first extension may not exceed a period of one year. Additional extensions may not exceed periods of two years.
- ~~4.3.~~ If the superintendent of public instruction, after receipt and consideration of an application for a waiver under this section, approves the waiver, the superintendent shall file a report with the legislative council. The report must provide a detailed account of the reasons for which the waiver was granted and the specific time period for the waiver. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the legislative council. If requested, the superintendent shall appear and respond to questions regarding the approval or denial of any application for a waiver under this section.
- ~~5.4.~~ The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications and the monitoring of any school or school district that receives a waiver under this section."

Page 1, line 7, replace "learning" with "education program"

Page 1, line 7, replace "Pilot program" with "Participation - Reports to legislative management"

SB 2186
1-30-17
#1 p 6

Page 1, line 8, replace "approve an application" with "accept a proposal"

Page 1, line 9, remove "for a one-year pilot program to improve student educational"

Page 1, replace lines 10 through 12 with ", upon approval by the local school board or governing board, for participation in an innovative education program. The proposal must specify the innovations to be pursued at the school or school district level and the manner in which the proposal will:

- a. Improve the delivery of education;
- b. Improve the administration of education;
- c. Provide increased educational opportunities for students; or
- d. Improve the academic success of students."

Page 1, line 13, replace "Following" with "The superintendent of public instruction may approve the proposal, reject the proposal, or work with the submitting school to modify the proposal.

3. During"

Page 1, line, 13, after the first "the" insert "school's"

Page 1, line 13, replace "approval of a program and before the end of the one-year pilot" with "year of participation in the innovative education"

Page 1, line 14, replace "may submit" with "shall develop"

Page 1, line 14, replace "to" with "and work with"

Page 1, line 15, after the first "instruction" insert "to ensure the long-term viability of the proposal"

Page 1, line 15, after the underscored period insert:

"4."

Page 1, line 15, remove "shall"

Page 1, line 16, remove "assist the school in creating a long-term sustainability plan for the program and"

Page 1, line 17, after the first "the" insert "comprehensive implementation"

Page 1, line 17, replace "to continue the program" with "developed under subsection 3"

Page 1, line 17, after "for" insert "a period of"

Page 1, remove lines 18 through 24

Page 2, replace lines 1 through 6 with "If, due to a change in circumstances, there is a determination by either the school or the superintendent of public instruction that modifications to the comprehensive implementation plan are necessary, the school and the superintendent of public instruction shall work with each other to achieve the necessary modifications.

5. Beginning in the initial year of the implementation of the program, the superintendent of public instruction may:

- 1-30-17
#1 p. 7
- a. Provide the school with a waiver of any state statute or rule, which impedes the implementation of the plan;
 - b. Authorize any other lawful activity not provided for by statute; and
 - c. Revoke any waiver or authorization granted under this subsection if the superintendent of public instruction determines the school has failed to perform in accordance with the agreed upon terms of the program or failed to meet the requirements of this section.
6. The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section.
7. To participate in the program, the board of a school district shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction.
8. The superintendent of public instruction shall provide periodic reports to the legislative management regarding the innovative education program."

Renumber accordingly

January 30, 2017

2-1-17
SB 2186
#1 p.1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2186

Page 1, line 2, after the first "to" insert "the creation of"

Page 1, line 2, replace "pilot" with "education"

Page 1, line 2, remove "to improve student educational"

Page 1, line 3, replace "performance" with "; and to amend and reenact section 15.1-06-08.1 of the North Dakota Century Code, relating to statutory waivers"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 15.1-06-08.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-08.1. Statutes - Waiver.

1. ~~The superintendent of public instruction may not waive any statute, in whole or in part, except as provided for in this section.~~
2. A school or school district may apply to the superintendent of public instruction for a waiver of section 15.1-21-03, provided if the waiver:
 - a. Encourages innovation; and
 - b. Has the potential to result in improved educational opportunities or enhanced academic opportunities for the students.
- ~~3-2.~~ The initial waiver must be for a specific period of time but may not exceed one year. The school district may apply for extensions of the waiver. The first extension may not exceed a period of one year. Additional extensions may not exceed periods of two years.
- ~~4-3.~~ If the superintendent of public instruction, after receipt and consideration of an application for a waiver under this section, approves the waiver, the superintendent shall file a report with the legislative council. The report must provide a detailed account of the reasons for which the waiver was granted and the specific time period for the waiver. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the legislative council. If requested, the superintendent shall appear and respond to questions regarding the approval or denial of any application for a waiver under this section.
- ~~5-4.~~ The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications and the monitoring of any school or school district that receives a waiver under this section."

Page 1, line 7, replace "learning" with "education program"

Page 1, line 7, replace "Pilot program" with "Participation - Reports to legislative management"

Page 1, line 8, after "1." insert "The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section."

2."

Page 1, line 8, replace "approve an application" with "accept a proposal"

Page 1, line 9, remove "for a one-year pilot program to improve student educational"

Page 1, replace lines 10 through 12 with "upon approval by the local school board or governing board, for participation in an innovative education program. The proposal must specify the innovations to be pursued at the school or school district level and the manner in which the proposal will:

- a. Improve the delivery of education;
- b. Improve the administration of education;
- c. Provide increased educational opportunities for students; or
- d. Improve the academic success of students."

Page 1, line 13, replace "2." with "3."

Page 1, line 13, replace "Following" with "The superintendent of public instruction may approve the proposal, reject the proposal, or work with the submitting school to modify the proposal.

4. During"

Page 1, line, 13, after the first "the" insert "school's"

Page 1, line 13, replace "approval of a program and before the end of the one-year pilot" with "year of participation in the innovative education"

Page 1, line 14, replace "may submit" with "shall develop"

Page 1, line 14, replace "to" with "and work with"

Page 1, line 15, after the first "instruction" insert "to ensure the long-term viability of the proposal"

Page 1, line 15, after the underscored period insert:

"5."

Page 1, line 15, remove "shall"

Page 1, line 16, remove "assist the school in creating a long-term sustainability plan for the program and"

Page 1, line 17, after the first "the" insert "comprehensive implementation"

Page 1, line 17, replace "to continue the program" with "developed under subsection 3"

Page 1, line 17, after "for" insert "a period of"

Page 1, remove lines 18 through 24

SB 2186
2-1-17
#1 p.3

Page 2, replace lines 1 through 6 with "If, due to a change in circumstances, there is a determination by either the school or the superintendent of public instruction that modifications to the comprehensive implementation plan are necessary, the school and the superintendent of public instruction shall work with each other to achieve the necessary modifications.

6. Beginning in the initial year of the implementation of the program, the superintendent of public instruction may:
 - a. Provide the school with appropriate flexibility necessary for implementation of the plan; and
 - b. Revoke any authorization granted under this subsection if the superintendent of public instruction determines the school has failed to perform in accordance with the agreed upon terms of the program or failed to meet the requirements of this section.
7. To participate in the program, the board of a school district shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction.
8. The superintendent of public instruction shall provide periodic reports to the legislative management regarding the innovative education program."

Renumber accordingly

February 6, 2017

2-07-17
H1 P.1
SB 2186

PROPOSED AMENDMENTS TO SENATE BILL NO. 2186

Page 1, line 2, after the first "to" insert "the creation of"

Page 1, line 2, replace "pilot" with "education"

Page 1, line 2, remove "to improve student educational"

Page 1, line 3, replace "performance" with "; and to amend and reenact section 15.1-06-08.1 of the North Dakota Century Code, relating to statutory waivers"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 15.1-06-08.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-08.1. Statutes - Waiver.

1. ~~The superintendent of public instruction may not waive any statute, in whole or in part, except as provided for in this section.~~
2. A school or school district may apply to the superintendent of public instruction for a waiver of section 15.1-21-03, provided if the waiver:
 - a. Encourages innovation; and
 - b. Has the potential to result in improved educational opportunities or enhanced academic opportunities for the students.
- ~~3-2.~~ The initial waiver must be for a specific period of time but may not exceed one year. The school district may apply for extensions of the waiver. The first extension may not exceed a period of one year. Additional extensions may not exceed periods of two years.
- ~~4-3.~~ If the superintendent of public instruction, after receipt and consideration of an application for a waiver under this section, approves the waiver, the superintendent shall file a report with the legislative council. The report must provide a detailed account of the reasons for which the waiver was granted and the specific time period for the waiver. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the legislative council. If requested, the superintendent shall appear and respond to questions regarding the approval or denial of any application for a waiver under this section.
- ~~5-4.~~ The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications and the monitoring of any school or school district that receives a waiver under this section."

Page 1, line 7, replace "learning" with "education program"

Page 1, line 7, replace "Pilot program" with "Participation - Reports to legislative management"

SB 2182
2-7-17
#1 p2

Page 1, line 8, after "1." insert "The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section.

2."

Page 1, line 8, replace "approve an application" with "accept a proposal"

Page 1, line 9, remove "for a one-year pilot program to improve student educational"

Page 1, replace lines 10 through 12 with ", upon approval by the local school board or governing board, for participation in an innovative education program. The proposal must specify the innovations to be pursued at the school or school district level and the manner in which the proposal will:

- a. Improve the delivery of education;
- b. Improve the administration of education;
- c. Provide increased educational opportunities for students; or
- d. Improve the academic success of students."

Page 1, line 13, replace "2." with "3."

Page 1, line 13, replace "Following" with "The superintendent of public instruction may approve the proposal, reject the proposal, or work with the submitting school to modify the proposal.

4. During"

Page 1, line 13, after the first "the" insert "school's"

Page 1, line 13, replace "approval of a program and before the end of the one-year pilot" with "year of participation in the innovative education"

Page 1, line 14, replace "may submit" with "shall develop"

Page 1, line 14, replace "to" with "and work with"

Page 1, line 15, after the first "instruction" insert "to ensure the long-term viability of the proposal"

Page 1, line 15, after the underscored period insert:

"5."

Page 1, line 15, remove "shall"

Page 1, line 16, remove "assist the school in creating a long-term sustainability plan for the program and"

Page 1, line 17, after the first "the" insert "comprehensive implementation"

Page 1, line 17, replace "to continue the program" with "developed under subsection 4"

Page 1, line 17, after "for" insert "a period of"

Page 1, remove lines 18 through 24

SB 2186
2-7-17
#1 p3

Page 2, replace lines 1 through 6 with "If, due to a change in circumstances, there is a determination by either the school or the superintendent of public instruction that modifications to the comprehensive implementation plan are necessary, the school and the superintendent of public instruction shall work with each other to achieve the necessary modifications.

6. Beginning in the initial year of the implementation of the program, the superintendent of public instruction may provide the school with a waiver of any state statute or rule or provide authorization necessary for implementation of the plan.
7. The superintendent of public instruction may revoke any waiver or authorization granted under this section if the superintendent of public instruction determines the school has failed to perform in accordance with the agreed upon terms of the program or failed to meet the requirements of this section.
8. Any school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction.
9. The superintendent of public instruction shall provide periodic reports to the legislative management regarding the innovative education program."

Renumber accordingly

SENATE BILL NO. 2186

2-07-17
SB 2186
H. 1p.4

Introduced by

Senators Poolman, D. Larson, Oban

Representatives D. Johnson, Schreiber-Beck, Guggisberg

- 1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota
2 Century Code, relating to the creation of an innovative ~~pilot~~ education program to improve
3 student educational performance; and to amend and reenact section 15.1-06-08.1 of the North
4 Dakota Century Code, relating to statutory waivers.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 **SECTION 1. AMENDMENT.** Section 15.1-06-08.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-06-08.1. Statutes - Waiver.**

- 9 1. ~~The superintendent of public instruction may not waive any statute, in whole or in part,~~
10 ~~except as provided for in this section.~~
- 11 ~~2.~~ A school or school district may apply to the superintendent of public instruction for a
12 waiver of section 15.1-21-03, provided if the waiver:
- 13 a. Encourages innovation; and
- 14 b. Has the potential to result in improved educational opportunities or enhanced
15 academic opportunities for the students.
- 16 ~~3.2.~~ The initial waiver must be for a specific period of time but may not exceed one year.
17 The school district may apply for extensions of the waiver. The first extension may not
18 exceed a period of one year. Additional extensions may not exceed periods of two
19 years.
- 20 ~~4.3.~~ If the superintendent of public instruction, after receipt and consideration of an
21 application for a waiver under this section, approves the waiver, the superintendent
22 shall file a report with the legislative council. The report must provide a detailed
23 account of the reasons for which the waiver was granted and the specific time period
24 for the waiver. If the superintendent of public instruction denies an application for a

waiver under this section, the superintendent shall file a notice of denial with the legislative council. If requested, the superintendent shall appear and respond to questions regarding the approval or denial of any application for a waiver under this section.

~~5.4.~~ The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications and the monitoring of any school or school district that receives a waiver under this section.

SECTION 2. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Innovative ~~learning~~ education program - ~~Pilot program~~ Participation - Reports to legislative management.

1. The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section.

2. The superintendent of public instruction may ~~approve an application~~ accept a proposal from any public or nonpublic school, upon approval by the local school board or governing board, for participation in an innovative education program. The proposal must specify the innovations to be pursued at the school or school district level and the manner in which the proposal will:

a. Improve the delivery of education;

b. Improve the administration of education;

c. Provide increased educational opportunities for students; or

d. Improve the academic success of students.

~~2.3.~~ ~~Following~~ The superintendent of public instruction may approve the proposal, reject the proposal, or work with the submitting school to modify the proposal.

4. During the school's initial ~~approval of a program and before the end of the one-year pilot~~ year of participation in the innovative education program, the school ~~may submit~~ shall develop a comprehensive implementation plan ~~to~~ and work with the superintendent of public instruction to ensure the long-term viability of the proposal.

5. The superintendent of public instruction ~~shall assist the school in creating a long-term sustainability plan for the program and~~ may approve the comprehensive

2-67-17
#1, p. 6
SB 2186

- 1 implementation plan to continue the program developed under subsection 4 for a
- 2 period of up to five years.
- 3 ~~3. During the implementation period the superintendent of public instruction may~~
- 4 ~~authorize the school to use any of the following methods to improve implementation,~~
- 5 ~~innovation, and state evaluation:~~
- 6 ~~a. Awarding credit for learning that takes place off school premises or outside~~
- 7 ~~normal school hours;~~
- 8 ~~b. Allowing flexibility regarding instructional hours, school days, and school years;~~
- 9 ~~and~~
- 10 ~~c. Allowing any other appropriate flexibility necessary to implement the program.~~
- 11 ~~4. The superintendent of public instruction shall create evaluation criteria for any pilot~~
- 12 ~~project and adopt rules to implement the program in accordance with chapter 28-32.~~
- 13 ~~Any school participating in a pilot project or implementing a program shall submit for~~
- 14 ~~review any data requested by the superintendent which is required for evaluation of~~
- 15 ~~the project or program. If, due to a change in circumstances, there is a determination~~
- 16 ~~by either the school or the superintendent of public instruction that modifications to the~~
- 17 ~~comprehensive implementation plan are necessary, the school and the superintendent~~
- 18 ~~of public instruction shall work with each other to achieve the necessary modifications.~~
- 19 6. Beginning in the initial year of the implementation of the program, the superintendent
- 20 of public instruction may provide the school with a waiver of any state statute or rule or
- 21 provide authorization necessary for implementation of the plan.
- 22 7. The superintendent of public instruction may revoke any waiver or authorization
- 23 granted under this section if the superintendent of public instruction determines the
- 24 school has failed to perform in accordance with the agreed upon terms of the program
- 25 or failed to meet the requirements of this section.
- 26 8. Any school participating in the program shall provide program evaluation data to the
- 27 superintendent of public instruction at the time and in the manner requested by the
- 28 superintendent of public instruction.
- 29 9. The superintendent of public instruction shall provide periodic reports to the legislative
- 30 management regarding the innovative education program.

Attachment 1

2186
SB ~~2321~~

3/8/17

SB 2186

Testimony - Senate Education Committee

Nicole Poolman, District 7

Good morning, Chairman Owens and members of the education committee, my name is Nicole Poolman, state senator from District 7 representing Bismarck and Lincoln.

I am excited to sponsor and introduce this bill. SB 2186 is designed to offer schools the opportunity to look for innovative ways to educate our kids. We all know, and have known for a long time, that students do not all learn in the same way or at the same pace, yet we continue to hold on to rules and regulations that often force districts to pursue a "once size fits all" approach. This bill will encourage school districts to truly find new ways to reach students and prepare them for the world that awaits them upon graduation. Opening the door for schools to rethink seat time, practical experience, and any other traditional delivery methods will empower teachers, administrators, and parents to use their creativity and experience to improve learning opportunities for all kids, and allows schools to adapt to a constantly changing world with constantly changing workforce needs.

Which is not to say that schools aren't already being innovative. When I think about what high school looked like 19 years ago when I began teaching, to what my classroom and the classes of my colleagues look like today, the changes in structure, technology, and content make today's classroom unrecognizable when compared to the model of yesterday. If you haven't been in the classroom in the last five years, you haven't been in the classroom. Legacy High right here in Bismarck is a prime example of a school well on its way to truly preparing students in new and innovative ways. If given more freedom, I know schools and teachers across the state are ready to do more.

The opportunity to work with parents and faculty to create a pilot program modernizing and individualizing education makes sense for districts big and small. It makes sense for the gifted students and our students who struggle in school. For those who are college-bound, and those who want to immediately enter the world of work. This bill will not simply allow schools to innovate in the best interests of kids, it is the first step in encouraging it.

3/8/17

TESTIMONY ON SB 2186
House Education Committee
March 8, 2017
by Superintendent Kirsten Baesler
(701) 328-4572
Department of Public Instruction

Mr. Chairman and members of the committee:

My name is Kirsten Baesler, State Superintendent of the North Dakota Department of Public Instruction. I am here today to provide supportive testimony for SB 2186, which provides North Dakota school districts an opportunity to participate in a pilot program focusing on improving student educational performance through innovative practices.

The North Dakota Century Code §15.1-06-05 and §15.1-06-08.1 currently provide the State Superintendent flexibility and authority to work with school districts to allowing them to reconfigure their instructional day and to waive high school instructional time. Each district's proposal must encourage innovation and provide improved educational opportunities or enhanced academic opportunities for students. The legislative assembly placed this flexibility in code allowing schools districts to creatively meet their unique needs.

But there are still many challenges that exist in the current waiver structure that prevent the flexibility and innovation necessary in order to prepare today's students for their future of tomorrow. Districts have

historically submitted a request to reduce instructional time to allow them to provide additional teacher professional development time. During the 2016-2017 school year, it is noted that 93% of districts (98 districts) requested school calendar flexibility in order to offer additional teacher professional development time. While offering some advantages, these waivers are general in nature and lack a comprehensive approach. The results provided by districts are anecdotal and inconsistent, and lack innovative learning environments for students. We are at a time when we can and should be allowing our schools to think more broadly about their approach to update education for our students. This bill is about so much more than a “waiver” from something. It is about deliberately planning, and systemically implementing a strategic plan for better delivery of education with better outcomes for our students.

The NDDPI and districts across the state have been exploring options for innovative practices and alternate learning environments for students for several years. In June 2013, a group of educators from across the state began meeting to examine what other states are doing to provide innovative learning opportunities to help all students reach their fullest potential. The group analyzed the conditions necessary for personalized learning to be successful. Barriers that were found when reviewing state policy are the lack of flexibility and the need for a comprehensive, systemic plan of approach. In August 2016, a full day training was held for district teams specifically focusing on innovative learning practices

and competency based education. After reviewing their self-assessment results, they began planning for implementation.

The proposed pilot outlined in SB 2186 would require a comprehensive, systemic plan from participating districts in exchange for the flexibility to implement their plan. The comprehensive plan would require a multi-year approach and have documented support from teachers, school staff, parents and community members. It is important to note that if a school chose to pursue this opportunity it would be completely within the control of the local school. This is not a requirement.

But, if a school is interested in creating an innovative learning environment at their school the NDDPI is prepared to support participating schools in creating long-term sustainability plans for the innovative learning program and has begun conversation on the expected adopted implementation rules. Implementation results would be monitored and data would be reviewed for evaluation and assistance with sustainability.

This initiative does not require additional funding. The innovative learning pilot program encourages districts to seek better results with the funds already in place. Innovation requires us to think differently, and openly analyze our current practices.

This pilot project promotes innovative thinking with planning in order for North Dakota districts to prepare a customized learning approach for students.

Mr. Chairman, this completes my testimony. I am available to answer any questions.

Thank you.

4

Attachment 3

SB 2186

3/8/17

TO: House Education committee
FROM: Tamara Uselman, Superintendent
RE: SB 2186
DATE: 03/08/17

Chairman Owens and members of the Committee, for the record my name is Tamara Uselman. I am the superintendent of schools in Bismarck, here to testify in support of SB 2186 regarding innovation.

For Bismarck Public Schools, SB 2186 is the right bill at the right time. BPS works its mission to graduate students who are choice ready for career, college, and community life and its vision that schooling be an experience where, together, we inspire a passion for learning, discovery, and excellence. We need your help on the "we". For each student to be choice ready for the career they choose, the college / post-secondary training they need / and engage with the community, innovation is needed. Innovation is the only way learning can be personalized in a system built on a factory model.

Specifically, this bill would allow us and other schools to custom-tailor learning experiences, to a degree, through such opportunities as internships based on student interest and ND Standards.

For example, a student may learn about civics and legislative processes through a text in a classroom and yet, some students will be ready for and hungry to learn here, through an internship, with you. Our teachers would ensure the standards are covered, that the student has feedback about his or her progress, and that the assessment has fidelity, measuring what the student knows and can do. Here is another example: a student's hunger to learn about ecology may exceed a classroom delivery model. This bill would allow her an internship with an entity like Game and Fish to study water quality on the river and to shape public policy through teacher designed interdisciplinary standards, mixing science with public speaking and technical writing. Here the experts in what we call "the real world" can be mentors and a great public audiences. This bill would allow professional autonomy, flexibility, and creativity for teachers to teach to the standards in unique ways, when it is right for the student to do so. For example, a self-directed and highly motivated student may be able to master two years of math and physics in a single year. This bill would recognize the individuality that students, allow acceleration, and provide an opportunity for real world application of mathematical and physical science concepts

by working in the field with construction managers on building projects. I have seen it done, and when structured properly, the learning is immeasurable.

BPS is confident in DPI to screen and approve applications for innovative learning opportunities.

I urge you to support this bill on innovation.

Thank you.

3/8/17

**Testimony of Dr. Cory Steiner
Northern Cass Superintendent
Support of SB 2186
Wednesday, March 8th, 2017**

Good morning Mr. Chairman and members of the committee. It is my privilege to stand before you today and testify in favor of SB2186. My name is Dr. Cory J. Steiner and I'm the Superintendent of Schools at Northern Cass School District in Hunter, North Dakota. We are a PK-12 district with 600 students located 25 miles northwest of Fargo.

The issues in education are profound, but more importantly, they are urgent. The structure and function of our schools today must change to meet the needs of our society. We are operating too closely on an industrial model of education. Every system is designed to get the results it gets. Our system is getting the results it is supposed to get. Unfortunately, what is being asked of schools has changed since the design of the system. In schools, we have been tasked to prepare students to be productive members of society. We have been asked to prepare students for college and career. We are asked to prepare the students of today for jobs that don't yet exist. We are asked to develop 21st century skills such as collaboration, communication, creativity, and critical thinking. We must develop academic, social, and emotional skills while making sure to develop long-lasting relationships in a safe environment. In other words, we must prepare students to be choice ready for the future. The list of important things to do and accomplish is never-ending. However, it is our job to transform education. It must be our mission moving forward.

Yet, we are 17 years into the 21st century and still using the jargon 21st century skills. We have to think differently and reframe the abilities of our children. It is my belief we have the most gifted generation of students in the history of our great country. Let me say this one more time. It is my belief we have the most gifted generation of students in the history of our great county. We are missing out on a chance to truly change the future of our world. Our schools in North Dakota produce a high quality product due to the dedicated and passionate educators throughout our state. I'm proud of our state, our educational system, and our students, but I worry about our future. I'm not sure we can accomplish anything of

substance in our current model. I feel as if we have stopped making gains and are on a plateau. We must do something different if we are to expect different results. Now is the time to do things differently. We have boards, administrators, and teachers ready to change the model into one which promotes authenticity through a customized approach. We have the ability to individualize learning for our students like never before. However, our current system not only doesn't allow this, but discourages creativity and innovation. Seat time, limits to when students can take high school credit, and confining schedules actually encourage districts to maintain the current model. We can't move away from an industrial model until we are willing to challenge our own thinking and empower the leaders within our educational system.

I'm dismissive of the idea 'change is hard'. I believe 'bad change' is hard. Change which benefits is rewarding and necessary. Redesigning our model is daunting. It must be done in steps with careful planning which includes clear objectives, goals, and a plan for evaluation. It also must include clear communication plans and a strategy for sharing this work at the state level. I firmly believe Senate Bill 2186 will allow schools to do the work which truly benefits all students. It is only through creativity where schools can truly meet the needs of our students. At Northern Cass, we are ready to submit an application for a pilot program which will customize learning for students in 8th and 9th grade. It is our vision this pilot program will then be extended to additional grade levels at both the secondary and elementary level. This vision has been shared with teachers, parents, and students. There is genuine excitement. A parent of a student who is gifted recently shared their student was bored with their day in our school. They love the teachers, but know their students is not being challenged at a high enough level. We must be honest with these types of situations. We have students who don't need us to be successful in our schools. They have the skill set to do exceptional work. These students need a way to go faster and to utilize their unique skill set on a daily basis. The model we currently utilize expects students to go at the same pace within the confines of a traditional curriculum...and they are placed at that level simply due to their date of birth. The system does work well for enriched students. On the other end, a parent recently shared with me concerns about their child's ability to graduate with the necessary skills for the world of work. They believe their child can do the work, but not at the pace of their peers.

They are worried their student is not developing key skills in this model. At our school, we are proposing an initiative which will 'catch' students who need 'more' time to develop their skills. This bill would allow us to make our vision a reality. We could customize learning to allow students to take more electives which includes dual credit and Advanced Placement. It will allow our students to travel to Fargo and participate in internships and participate fully in our CTE center courses. Students would be able to engage in true job shadows where they wouldn't have to worry about being in our school all day to meet the current requirements...because they would have already met them. A student recently attended a short job shadow the other day. They wanted to be an architect. They spent a few hour in the job shadow and realized this was not the career path they wanted to take. What if we could do something like this for every student? Think of the money saved for them and the potential benefit to our state. All of this would be possible if we were allowed to pilot a program which reinvents the educational experience at Northern Cass. The Northern Cass Academy is a vision of what individualized education could look like in Northern Dakota. On February 16th, we invited 7th and 8th grade parents to an informational meeting related to the academy. We had 55 parents and 15 students attend. We have a commitment form signed by every secondary staff member to participate. We have a motion made by our Board of Education expressing full support for this proposal. We have 29 students and parents who have committed to this concept. We are ready, but more importantly, our students are ready. There is genuine excitement in our school and it has to do with this idea. We will allow students to go faster which in essence will open up their schedules for them to explore their passion areas as juniors and seniors. We no longer will graduate students hoping they have the skills to be successful in their future. We will graduate students knowing they have the skills to be successful.

I firmly believe in the vision Superintendent Baesler has set forth for our state. She understands our schools, but more importantly, she has challenged us to do more for our students. As a state, we have the chance to do things differently. Too often, we wait and follow. As a state, we are on the cusp of greatness, but we must keep pushing forward. The only way to do this is give Superintendent Baesler and the Department of Public Instruction the ability to approve innovation in a

formalized way which will produce models of excellence which can be recreated throughout our state.

I'm not asking for funding, but rather an opportunity. We have teachers and students who are ready to move forward on this initiative. For the first time, we will control pace and space differently. We will challenge students differently. We will challenge teachers differently. We will challenge parents differently. In the end, we will change our model to one which builds off of strengths while recognizing the importance of developing areas of growth.

This bill can't be about politics. It must be about students. Our rural schools are limited by our location. This bill will break down barriers and allow every student in every school to have opportunities to 'write' their own story. Accountability for schools and individual accountability for students will transform education in this state.

Innovation won't be accomplished in our state unless we empower our leaders an opportunity to allow districts to take risks without the fear of failure. I recently listened to Sir Ken Robinson speak and he said something which resonated with me. He said, "If we love kids for who they are and where they want to go, we will individualize learning." Let me say that one more time. "If we love kids for who they are and where they want to go, we will individualize learning." It is not only my obligation, but it is your obligation, too. A vote in favor of this bill is vote in favor of the future for our students.

I ask all members of this committee to recommend a 'Do Pass' and do so knowing it will provide every student with a path towards success.

cf

Attachment 5 SB 2186

3/8/17



**SB 2185 – School Innovation
Testimony in Support
North Dakota Council of Educational Leaders – Dr. Aimee Copas
March 8, 2017**

Good afternoon Chairman Owens and members of the House Education Committee. For the record, my name is Aimee Copas and I serve as the Executive Director for the ND Council of Educational Leaders representing school leaders throughout North Dakota.

You've heard some powerful testimony today regarding the need for this bill. I'd like to put a bow around this today and share with you reminders of why this bill is important.

- Teachers who you know and trust have been hungry for an opportunity like this to work locally with their administrators and school boards to take a new look at ways to help their students succeed. This bill provides them the opportunity to put their innovative thoughts into action.
- This bill truly shifts the control of our schools back into the hands of the local schools and their local boards – keeping the authority and innovation where it belongs – home grown.
- This bill provides just the right amount of oversight – enabling the State Superintendent to allow this local innovation to take place, while ensuring what is happening is in the best interest of the school and the community and ultimately the success of the student.
- This bill provides even more opportunity for school choice by providing the option of charter school-like ideas to formulate locally and operate right within the structure of our locally controlled and funded public school systems. This enables truly a school within a school model.
- This is the type of legislation puts our students into the position to be competitive locally, statewide, nationally and globally. This type of thinking is just what the business community has been asking for.
- This provides the opportunity to even the playing field between our urban and rural settings.

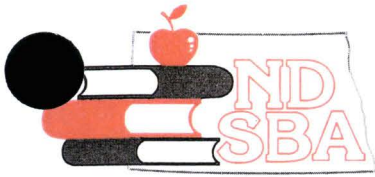
We sincerely hope that you put the trust into your local educators and school boards and allow them to set their path towards success and innovation.

Thank you for your time. We hope you will consider a DO PASS recommendation of SB2185.

Attachment 6

SD 2186

3/8/17



Excellence in North Dakota public education through local school board governance

**NORTH DAKOTA
SCHOOL BOARDS
ASSOCIATION**
I N C O R P O R A T E D



ENGROSSED SB 2186 – TESTIMONY

L. Anita Thomas, J.D., LL.M.

General Counsel

North Dakota School Boards Association

March 8, 2017

In his State of the State address, Governor Doug Burgum signaled that major change was on the horizon for K-12 education. He rightfully referred to K-12 education as the foundation of our future and stressed its role in creating responsible and engaged citizens, helping to attract businesses, and strengthening our economy. He acknowledged that “[b]y many traditional measures, our education system is strong.” But, he also pointed out that our “basic education model dates back to before statehood.” He spoke of a 19th century teacher-centric knowledge transfer model being used at a time when “nearly all of the world’s information is . . . available online, anywhere, anytime, for free.”

Governor Burgum said “knowledge transfer is no longer only tied to the school day, to a school building, or to a school year” -- except in the North Dakota Century Code.

The 21st Century global economy needs students who are creative problem solvers, effective communicators, strong collaborators, and as they take their role in society, informed and responsible citizens. Many in K-12 education have recognized that equipping students with these essential skills will require an environment in which teaching and learning are not rooted in 1962.

Exactly what will that new environment look like? We don’t know. We can’t tell you precisely what education will be like in the coming years, any more than we can tell you what the next generation of smart phones will look like or be capable of doing. But, we know that our new smart phones won’t go back to looking or functioning like the old RAZRs - the flip phones of bygone days.

We want K-12 education to be responsive to our rapidly changing world. We want K-12 education to be forward thinking and innovative and not constricted because of time-honored constraints that govern how we teach and how students learn.

Engrossed SB 2186 creates an environment in which flexibility can be exercised and appropriate oversight can be provided. Every two years, we can come back to you with recommendations for statutory changes that will ultimately benefit all the students in this state.

If we are to take advantage of all that this century has to offer, we need to place our trust in and empower our school boards, superintendents, principals, teachers, and students, together with parents,

business leaders, community organizations, and legislators to “lead the way” and start making the changes necessary to ensure that our education system meets the demands of our 21st Century world.

We therefore respectfully request a DO PASS on Engrossed SB 2186.



3/8/17

*Great Public Schools**Great Public Service*

Testimony before the House Education Committee
SB 2186
March 8, 2017

Good Morning Chairman Owens, members of the committee. For the record, my name is Tom Gerhardt and I represent North Dakota United. On behalf of our 11,500 members, I rise today in support of SB 2186.

Effective teaching can take many forms. North Dakota United's educator members know this. They demonstrate it on a daily basis. In talking with our members, we hear more and more teachers are taking what they have learned from research, studies and student observations to create lessons based on their students' interests—sparking students' imagination and passion for learning.

SB 2186 helps clear a path to unlock the creativity of teachers and learners alike. By empowering the Superintendent of Public Instruction to approve district plans for creative teaching and learning, SB 2186 gives local educators the ability to determine what is best for their students while at the same time moving away from principles of No Child Left Behind that restricted teaching and learning for a generation in ND and around the country.

SB 2186 will allow for greater flexibility for our local school districts in awarding credit for educational experiences. Governor Burgum spoke in his State of the State address about the need to rethink how information is transferred between teacher and student. SB 2186 does this by allowing teachers to more fully employ project based learning, internships and other imaginative and brain based methods of relating knowledge to students. This, in turn, will help to unlock the imaginations of our students and encourage them to work collaboratively, think critically and to take chances in drawing conclusions. All of this will occur under the guidance of North Dakota's outstanding professional educators.

At North Dakota United, we talk to educators every day. I can tell you, with certainty, educators want this bill.

Again, Chairman Owens, I urge a DO PASS vote on SB 2186.

17.0695.02002
Title.

Prepared by the Legislative Council staff for
Representative Owens
March 21, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2186

Page 1, line 8, remove the overstrike over "~~The superintendent of public instruction may not waive any statute, in whole or in part,~~"

Page 1, remove the overstrike over line 9

Page 1, line 10, remove the overstrike over "2."

Page 1, line 11, overstrike "section 15.1-21-03" and insert immediately thereafter "title 15.1, chapter 15-19"

Page 1, line 11, after "~~provided~~" insert "or any associated rules."

Page 1, line 15, remove the overstrike over "3."

Page 1, line 15, remove "2."

Page 1, line 19, remove the overstrike over "4."

Page 1, line 19, remove "3."

Page 1, line 22, overstrike "council" and insert immediately thereafter "management"

Page 2, line 4, remove the overstrike over "5."

Page 2, line 4, remove "4."

Page 2, line 15, after "must" insert "include evaluation criteria and"

Page 3, remove lines 3 through 5

Page 3, line 6, replace "7." with "6."

Page 3, line 10, replace "8." with "7."

Page 3, line 13, replace "9." with "8."

Page 3, line 13, replace "periodic" with "annual"

Page 3, line 14, after "program" insert: ", including:

- a. The status of the implementation plan;
- b. A summary of any waived statutes or rules; and
- c. A review of evaluation data results"

Renumber accordingly

17.0695.02005
Title.

Prepared by the Legislative Council staff for
Representative Mock
March 22, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2186

Page 1, line 8, remove the overstrike over "~~The superintendent of public instruction may not waive any statute, in whole or in part,~~"

Page 1, remove the overstrike over line 9

Page 1, line 10, remove the overstrike over "2."

Page 1, line 11, overstrike "section 15.1-21-03" and insert immediately thereafter "chapters 15-20.1, 15.1-06, 15.1-18, 15.1-20, 15.1-21, 15.1-22, 15.1-25, 15.1-32, and 15.1-38"

Page 1, line 11, after "~~provided~~" insert "or any associated rules,"

Page 1, line 12, overstrike "Encourages innovation; and" and insert immediately thereafter "Improves the delivery of education;"

Page 1, line 13, overstrike "Has the potential to result in improved educational opportunities or enhanced"

Page 1, line 14, overstrike "academic opportunities for the students" and insert immediately thereafter "Improves the administration of education;

c. Provides increased educational opportunities for students; or

d. Improves the academic success of students"

Page 1, line 15, remove the overstrike over "3."

Page 1, line 15, replace "2." with "Upon approval by the legislative management, the superintendent of public instruction may grant a waiver request by a school or school district of any chapter under title 15.1, or any associated rules, not otherwise listed in subsection 2.

4."

Page 1, line 19, replace "3." with "5."

Page 1, line 21, overstrike "council" and insert immediately thereafter "management"

Page 2, line 1, overstrike "council" and insert immediately thereafter "management"

Page 2, line 4, replace "4." with "6."

Page 2, line 14, remove "local"

Page 2, line 15, after "must" insert "include evaluation criteria and"

Page 3, remove lines 3 through 5

Page 3, line 6, replace "7." with "6."

Page 3, line 6, remove "or authorization"

Page 3, line 7, remove "this"

Page 3, line 7, after "section" insert "15.1-06-08.1"

Page 3, line 10, replace "8." with "7."

Page 3, line 13, replace "9." with "8."

Page 3, line 13, replace "periodic" with "annual"

Page 3, line 14, after "program" insert: ", including:

- a. The status of the implementation plan;
- b. A summary of any waived statutes or rules; and
- c. A review of evaluation data results"

Renumber accordingly

17.0695.02006
Title.

Prepared by the Legislative Council staff for
Representative Schreiber-Beck
March 22, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2186

Page 1, line 8, remove the overstrike over "~~The superintendent of public instruction may not waive any statute, in whole or in part,~~"

Page 1, remove the overstrike over line 9

Page 1, line 10, remove the overstrike over "2."

Page 1, line 11, overstrike "section 15.1-21-03" and insert immediately thereafter "chapters 15-20.1, 15.1-06, 15.1-18, 15.1-20, 15.1-21, 15.1-22, 15.1-25, 15.1-32, and 15.1-38"

Page 1, line 11, after "~~provided~~" insert "or any associated rules."

Page 1, line 12, overstrike "Encourages innovation; and" and insert immediately thereafter "Improves the delivery of education;"

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Page 1, line 15, remove the overstrike over "3."

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Page 1, line 19, remove the overstrike over "4."

Page 1, line 19, remove "3."

Page 1, line 21, overstrike "council" and insert immediately thereafter "management"

Page 2, line 1, overstrike "council" and insert immediately thereafter "management"

Page 2, line 4, remove the overstrike over "5."

Page 2, line 4, remove "4."

Page 2, line 14, remove "local"

Page 2, line 15, after "must" insert "include evaluation criteria and"

Page 3, remove lines 3 through 5

Page 3, line 6, replace "7." with "6."

Page 3, line 6, remove "or authorization"

Page 3, line 7, remove "this"

Page 3, line 7, after "section" insert "15.1-06-08.1"

Page 3, line 10, replace "8." with "7."

Page 3, line 13, replace "9." with "8."

Page 3, line 13, replace "periodic" with "annual"

Page 3, line 14, after "program" insert: ", including:

- a. The status of the implementation plan;
- b. A summary of any waived statutes or rules; and
- c. A review of evaluation data results"

Renumber accordingly

3-22-17

PROPOSED AMENDMENT TO SB 2186 (.02002)

-Rep. Ruby

Page 3, after line 17, insert:

- “ 9. A parent may opt their child out of any part of an approved innovation program due to a religious, philosophical, or moral belief.”