

2017 HOUSE EDUCATION

HB 1347

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1347
1/29/2019
31721

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Bev Monroe By: Elaine Stromme
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Explanation or reason for introduction of bill/resolution:

Relating to probationary teacher contracts

Minutes:

Attachment: 1 - 12

Chairman Owens: Opened the hearing on HB 1347.
(Attachment 1 Amendment)

Representative Denton Zubke: (See Attachment 1)

Aimee Copas, NDCEL: 2:40 (See Attachment 2) end 4:35

Chairman Owens: Do you understand the amendment as presented by the sponsors?

Aimee Copas: I have not seen the amendment yet, so I am not sure.

Dr. Robert Lech: (See Attachment 3) end 51:54

Chairman Owens: Questions?

Rep. Ron Guggisberg: Have you had to fire a teacher in the first year?

Dr. Robert Lech: 10:00 I have had to go through the non-renewal process. In my experiences those have resulted in resignations instead of actual hearings, so I have not gone through the process of a first year teacher. But I know many others in our state have done so.

Chairman Owens: Did you understand the amendment that was presented? It basically replaces the lined out information about the hearing.

Dr. Robert Lech: My understanding about the amendment continues what is existing in law.

Dr. Mike Bitz: 11:00 (See Attachment 4)

Chairman Owen: Questions?

Rep. Hoverson: Have you talked to any teachers that are supportive of this bill?

Dr. Bitz: 14:00 I have spoken to a lot of teachers; the vast majority of teachers don't have anything to worry about. As Dr. Lech just said, I believe in giving them three years for us to work with them, coach them, give them a chance to improve, is actually a benefit to them. If we have to make that decision after one year, it might be that we would have to move forward with a non-renewal, instead of giving them one more year to improve. 14:23

Chairman Owens: Do you talk a lot about the experience about the board having to vote with friends and family there, so based on your understanding of the amendment that was presented to change the bill to leave all that in and all it does is change one first year to 3 years' probation, and the board still having the ability to wave that. Is that still something you would support?

Dr. Bitz: It is an improvement. I would prefer it not to have to go through the hearing.

Chairman Owens: Understood.

Rep. Ron Guggisberg: You said this would make it more professional. What is unprofessional about the way the system works currently?

Dr. Bitz: The way the system works now it is an emotionally charged process. When we bring a teacher up for non-renewal the principle has had several meetings with them, I have had several meetings with them. It is not a surprise where they show up before the school board that night. When board members come up to vote, they are voting in front of their spouse, their children, co-workers, relatives and friends. We have already been through this internally, I don't see why we have to do it publicly.

Chairman Owens: Support?

Jeffrey Thake: 17:00 Superintendent of Williston Public School District 1, **(See Attachment 5)** Supports first year teachers.

Chairman Owens: Questions?

Aimee Copas: 19:30 We would support the bill as it stands, but if you feel the amendments would help, we would support you in whatever you and the committee decide.

Chairman Owens: support?

Steve Hall, Superintendent, Kindred Public School District: **(See Attachment 6)** end 22:40

Rep. Laurie Beth Hager: How many teachers in your school have you asked if they wanted to be considered on probation for 3 years?

Steve Hall: I just had a conversation right before this.

Rep. Hoverson: Do you know any teachers that are supportive of this bill as you are?

Steve Hall: I do not.

Chairman Owens: Any questions? In Favor?

Dr. Penny Veit-Hetletved: 23:35 'Superintendent for the North Dakota Schools of Correction & Rehabilitation (**See Attachment 7**) 27:00

Chairman Owens: Any Questions from the committee?

Rep. Mary Johnson: Does what we have draw teachers to North Dakota?

Dr. Penny Veit-Hetletved: 28:00-29:20 What you are asking is, that what new teachers or teachers coming in from out of state would see this as a benefit to teachers? I think that this bill would be a great benefit for teachers. I feel it would be a draw for teachers to come to North Dakota.

Rep. Mary Johnson: What about the one-year probation period?

Dr. Penny Veit-Hetletved: Some folks have gotten disenchanted early in the profession because it is a lot of responsibility, and they didn't have proper support at the beginning of their career we lose them. So in that regard, I feel that there is a lot on the line in that first year.

Rep. Laurie Beth Hager: 30:30 Doesn't that put the teacher in a status as a semiprofessional when they are on probation for three years?

Dr. Penny Veit-Hetletved: 31:00 -31:50 I would say it is more of a developmental opportunity then, it truly becomes coaching, there is a lot of discussions that take place during that first year before it becomes very uncomfortable and ends up being a non-renewal piece. This way we have comfortably coached on a three-year time line, to have them learn the learning curve of teaching.

Rep. Mary Johnson: Is there still student teaching?

Dr. Penny Veit-Hetletved: Yes, it varies with different schools.

Chairman Owens: support?

Alexis Baxley: 32:56 **Executive Director of the North Dakota School Boards Association(NDSBA) (See Attachment 8)**

Chairman Owens:

Rep. Ron Guggisberg: Looking at the list for tenure for all other states, do we have any data that in North Dakota we tend to keep bad teachers more often?

Alexis Baxley: end 35:00 Due to the shortage of teachers, some schools have to hire teachers that are not so good. Basically we have excellent teachers in North Dakota.

Rep. Brandy Pyle: 35:10 Instead of using the word probationary can we use orientation period?

Alexis Baxley: Yes, the outcome would be the same.

Rep. Hoverson: Is there anything right now preventing the superintendent from coaching new teachers?

Alexis Baxley: 36:00 No, except the short time line. Their evaluation is April 15, after that the board meets with the teacher considering non-renewal.

Rep. Hoverson: Can't they do the three year coaching right now?

Alexis Baxley: The superintendent can coach a teacher as long as they want, but the requirements to renew or not change after their first year of employment.

Chairman Owens: Questions? Support for HB 1347?

Elroy Burkle: Executive Director of North Dakota smaller schools. In Support - 37:42 I think of this as added time to make marginal teachers better. I think this will benefit everybody in the long run.

Chairman Owens: Questions?

Rep. Hoverson: 39:00 Can someone in the school say we want three years instead of one, or is the law preventing them from doing that?

Elroy Burke: This law is about the dismissal of a teacher.

Chairman Owens: Support?

Shawn Hocker, Superintendent, Dickinson 40:30 We hired 63 new teachers in Dickinson this last year, of those 63 teachers a lot of them were pregnant, they took a maternity leave, so they were not in school for a lot of the first year. This gives us more time to work with the teachers. support of 1347

Chairman Owens: in favor? In opposition?

Nick Archuleta: 43:30 President of North Dakota United, (**See Attachment 9**) 48:15

Chairman Owens: Did you understand the amendment as it was presented?

Nick Archuleta: No, I didn't see it.

Chairman Owens: It basically replaced all of the first page information and changed the bill into nothing more than going from one year to three years.

Vice Chairman Cynthia Schreiber-Beck: Mr. Archuleta How many of 11,500 are actual licensed teachers?

Nick Archuleta: 90% are teachers.

Rep. Brandy Pyle: What types of resources does your association spend on first year teachers? What type of training do you provide? What assistance of suggestions? What do you do for first year teachers?

Nick Archuleta: 49:50 We have an early educator program that we invite to things that we call un-meetings so they can come without any agenda. We end up talking to them about things that they are encountering early in their careers, we hope to have happen and we seem to be successful is that we end up with a network of early educator's that can lean on each other as well as the people that have been in the profession for a few years. It seems to be going very well.

Chairman Owens: Questions?

Representative Denton Zubke: 50:00 If a district was kind of on the fence about a first year teacher, they think they probably shouldn't take the chance, but now they have this new probationary period, they decide to try it for one more year? You don't think that would be helpful for that first year teacher?

Nick Archuleta: 51:00 There is nothing that stops principles and administrators from providing support for those first year teachers right now.

Chairman Owens: opposition?

Landen Schmeichel: 53:00 (See Attachment 10) 57:05

Chairman Owens: Thank You. Questions?

Rep. Brandy Pyle: When you went to college and decided to become a teacher, did you think about the probation period?

Landon Schmeichel: Yes, I did. I was very aware of the policy that it is now.

Chairman Owens:

Vice Chairman Cynthia Schreiber-Beck; What do you teach?

Landon Schmeichel: I teach 4 classes.

Vice Chairman Cynthia Schreiber-Beck: What is AVID?

Landon Schmeichel: 52:36 a second year teacher in Bismarck, ND, ACID is Advancement Via Individual Determination. It takes students that are interested in amping up their efforts to solve the world's problems.

Vice Chairman- Cynthia Schreiber-Beck: It almost seems counter the opportunity for teachers to have more chances that they don't want. I am confused about that.

Landon Schmeichel: It seems to me that the administration would have a longer period of time to offer dismissal. Along with that it removes due process.

(two handouts, **See Attachments 11 & 12**)

Chairman Owens: opposition? neutral testimony? close hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1347
2/12/2019
32615

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Bev Monroe by Marjorie Conley
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Explanation or reason for introduction of bill/resolution:
Relating to probationary teacher contracts

Minutes:

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Chairman Owens: Opened meeting on HB 1347.

Representative Denton Zubke: This amendment removes all of the overstrikes on page 1 except for on line 9,12, and 18 where it says first year, it would say probationary. We are putting all that due process back in. I move the amendments which are numbered 01003 to HB1347.

Rep. Guggisberg: Seconded.

Chairman Owens: Discussion? Hearing none, we will take a voice vote.

Voice Vote taken. Motion to adopt amendment carried.

Chairman Owens: Further Discussion?

Representative Denton Zubke: Moved a Do Pass on HB 1347 as amended.

Rep. Brandy Pyle: Seconded.

Chairman Owens: Discussion?

Rep. Hager: We heard from hundreds of teachers on this and I don't think that these amendments and these changes address what the teachers were telling us. The teachers do not like the word probationary. It made them feel like second citizens. It made them feel undervalued. I think it creates more problems than it fixes.

Chairman Owens: I got exactly 211 emails out of 10,000 members we are told by the union. I base that on the fact that I was told 90% of the union members were teachers out of the 11,500.

Rep. Hoverson: I will resist the bill too. I think that the people that it affects the most are the teachers.

Rep. Zubke: Unfortunately the word probation more commonly is used in a negative term. Webster defines it as a trial period. When a teacher is hired it is known as a trial period and at this point in time it is only one year. This actually expands that to three years, puts the due process back in there which is where I think a lot of the emails are coming from. It allows for that school district to now work with that teacher and hopefully if they aren't performing completely up to standards allows for a mentoring program to bring them up to standards. For some reason everybody started to think that school districts are trying to get rid of teachers. School districts want good teachers and rather than forcing their hand in that first year, this provides an avenue where that teacher has more of a chance of becoming a good teacher.

Rep. Hager: I don't think that is fair to the teachers to put a probationary period for three years on them. What other profession gives three years' probation?

Rep. Pyle: The majority of my emails have to do with the due process part which I am glad it was put back in. As a former city auditor, my job was appointed every year. There are professions in public service similar in some form to the public service that teachers do as a professional.

Rep. Zubke: Most professions in the state of North Dakota, you may be working on Tuesday you may not be working on Wednesday because this is a state where it's a right to work. I think this is an advantage for new teachers and I think that it opens the door for more mentoring and for more of the ability to keep their job and continue to learn.

Vice Chairman Schreiber-Beck: It's a very common statement across the nation that it is probationary. Most of the codes read probationary teachers.

Chairman Owens: I personally have supported a mentorship program for teachers for a long time. I personally believe that what we ought to do is we ought to pay a higher salary so that all these people flood here and then we can pick and choose the people we want rather than worrying about the shortage in teachers.

Chairman Owens: Any further discussion?

Rep Pyle: If a teacher is not working out, I think that the schools do a due diligence and get that teacher back on course. Everybody wants everyone to succeed and want our educators to succeed as well as our students.

Vice Chairman Schreiber-Beck: We talked about the mentoring programs. There are two mentoring programs that are already available.

Chairman Owens: Currently they are trying to help these teachers, other teachers helping teachers. We have heard a number of places that one year is not enough.

Nick Archuleta, President of the North Dakota United: Administrators have to commit to helping these teachers. The mentoring programs are there, they just have to utilize them. It takes a 20 minute tutorial that you have to take to access the mentoring program.

Chairman Owens: Any further discussion? We have a motion before us for a Do Pass HB 1347 as amended.

Roll Call Vote Yes 9 No 4 Absent 1

Rep. Johnston will be the **Carrier**.

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1347

2/13/2019

32656

3:05-3:41

32670

☐ Subcommittee

☐ Conference Committee

Committee Clerk: Bev Monroe by Marjorie Conley
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Explanation or reason for introduction of bill/resolution:

Relating to probationary teacher contracts

Minutes:

Attachment 1

Chairman Owens: I will entertain a motion whereby we reconsider our actions on HB 1347.

Rep. Brandy Pyle: I will make the motion.

Rep. Schreiber-Beck: Seconded.

Voice Vote taken and motion carried.

Rep. Zubke: It has been asked that we make some wording changes. The board of a school district shall offer, as needed, based on the teacher's evaluation, a teacher mentoring program for probationary teachers. With that wording, I move that amendment. (Attachment 1)

Rep. Guggisberg: Seconded.

Rep. Johnston: I would like to know why we are going from may to shall?

Rep. Zubke: It was that there be some connection back to the teacher's evaluation and if there are areas that need improvement that the school district specifically offer that teacher then some type of mentoring program.

Rep. Pyle: In other professions the people are worked with to get the end result.

Rep. Guggisberg: How long is the probationary period for deputies.

Rep. Pyle: For the training portion of a deputy is 4 to 6 months and then they are reevaluated to see if they need additional training at that point and it is more on the job training.

Vice Chair Schreiber-Beck: One of the aspects is quality instruction. If we can have quality instruction, we need to offer the opportunity for people to become quality instructors.

Rep. Hoverson: Caution us to be careful that we don't discount that they just got done completing a four year degree in student teaching and want to be careful we don't extend that.

Chairman Owens: The teacher would still have to say yes I would like to do the mentoring program. We aren't forcing it on anybody.

Rep. Pyle: I think with the lack of personal development days that we are able to offer, I think that the mentorship is one of those things that fill in to help with the strategy of the education delivery part when we are mandating all these mental health criteria and personal development days. The mentorship is huge.

Vice Chair Schreiber-Beck: Would it be beneficial to have Dr. Pitkin come forward and talk to the mentorship programs that are being utilized in the state today?

Dr. Pitkin, Executive Director of ESPB, introduced Erin Jacobson, The North Dakota Teachers Support System Coordinator: Currently the support system is allowed to provide mentoring for first year teachers. If they have never had a complete full year as a teacher, they can be enrolled in our program. Administrators get to choose if they enroll their first year teachers in the program or not. Our program works to provide professional development for mentor teachers. Administrators choose who the mentor teacher would be for their first year teacher that they hired and work with the mentor teacher's skills observing and giving feedback. The mentor teacher works directly with the first year teacher for the course of that first year. We are able to mentor first year teachers for the first year in our program for \$2,214 a year.

Rep. Heinert: This mentoring is for the first year only? What happens if a teacher is not quite what he should be, can that mentoring program be extended? Can they have an in house program?

Erin Jacobson: There are some districts that allow mentoring to continue past the first year. They might have something specific for that second year or because of the program improvement, but that is not offered through us.

Rep. Hoverson: So there is nothing in the current law right now that is preventing a school from offering mentorship? Correct?

Erin Jacobson: Correct.

Vice Chair Schreiber-Beck: The \$2,214 is that at the district expense?

Erin Jacobson: That is not district expense. We take all the road blocks that we can away from districts to be able to provide the mentoring program. We cover

things like substitute pay, we also offer the mentors because the mentors are classroom teachers themselves. We offer them a stipend after completion.

Chairman Owens: Currently you don't offer anything for a second year? It goes for one year and then that's it? What happens if high school district suggests that the second or third year teacher needs some help? Does that mean that they get their one year even though they are second or third year?

Erin Jacobson: We are not allowed to do that currently.

Chairman Owens: What do think this bill will do then if we change first year to probationary which means three years in this bill if it passes? What does that do to your program, are you still limited to one year by current law or just administrative rule or was it always for the first year teacher?

Erin Jacobson: It is my understanding that through the Century Code we are prohibited to just the first year currently.

Chairman Owens: You said about 10% of the teachers are trained to be mentors.

Vice Chair Schreiber-Beck: An option for a district to have their first year teachers mentored? It is up to the administrators and then secondly there are other available options within the district themselves if they utilize.

Erin Jacobson: Yes, it is my understanding that there is a variety of levels of mentoring available at different districts.

Chairman Owens: Any additional questions for our guest? Seeing none.

Rep. Hager: Do you think that if a teacher said they weren't going to go through a probationary mentoring program, would that be grounds for firing them?

Rep. Longmuir: No, because they would need to go through your due process. If they were offered something and they chose not to do it, that would be just considered part of their evaluation. Evaluation is what the administration makes a decision whether that position should be terminated or not. That would come from the administration, the school board wouldn't make that decision. The administration would make a recommendation to the school board.

Rep. Guggisberg: The fire department has a one year probation and usually within the first day or week we know whether or not this person wants to be a fire fighter. Deputies are a year or less.

Rep. Strinden: You can draw certain parallels between your profession and the teaching profession, however they aren't exactly similar either. It takes a considerable amount of time to get your feet under you in a classroom. It is time in the classroom, and then the collaboration with other teachers as well as your administrators that really provide that necessary mentoring that goes on in those early years. It is longer than

a year in education.

Rep. Hoverson: Is this a yes or a no from ND United on the amendment?

Nick Archuleta President of North Dakota United: We think that this amendment is highly preferable to what was offered yesterday. Good teachers learn every year. There is an art and a science to teaching and we do know that it takes time.

Rep Hoverson: Does this change how you feel about the bill?

Nick Archuleta: No. We do think that what is in place now. We see right now that not every school district is using any mentoring. We see the mentoring program has been cut in terms of what they can do. The mentoring only lasts for one year for teachers through the state.

Chairman Owen: Any further questions?

Rep. Pyle: With the amendment and kind of getting our school districts and our administrators on board with mentoring the teachers, do you feel that teachers would be more of a reassurance that they are being valued as a very important profession.

Nick Archuleta: I think this amendment actually requires the administrators to do something.

Chairman Owens: We have before us an amendment for HB 1347.
Voice vote taken.

Voice vote motion carried.

Rep. Zubke: Motion to Do Pass HB 1347 as amended.

Rep. Strinden: Seconded.

Rep. Heinert: I am going to resist this motion based on the three year probationary period and based on my experience hiring people for law enforcement profession for many years. A lengthy probationary period holds over on people.

Rep. Zubke: Most of that sounded like an endorsement for this bill. It creates a three year window for mentoring and working with these teachers. There is nothing held over their head. It simply creates that window.

Rep. Hoverson: I would echo the thoughts of **Rep. Heinert**. I will resist the bill.

Rep. Marschall: It is my understanding that after the one year is up, they can go with the full teaching status. This three years is if they have issues. After one full year, they can go into full teaching status. Is that my understanding or am I wrong?

Rep Longmuir: If the teacher is doing fine at the end of the first year, the administrator could go to the board and say that this teacher does no longer needs to be on a probationary status. That would be a local decision. The local administrator to the local board. Teachers could be removed earlier.

Chairman Owens: That is true the way it was written.

Rep. Pyle: Could we add at the discretion of the or at the discretion of the?

Chairman Owens: If the committee wished, based on the comments made here, the board of the school district may waive probationary period for a teacher with at least one year of teaching experience in the state. That gives them the ability to have the local control.

Rep. Zubke: I disagree that the school district can waive the probationary period. This bill does not allow that. The probationary period can be waived if the teacher has taught in the state for three years.

Chairman Owens: That was the theory of the other amendment and that never came up. I knew about it but I never saw it, and it was never brought forward.

Vice Chair Schreiber-Beck: That brings up the question of what if you secured a license to teach and you are from Texas and you have 25 years experience and want to teach here?

Rep. Zubke: I would say there are probationary periods.

Rep Marschall: I would like to see the probationary period of three years waived when you have a good teacher.

Rep. Pyle: How many teachers are in their second or third year and are still struggling? What are the percentages?

Vice Chair Schreiber-Beck: You are handicapped because of changes and students. Those are things that are out of our control.

Rep. Strinden: If a teacher is not reaching her students, the administrators are given that time to offer mentoring.

Chairman Owens: I was thinking along the lines of classroom management because this year you may not have problems and next year you may have all kinds of problems. Any further discussion?

Rep. Hager: Who is going to pay for this?

Vice Chair Schreiber-Beck: You are offering this to the teachers after evaluation. Not every teacher is going to be receiving mentorship program. It would be the

responsibility of the school district if there is a class.

Chairman Owens: Are there anymore comments, questions, or concerns? It is my understanding that one year wasn't enough and after that the teachers were thrown into this group of tenured after one year. What job where they have tenure do you get tenured after one year? It is a separate profession.

Rep. Zubke: You have a short window. You have some teachers that are doing really good in that window and some teachers you are just not going renew, but you have some in that process of where you think these teachers have potential they just need to have some areas where there is some improvement. I think this creates a window for collaboration and cooperation between those teachers and the administration.

Chairman Owens: Any question? Seeing none. We will vote on a Do Pass on HB1347 as amended.

Roll Call Vote Yes 8 No 5 Absent 1

Rep. Johnston is the **Carrier**.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1347

Page 1, line 10, remove the overstrike over "~~and meet with the individual in an~~"

Page 1, line 11, remove the overstrike over "~~executive session to discuss the reasons for the
contemplated nonrenewal~~"

Page 1, line 12, remove the overstrike over "~~The individual employed as a~~"

Page 1, line 12, after "~~first year~~" insert "probationary"

Page 1, line 12, remove the overstrike over "~~teacher may be accompanied by two~~"

Page 1, remove the overstrike over lines 13 through 16

Page 1, line 17, remove the overstrike over "~~4.~~"

Page 1, line 19, remove the overstrike over "~~, together with a detailed description of the board's
reasons,~~"

Page 1, line 21, remove the overstrike over "~~5.~~"

Page 1, line 21, remove "3."

Page 1, line 22, remove the overstrike over "~~4~~"

Page 1, line 22, remove "2"

Page 2, line 1, remove the overstrike over "~~6.~~"

Page 2, line 1, remove "4."

Page 2, after line 2, insert:

"7. The board of a school district may implement a probationary teacher
mentoring program or may use the North Dakota teacher mentoring
program for probationary teachers."

Page 2, line 3, replace "5." with "8."

Renumber accordingly

DF 2/13/19

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Title.03000

Adopted by the Education Committee

February 13, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1347

Page 1, line 10, remove the overstrike over "~~and meet with the individual in an~~"

Page 1, line 11, remove the overstrike over "~~executive session to discuss the reasons for the contemplated nonrenewal~~"

Page 1, line 12, remove the overstrike over "~~The individual employed as a~~"

Page 1, line 12, after "~~first year~~" insert "probationary"

Page 1, line 12, remove the overstrike over "~~teacher may be accompanied by two~~"

Page 1, remove the overstrike over lines 13 through 16

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Page 1, line 22, remove the overstrike over "~~4~~"

Page 1, line 22, remove "2"

Page 2, line 1, remove the overstrike over "~~6.~~"

Page 2, line 1, remove "4."

Page 2, after line 2, insert:

"7. The board of a school district shall offer, as needed, based on the teacher's evaluation, a teacher mentoring program for probationary teachers."

Page 2, line 3, replace "5." with "8."

Renumber accordingly

Date: 2-12-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1347

House Education Committee

☐ Subcommittee

Amendment LC# or Description: Removes all overstrikes on page 1 except for on line 9, 12+18 where it says first year, it would say probationary

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. Zubke Seconded By Rep. Guggisberg

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens			Rep. Guggisberg		
V. Chair. Schreiber-Beck			Rep. Hager		
Rep. Heinert					
Rep. Hoverson					
Rep. D. Johnson					
Rep. M. Johnson					
Rep. Johnston					
Rep. Longmuir					
Rep. Marschall					
Rep. Pyle					
Rep. Strinden					
Rep. Zubke					

Total (Yes) _____ No _____

Absent _____

Floor Assignment VOICE VOTE

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

MOTION CARRIED

Date: 2-12-19
Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1347**

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. Zubke Seconded By Rep. Pyle

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	✓		Rep. Guggisberg		✓
V. Chair. Schreiber-Beck	✓		Rep. Hager		✓
Rep. Heinert	A				
Rep. Hoverson		✓			
Rep. D. Johnson	✓				
Rep. M. Johnson		✓			
Rep. Johnston	✓				
Rep. Longmuir	✓				
Rep. Marschall	✓				
Rep. Pyle	✓				
Rep. Strinden	✓				
Rep. Zubke	✓				

Total (Yes) 9 No 4

Absent 1

Floor Assignment Rep. L. Johnston

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

Date: 2-13-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1347

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. Schreiber-Beck

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens			Rep. Guggisberg		
V. Chair. Schreiber-Beck			Rep. Hager		
Rep. Heinert					
Rep. Hoverson					
Rep. D. Johnson					
Rep. M. Johnson					
Rep. Johnston					
Rep. Longmuir					
Rep. Marschall					
Rep. Pyle					
Rep. Strinden					
Rep. Zubke					

Total (Yes) _____ No _____

Absent _____

Floor Assignment VOICE VOTE

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

MOTION CARRIED

Date: 2-13-19
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 347

House Education Committee

☐ Subcommittee

Amendment LC# or Description: 19.0956.01004

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. Zubke Seconded By Rep. Guggisberg

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens			Rep. Guggisberg		
V. Chair. Schreiber-Beck			Rep. Hager		
Rep. Heinert					
Rep. Hoverson					
Rep. D. Johnson					
Rep. M. Johnson					
Rep. Johnston					
Rep. Longmuir					
Rep. Marschall					
Rep. Pyle					
Rep. Strinden					
Rep. Zubke					

Total (Yes) _____ No _____

Absent _____

Floor Assignment VOICE VOTE

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

MOTION CARRIED

Date: 2-13-19
Roll Call Vote #: 3

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1347

House Education Committee

☐ Subcommittee

Amendment LC# or Description: 19.0956.01004

Title ,03000

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. Zubke Seconded By Rep. Strinden

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	✓		Rep. Guggisberg		✓
V. Chair. Schreiber-Beck	✓		Rep. Hager		✓
Rep. Heinert		✓			
Rep. Hoverson		✓			
Rep. D. Johnson		✓			
Rep. M. Johnson		✓			
Rep. Johnston	✓				
Rep. Longmuir	✓				
Rep. Marschall	✓				
Rep. Pyle	✓				
Rep. Strinden	✓				
Rep. Zubke	✓				

Total (Yes) 8 No 5

Absent 1

Floor Assignment Rep. Johnston

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

REPORT OF STANDING COMMITTEE

HB 1347: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1347 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~and meet with the individual in an~~"

Page 1, line 11, remove the overstrike over "~~executive session to discuss the reasons for the contemplated nonrenewal~~"

Page 1, line 12, remove the overstrike over "~~The individual employed as a~~"

Page 1, line 12, after "~~first year~~" insert "probationary"

Page 1, line 12, remove the overstrike over "~~teacher may be accompanied by two~~"

Page 1, remove the overstrike over lines 13 through 16

Page 1, line 17, remove the overstrike over "~~4.~~"

Page 1, line 19, remove the overstrike over "~~, together with a detailed description of the board's reasons,~~"

Page 1, line 21, remove the overstrike over "~~5.~~"

Page 1, line 21, remove "3."

Page 1, line 22, remove the overstrike over "~~4~~"

Page 1, line 22, remove "2"

Page 2, line 1, remove the overstrike over "~~6.~~"

Page 2, line 1, remove "4."

Page 2, after line 2, insert:

"7. The board of a school district shall offer, as needed, based on the teacher's evaluation, a teacher mentoring program for probationary teachers."

Page 2, line 3, replace "5." with "8."

Renumber accordingly

2019 SENATE EDUCATION

HB 1347

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1347
3/13/2019
33623 (131:52)

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to probationary teacher contracts.

Minutes:

Att. #1-Zubke; Att. #2-Copas; Att. #3-Bitz; Att. #4-DeKok; Att. #5-Burkle; Att. #6-Jacobson; Att. #7-Archuleta; Att. #8-Schmeichel;

Chairman Schieble opened the hearing for HB 1347.

Representative Zubke, Dist. 39: See Att. #1.

Senator Rust: Would you explain section six.

Representative Zubke: The issue becomes – you have a lot of situations there – for example, you may have a teacher who has taught in the district for 20-years and then just moves to an adjoining district. Those districts can waive that. You might also have teachers that come in from out of state and maybe have taught in another district for only one or two years – maybe even three and four years and maybe that district doesn't want to waive that probationary period because they haven't had a lot of experience. It is trying to encompass all of those situations and put the administration in charge of it.

Senator Rust: How do you envision seeing that being done – do you do that during the interview process – do you put it in their contract- how do you let this person know that you are waiving or not waiving that experience?

Representative Zubke: I assuming that would happen between that administration and that teacher in those private conversations.

Senator Rust: Would it be put in writing?

Representative Zubke: I guess that is between the administration and the teachers to work that out. I am not big on micro managing those things in the Century Code.

Senator Oban: It doesn't matter what district in the state they come from – if it is from a private school – what is that defined as?

Representative Zubke: I believe that it is broad enough to encompass whether they come from a public school, private school. If they have taught in the state longer than three years in another district and they move into your district, you may consider them a new teacher, but if they have had extensive experience from some other district or a private school in the state of ND, that could be waived. Again, I am leaving that up to that administration.

Senator Oban: This has come to me with questions because there is no reference to a new teacher, probationary teacher, less than three years' experience. While not to micro manage in Century Code to be sure there are details enough for people to know what applies to them and what doesn't. You mention that probationary periods are not uncommon in the public sector. That is correct – do you know what the probationary period is for public sector workers?

Representative Zubke: I think they are all over the board – I hear there is a lot of them that are one year, two years – it depends on the particular industry that you go into and the amount of technical experience that it takes. It is quite a broad range. This is based more on what we saw across the nation from the comparison that the education commission of the states did.

Senator Oban: The probationary period at the state level is six months with a supervisor being able to extend it another six months. This is pretty extensive in comparison to that. The other question I had was in your testimony, you said Hawaii grants tenure after one year and ND essentially grants it immediately upon hire. It is my understanding that right now, if they are a first year teacher – based on current law, I understand that ND is similar to Hawaii, but you state it differently, so, what are those differences?

Representative Zubke: I didn't dig into Hawaii so much, specifically, I referred more to the state comparison, so there are other individuals coming to testify that could answer that question.

Senator Marcellais: Does the performance evaluation follow the teacher when they transfer to another district?

Representative Zubke: I really do not know the answer to that question.

Chairman Schaible: We can ask some other guys when they come up.

Senator Davison: Why now for this bill? What problem are we trying to solve?

(7:59) **Representative Zubke:** I know there was a lot of discussion over the previous two years about this issue. Some discussion about some school districts rather than actually go through that non-renewal process are just encouraging movement into other districts and things like that. I don't think this bill takes anything away from new teachers. I know that a lot of people get hung up on the word probationary from the legal standpoint that it is like it is taking something away from someone. I don't believe this does this at all – it creates a window where the administration can work more with those teachers and so the discussions that I have had with superintendents and in particular, my superintendent, he feels that he can't imagine why anyone wouldn't be in favor of this because it is about the students and

the fact that they can go more into a mentoring program. I know that the Dickinson Public School System had a situation where they had two new teachers that were out on maternity leave and so, they had to decide at the end of that period after they had been gone for that period of time whether they should renew these teachers or not. That also entered into that discussion.

Senator Davison: Would you be in favor, as a vote within the legislative body, would you be in favor adding money to the teacher mentoring program that focuses on second year teachers that superintendents may think there are some challenges that they have? Currently, the teacher mentoring dollars that we have gets used up rapidly. Would you support something like that?

Representative Zubke: Absolutely, I know when we introduced this bill, that a lot of those mentoring programs are geared just on first year teachers, in fact, some of the language says "first-year teachers." I know we had that discussion in the House Education Committee. But, by passing the bill, we think that those things will change and grow into this and I would be absolutely in favor of adding money for mentoring because I do think that is an area that we really need to focus as the education system is concerned.

(10:45) **Senator Rust:** Item six, would you object to eliminating the words "in the state?" In other words, the board may waive for a teacher with at least three-years of experience. Right now, it says, "in the state" so, that would mean to me that out of state is not included there and I think it just opens it up to both in state and out of state.

Representative Zubke: I actually, would not support that because the discussions I have had is a teacher that is coming from out of state probably should be subject to the probationary period because we don't know a lot about them, whereas, inside the state, you are getting a lot of administrative individuals that are having some discussion across some of those lines. The term probationary isn't taking anything away from these teachers it is just creating a window there and so you might have teachers coming in from out of state that certainly should be subject to a probationary period. Again, the bill is this committee's hands, you can do with it whatever you chose.

Senator Oban: You keep saying that this doesn't take anything away from teachers. Do you think it takes away a sense of security at all?

Representative Zubke: I don't think that it should. It depends on the feelings that you have as far as the administration. My experience with administrations is that they are interested in having good teachers. I think they will do everything that they can to help develop those teachers and keep those good teachers. Could there be some individuals who would feel a little less secure? Certainly, that is possible.

Senator Oban: I don't doubt in any way shape or form that your experience with administrators has been that, based on where you are from. Not all administrators are made the same. Do you agree with that?

Representative Zubke: Absolutely. From my experience, there are a lot of new teachers that just come out and do an exemplary job and they don't need any mentoring. There are

teachers that come out and they aren't ever going to become teachers. This bill is more for those in between that can use some assistance. I believe it would have to be frightening to walk into that classroom when you are a new teacher and say, wow, I am in charge of these 25-30 kids. I believe this is the beginning of a process where there will become more mentoring and the administrators will possibly spend some time with those new teachers. I understand, maybe you have administrators that behave differently.

Senator Oban: I know that feeling, because I have experienced that feeling – being a first year teacher. When you used the example that there are a lot of exemplary teachers who this probably wouldn't even impact, how would you feel about allowing an administration to waive those probationary years for a teacher that they see doesn't need to remain in that probationary status. That would leave it up to the hands of the administrator after observing the teacher, after seeing their effectiveness, that they fit into the school culture. - rather than remain on that probationary period to be able to waive it and then focus on the teachers who really could benefit from some additional mentoring.

Representative Zubke: There are somethings that I do think need to be in the Century Code and so for example, we had the discussion about out of state teachers and again, I don't see where a new teacher if you said to them, "oh, we are going to waive your probationary period." I don't see how that changes the situation a lot. I don't think those teachers are feeling insecure. They are employed, they are getting paid, they are just rocking and rolling for lack of a better term. I don't understand why we would create that carve out.

Senator Oban: We create that carve out right now in state law with probationary periods for public employees. We have six-month probationary period for all, and then up to the supervisor to extend it. So, it would be comparable to what we do for other public employees.

Representative ZubkeB: Noted.

Chairman Schaible: Seeing no other questions, thank you.

(16:33) **Amiee Copas, Exec. Director of ND Council of School Leaders (NDCEL): See Att. #2.** When superintendents lost their continuing contract rights four sessions ago and principals two sessions ago, we did not object. We believe if you are good at your job, it shouldn't be a problem.

Senator Oban: Even with excellent hiring procedures, you and I both know that there are times when people are desperate and they hire a teacher when maybe they shouldn't, when maybe they haven't gone through an extensive hiring process and then it doesn't work out. No matter the length of probationary period for a teacher, it doesn't change whether or not due diligence is done on the front end to make sure that a teacher is a good fit for a school. Do you agree with that?

Amiee Copas: I don't think there is anyone in the room that wouldn't agree with that.

Senator Oban: The language about waiving probationary status after that three-years – If you end up having to move a number of times, you could be on probationary status for 9-10 years couldn't you?

Amiee Copas: That would be the same in almost any other career. Let's say you decide to move careers frequently; you wouldn't become fully vested in that company often if you continued to move annually. This is about achieving those ongoing really super protected tenure continuing contract rights. In many ways, that is a right that is earned by performing well on your job for a period of time, where you have shown exemplary status, you should be awarded that. That period of time, in the first three years, I am sure you can remember it going back, it goes like that (snaps fingers). Then, all the sudden, I am sitting in a place that I have tenure and that is fantastic. In SD, we didn't honestly know any better, it went so fast, those first three years, and you are just working your tail off, and as a teacher, we didn't even realize the decision making processes that were happening at the administrative level. It is kind of like you never know a subject until you have to teach it. You don't know the role of somebody until you have been in it. I would have had no idea until I was an administrator how difficult those decisions were until I had to make them and how thankful I was to have a little more time. Those two individuals that I talked about back in SD, are now fantastic teacherse and one of them actually is the one I referenced that is in the four school week a couple of weeks ago. Awesome teachers, but I would have probably non-renewed them after their first year because it was really questionable at that point.

Senator Oban: How do you make sure that somebody isn't just going to sit on probationary status for three years, get no feedback and then get non-renewed after three years – for no reason that they even know? At least after one year, you know well, either I suck at my job or this just didn't work?

(27:42) **Amiee Copas:** That is part of a larger conversation that we have been having all over the state about growing our leadership as well. We know that the administrators sitting in the room right here are some of the best of the best that we have in the state. And we get that and I think that and I think everybody here knows that.

Senator Oban: I am surprised that you didn't bring some bad administrators. (laughter)

Amiee Copas: There aren't any (more laughter). The reality is, we do recognize that there is a gap in leadership and growth in leadership. There is a really wise person, I don't know if any of you have read, Zig Ziegler's stuff before, but he talks about in his book "when you are green you are growing and when you ripe, you are rotten." We always look at our administrators, especially the newer ones, they are really growing and need leadership development. There is no question that there is questionable decision making that happens from the lowest to the highest levels of every profession in the field and we recognize and acknowledge that. The hope always is that there is somebody in the game that is recognizing when things are going amiss. Intimately, the buck stops at the superintendent's office and at the school board's office. That there would be recognition that if there is repeated behavior where it seems like things aren't happening well, we continue to turn these – the focus would begin to remove itself from the teacher and start to put its self on the principal. I would tell you from my role in supporting and advocating for principals, we don't go to any due process hearings – that's not what do they call us for advice. I would say that on an average year, we have 10-20 of them around the state that are currently in the same squeamish scenario that maybe not great teachers are because they maybe not great administrators. They get non-renewed, they have to go different places, they sometimes leave the profession. Happens to

all of us. That is where it is really good, honestly, for a district that we don't have the right to a continuing contract immediately on administrators, because they are not all fantastic. A lot of them are, but if they are not, they get to go.

Senator Oban: But, do they go?

Amiee Copas: They may not always leave the profession right way, but eventually, we at least try to get them to go to SD. (laughter) I say that in jest.

Senator Oban: But that is part of my concern, no matter the length of time. No matter what level in education they are, they just get passed around often times and so I don't know that three years is the right amount of time, I can understand why there is a desire to have longer than a year. I can understand that and you know that my perspective on all of these things is as a teacher. I can understand why there is desire for more time. I don't know that three years is the right amount of time – just because other states have done it – is there data that shows that three-years is the right amount or is it just because these states are doing it? Those are two very different things.

Amiee Copas: You know, Senator Oban, I will take that as a question and now that you have ignited a fire in me, I am going to find out. If I can find some data on that, I will bring it back if that is the will of this committee.

(30:54) **Chairman Schaible:** Amiee, as a former board member and the idea of – you evaluate your teachers for growth and hopefully, you are trying to do this to make them better. Then, at a point you are evaluating for removal. If that is the case where you are going. In a case of a first year teacher, a teacher like this as an administrator, what is the time period that we start looking at them because there are hearing set dates and times like that. Could you go over that and explain how that process works because it is probably close to around that December-January time, you are looking at probably removal process.

Amiee Copas: You are absolutely accurate. The first evaluation needs to be done in the fall of the year – about midway through. If it begins to get questionable, we try to get in that classroom maybe one, maybe two more times and if it is still looking the same, we are looking for – it truly does become we are evaluating for removal from December to the end of the year. That teacher doesn't even really get a full year fair shake. Their nine months – they might get five to six months if we are being honest about it. Because then the documentation needs to be lined up, maybe it is an improvement plan to have a safe exit or those difficult conversations to get an agreeable resignation before we have a non-renewal. Which is where it goes more often than not. Because that teacher's – I mean, by the time we get through school, we would hope everybody is intelligent enough that, "I would rather get ahead of this and resign and go somewhere else before I have a non-renewal on my file. The question about do files follow – they can, they are open records. They don't necessarily like pack them with them and hand them to the next place, but in reference checks and anytime you are getting a new individual – especially from in state – that should be – you can request those files. Otherwise, we don't know about disciplinary things from a previous employer and things such as that.

Chairman Schaible: What is the date of notice for non-renewal hearing. What is the timeline?

Amiee Copas: Contracts go out by March 15th. Non-renewals notice needs to be April 15th.

Senator Rust: 15.1-15-02 is the section that deals with first year teachers. That law has a definition for first year teachers which is an individual teaching for the first school year since obtaining a license to teach. You move to another school a year later and you are no longer a first year teacher.

Amiee Copas: You are not – you have a right to a full continuing contract with all –

Senator Rust: That is the first thing. Should we have in this bill, a definition for probationary teacher, because I don't think we do have a definition of that.

Amiee Copas: A probationary teacher would be any teacher within their first three years in the district, unless if you have had three years or more –

Senator Rust: Should we have that in the bill?

Amiee Copas: I don't know; I think – I don't know if you would need to have it. It seems pretty self-explanatory in the language as it stands.

Senator Rust: I am not so sure that we shouldn't have one for absolute clarity. Senator Schaible asked about what is the procedure and in the first section of that if a board contemplates – and I find it interesting what it says – not renewing the contract – meaning they do have a continuing contract of sorts – they shall (the board) review the individual's evaluations and they shall meet with the individual in an executive session to discuss the reasons for that contemplated non-renewal. So, right now, we do have a pretty good process that is enumerated pretty well for a first year teacher. You are comfortable with that.

Amiee Copas: It is what is in law right now, so yes, that is where we live.

Senator Rust: Thank you.

(35:37) **Senator Oban:** I don't know a lot about the non-renewal process that you and Senator Schaible were talking about. Can you explain to me when those observations start in mid-fall, if you start seeing things that are of concern, can you tell me what sorts of supports a school would provide to a teacher that they see is struggling and they are trying to –

Amiee Copas: Yes, absolutely, it will vary from district to district with the establishment of staffing and supports that are currently there. Obviously, there is going to be a varied response from a school the size of Mandan and perhaps Mike Bitz will want to cover that when he comes up to the podium. Some schools have instructional coaches that will provide more intense mentoring for that particular individual as they come into the district. When you notice that there are pieces with it, in an ideal world – in an ideal situation, there would be immediate feedback on gaps that we see missing. Supports put into place for that teacher to help fill those gaps. Those supports could be through additional professional development, peer to peer teacher, more time with another teacher on staff doing peer to peer coaching, it

could be the principal in the room, if we don't see over a period of time – and what usually what ends up happening is the check-ins for that particular teacher increase in frequency when we are struggling. The intention is to be for formation and growth. The hope would be the teacher wouldn't feel they are under the gun, but rather they are actually growing and forming through the assistance of their principal. It would happen more often. If after a period of time, especially within that first year, we are not seeing that type of growth, it will obviously become much more structured and a plan for development format. We would be looking for specific measureable outcomes to come out of that. That would be that detailed analysis when we are starting to turn that tide where it just doesn't look like the coaching that they are getting – their professional development that they are getting is moving them over the hump. The hope would be that they could do the performance development plan and executed at least well enough to make the school feel, you know what, they are on progress. We are getting better; we will continue to get better over time. We are going to buy in to this teacher and if not, the documentation is in place to remove that teacher. Now with exactly they approach it, within that district, who provides the support – is it the principal, an instructional coach, an outside mentor – that varies often by districts and by size. If there was all the money in the world, we would have instructional coaches in every single school district providing intense mentoring for all of our – but, you know, money only goes so far.

Senator Oban: I would love for every first year teacher to get the mentoring program.

Chairman Schaible: Seeing no other questions, thank you.

(39:00) **Mike Bitz, Superintendent, Mandan Public Schools: See Att. #3.** One other thing I would like to address is about teacher evaluations. We use a Marzano model in Mandan. We tell our teachers, when we are using the Marzano model, we are evaluating you for growth. We want you to get better. We are going to evaluate you in maybe your weak areas and you have nothing to worry about. As long as we are evaluating you in Marzano, you are good. When we pull you out of Marzano, and put you on an improvement plan, then it is time to worry a little bit or say to yourself, I need to make some changes. We don't want to do that. We want our teachers in Marzano, we want them to grow, we don't expect our first year teachers to come in and be master teachers. We want them to grow, but that takes time. None of us are great at our job when we first start.

Chairman Schaible: The question I asked Dr. Copas about the time period when you start determining now we are looking for a removal. So you have a questionable teacher in front of you and you are trying to make this teacher as good as you possibly can. It seems to me that you are deciding in the December range at that point that we have issues in November/December and you are looking for a process of improvement. Is it even possible to improve somebody in a two-three-four-month period?

Mike Bitz: I don't think it is. That is why I say we have never non-renewed a first year teacher. We've – sometimes we have paid the price for that – but we always want to give them some time to get better and to grow. When you come in, you are drowning. You truly are. It just takes time.

Chairman Schaible: Continuing with that discussion, even a year – is a yearlong enough to actually – you can get them on track, but do you see the results in one-year of a total improvement process?

Mike Bitz: I don't think you do. I think it takes time. I like three-years, I think it is a- I don't think it is a magic number. Two is better than one, three seems reasonable. You can tell if they are on the right track if the trajectory is going up.

(43:15) **Senator Oban:** What about the discussion about potentially – if the number is three, what about giving an administrator the opportunity to waive that third year? I believe you can see who is on – you said the majority of teachers will not be impacted by this.

Mike Bitz: I believe it is going to informally happen anyway. It is one of those things where-

Senator Oban: So why not write that into the formal process?

Mike Bitz: I don't think you have to write all of the things – to me, it that is something the committee wants to do and thinks is necessary it is fine. But, if we have a teacher who is rocking it after year-two, they are going to know that from their evaluations and they are not going to have anything to worry about. Those are the evaluations if there is ever a hearing. It is kind of happening without it.

Senator Oban: I don't disagree with you. I totally see why you want additional time as an administrator to be able to help those who need a little extra help. In my mind, it is then – lets waive those we can see are good to go. Let's focus on the ones who aren't. Let's give that piece of mind back to the – if it is after their second year – their first year – whatever – give the administration the ability to waive those additional probationary years and focus on the ones who really do need an extension.

Mike Bitz: I have a year to year contract and I don't – they can let me go at – I think that insecurity helps make me better sometimes – I always – and I am probably the most insecure person in the world. I am always thinking my board is going to fire me. And, you are thinking they should – (laughter). I don't know that insecurity is always a bad thing. I think it makes me – my evaluations are good, or reasonably good. But, I think that insecurity helps make me better. When I always think that – I don't think that is such a bad thing.

(45:21) **Senator Oban:** You said the current system to dismiss is a miserable process and this doesn't change the fact that it is still potentially a miserable process. It is just a little further down the road. Essentially, you would still have to dismiss a teacher in the same setting, right?

Mike Bitz: Well, I think it changes it a little bit – my understanding. Maybe it doesn't, but I think the hearing rights are a little different for the first couple of years.

Chairman Schaible: We are talking about evaluations and that is your key. When you are talking about evaluations, it is always about evaluation for growth and you are supposed to implement a plan. It seems the plans we implemented for ourselves doesn't give the plan time to work and it seems like –

Mike Bitz: That's correct and I want to complement ND United. We have been able to avoid hearings with several of the teachers we had concerns with. Generally, we have several meetings with the teacher, principal, myself involved and usually we start coaching them out of the profession and help them realize is this what you want to do? We have been successful doing that. I think most districts go that route before they end up going to a hearing.

Chairman Schaible: Even when you evaluate a superintendent, as a board member, that is pretty much what we do is evaluate superintendents. You've got an evaluation for growth, it is pretty unreasonable to say you can actually do that in a one-year period. If it is a specific problem, yes, but if you are on a strategic plan of leadership and development and going with the will of the board, it takes longer than a one-year process to do that.

Senator Davison: That was a good answer on the insecurity – and then add soft money to how your job is funded on top of that every year you are evaluated. Then, you are really motivated to try to find the revenue to keep your job. This is my third session on the education committee. If this bill is so good or so needed, why this year? What are we trying to solve this time around or why now? What came up over this interim that this became such a good idea?

Mike Bitz: I think it would have been a good idea a long time ago, it just wasn't brought forward. I don't know –

Chairman Schaible: I would have to say that this idea was brought forward, it was-

Background talking – unintelligible.

Chairman Schaible: Other questions? Thank you.

Amy DeKok, In-house legal counsel, ND School Boards Association (NDSBA): See Att. #4. I did want to address some of the questions that were brought up during testimony of others. First, on the waiving of the probationary period, that can happen at any time – currently under the law or if this bill passes, as of now, the board has that ability and it would require board action because the board holds the contract with the teacher. I would envision that the administrator would make that recommendation to the board and the board could take that action. They could do that under contract law principals already. That is an option if this bill is passed or not passed. They can always waive that right and that can happen at any time, during the first-year, second year or third year. The question about probationary status in private sector employment – I think is a little bit longer than in private sector, I am not aware of a three-year probationary – again – it is not a probationary status. It is a tenure track. That is the difference between public education in the education field vs. private sector. Once the teacher attains tenure status, they have protections that private sector employees most of the time do not – even after that probationary period.

Background response by Senator Oban not intelligible.

Amy DeKok: I may have misunderstood – I apologize. I still think that in the education profession, it is different because you do achieve that tenure status with has a lot of protection, due process and notice requirements before employment can be eliminated.

Proformance evaluations following a teacher was brought up. It doesn't follow the teacher unless the subsequent employer would ask for that which is allowed under the open records law provisions under the code, but it doesn't "follow the teacher" unnecessarily.

Chairman Schaible: Other testimony in favor of the bill.

(55:09) **ElRoy Burkle, Exec. Director, ND Small Organized Schools: See Att. #5.**

Shon Hocker, Superintendent, Dickinson Public Schools: I can attest to a couple of conversations I am having with my administration, coming recently from a state where I was superintendent – Wyoming – for eleven years with three-years before you attain the right to a continuing contract status. This has been a challenging learning process. To answer the question off "why now," maybe there are enough new superintendents coming into the state asking this question. We hired 62 new teachers to our district last year. I have spoken with 14 on the record to this specific bill and whether or not this would make them feel uncomfortable – whether or not this would be a good thing. I can attest, that all 14 would be in favor of this. They all recognize that a first year teacher is very stressed and to make the decision early on in a first year is challenging. I do have two teachers that have left the district in their first year for maternity purposes and I am currently having conversations with my administration – how are we going to make that decision whether we bring them back with such a big decision on the line when you have only seen them teach for a few months. Stretching this to the three year, like many of your states, would alleviate that concern. Our principals would be very happy to give those new hires another year to show their worth, another year to go through our indistinct professional development opportunities. Another year to be sure we have hired the best staff for our kids.

Senator Oban: Wouldn't one more year be two?

Shon Hocker: One more year would be two, but three would even be better. (Laughter)

Chairman Schaible: You came from a state where they had this three-year process. Did you see any problems with it?

Shon Hocker: No, no problems, in fact, I think this is why I am asking the questions as well as a new superintendent. One year just seems extremely rushed. Three year makes great sense. It is a much better plan.

Chairman Schaible: You felt it was no burden on your teachers in Wyoming?

Shon Hocker: Not at all.

Senator Oban: I am trying to figure out why three is the magic number. In your experience, could you tell after two-years?

Shon Hocker: I would say that you can start to tell after two. The first year is chaos and it sounds like you were a teacher and you know Senator Rust was a teacher, I was a teacher, absolutely, the first year is – it is a learning curve. We know that, the second year is where we were really able to really recognize that we may have made a bad choice, we don't know

if this is good, we need to now roll out all of the resources that we have; all the opportunities for professional development during that second half of year two and all of year three so we can make that decision. In Wyoming, it allowed us that full second half of that second year and all of the third year to have everything in place that we knew would help that teacher and then if it was evident through teacher evaluation, classroom walkthroughs, all of the sources that we use – if it was evident, we were able to have that conversation with that teacher that – look, this is not working – you can see why it is not working – we have done this-this-this and we haven't received the results – are you sure this is really a job for you? Literally, 80-90% of the time, the teachers would recognize that they made a bad choice and they would resign and not go through the dismissal process.

Senator Oban: Much of this conversation is making me prepare teachers well enough, before they ever get there. That is not something you can solve. Why not roll out all those supports right away?

Shon Hocker: You do, we have a mentor program, we assign all of our new teachers to an in district mentor program. We have mentor teacher coaches throughout the district – unfortunately, not one for every building. We feel like we do a lot of that. We bring first year teachers into our district early before school even starts to go through a specific professional development training. We feel like we have a good step in the process. The challenge are some of these one offs when a teacher you hired this time of year in March or April, you have hired them, they look like a great hire, great recommendations from a college as a first year teachers and then you find out in December they need to take 12 weeks off to have child and you are saying – how do I really make this decision.

Senator Oban: I think that is a very unique situation. I don't blame you for not knowing how to handle that situation.

Shon Hocker: I wish it was more unique than maybe I think. We do have a lot and that is just one example, the timeline piece that everybody has talked about is not in a non-negotiation year, my understanding that those contracts would go out tomorrow. You have already made the decision whether or not that teacher is coming back or not in the first three quarters of the school year, which is just rushed. That is where the eleven years in Wyoming, the seven years in Idaho, that practice worked very, very well.

Chairman Schaible: Thank you. Other testimony in favor of the bill? Agency testimony?

(1:06:24) **Erin Jacobson, Coordinator, ND Teacher Support System: See Att. #6.**

Senator Oban: I am glad you are here to talk about this system because I had a similar sort of feeling when I read about the inclusion of a mentoring program. Just being a mentoring program. I was assigned a mentor when I started teaching. That mentor never stepped foot in my classroom, never ever gave me advice or feedback on anything, but was my mentor because it was said they were my mentor. When I was elected, I was assigned a mentor in the Senate, that mentor handed me a binder, basically said, "Good luck, kid!" and that was the end of it. Sometimes I worry that there is not a formal program that actually will help to make somebody better and we are just checking a box. I know how busy everybody is and that fine, make me the mentor – give me \$50 extra bucks, that is fine, then not actually seeing

though a good process to improve somebody else's work. I would love to provide more structure, I guess, in the bill if utilizing this system better or putting money into it has been mentioned. Do you have to turn teachers away? Can you serve everybody that comes to you?

Erin Jacobson: This year, we went through all available monies and to close our enrollment in October into the mentoring program.

Senator Oban: In October.

Erin Jacobson: Yes.

Senator Marcellais: I think if we look at it the way Senator Davison was looking at it with the \$1-million, we would save money in the long run according to your testimony. Is that right?

Erin Jacobson: We are very careful about how we gather these numbers. We use the MISO3 data to gather the numbers. I will tell you that I was doing more math than I have done in quite time in checking and rechecking. It is my opinion that we would be saving money.

Chairman Schaible: Could you explain the \$20,000 and how you come up with that figure.

Erin Jacobson: That figure was recently released through a study through the Learning Policy Institute. They said that between \$17,000 and \$22,000 that it costs to go back through the hiring process, go back through training and find a replacement for that teacher. On average, on the national average, that is what it would cost. I took a number somewhere in between the high and low.

Chairman Schaible: Did they break out those costs to specific items or is that a general statement?

Erin Jacobson: They do break out those costs to specific items, the biggest ones were the recruitment, the hiring, and the retraining.

Chairman Schaible: Thank you. Other questions? Thank you. Other agency testimony? Testimony in opposition?

(1:13:59) **Nick Archuleta, President, ND United: See Att. #7.**

(1:19:50) **Senator Oban:** Can you see where administrators are coming from? It is hard to know for sure after one year?

Nick Archuleta: Yes, I can certainly see that. Given the rules we are under. Had we been in on this, to help with this legislation at one point, we could have come to some sort of a compromise on this. I think the suggestion you made earlier about making the second year – the third year optional and having it for two-years is something that we could have agreed on. We weren't brought in on this until this bill was written and presented.

Senator Oban: That is what I am getting at. I am trying to find if there is any middle ground here. By nature, I attempt to make people be friends. My position is the middle child in my family. It is like I can see both sides. I do think, as a former teacher, that three-years is too long. I also see as an administrator why one year is not long enough. That is why I am in this weird two-year position where I feel like maybe that is a reason able place to be. I know you can't speak on behalf of all of your members and your board without consulting with them, but rather than just oppose something, can you maybe find wiggle room in two-years.

Nick Archuleta: I can. I think we can find some room here to compromise. That is a discussion I would be happy to have. I think this bill could also be made better by making sure that teacher should be given the right to ask for a mentor. Teachers know – even first year teachers know when they are not hitting it on the head.

Senator Oban: Is there anything that precludes a teacher from asking for that mentor now? Just that, I suppose, that they wouldn't have a guarantee that they would get it.

Nick Archuleta: I think that is it exactly, they are not guaranteed that they would get it. You heard testimony from Erin Jacobson that said they are at capacity – they can't afford any more.

Senator Oban: Have you ever heard of a teacher asking for a mentor and not being given a mentor?

Nick Archuleta: No, I have not.

Chairman Schaible: Seeing no other questions, thank you. Other testimony in opposition.

(1:23:02) **Landen Schmeichel, Bismarck Education Association: See Att. #8.**

Senator Rust: You made a statement at the beginning – the effects of this bill would discourage aspiring educators from entering the profession already in need of more people. I am curious, when I entered the teaching profession, there was no continuing contract law. Are young people entering in the profession are really in tune with that continuing contract law? I think most people that enter the teaching profession because they want to be a teacher. They feel they have all the skills to do that – know they have all the skills – I think they feel. That never really enters their minds – I was just wondering – are young people really looking at that portion of the law that intently?

Landen Schmeichel: Thank you for your years of service in the teaching profession. I cannot offer survey results – any type of empirical data to give you some sort of definitive answer, however, along with serving as a public educator, I mentor several young adults – many of which are interested in pursuing a career in education. One such individual that I have spent great deal of time with – we had a conversation on this bill. His question of what are the first few years of teaching like? What can you expect? I offered him a few things to think about, but along with that, I ran this idea by him and his reaction – and you are right – new teachers probably are not familiar with this process – much like I was, much like maybe you were – but he was not necessarily welcome to the idea that the probationary period would be continued from one – or extended from one to three years. That would be my prediction is

that many people entering the profession of education would not see this as a win for them and that would only be my opinion.

Senator Marcellais: What classes do you teach?

Landen Schmeichel: I have four preps this year. I teach Advanced Placement United States History, a couple other history electives, and I serve as the AVID (Advancement Via Individual Determination) site coordinator and AVID elective teacher at Legacy High School.

Chairman Schaible: Thank you. Other testimony in opposition, seeing none, we will close the hearing on HB 1367.

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1347
3/19/2019
33192 (8:05)

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to probationary teacher contracts.

Minutes:

Att.#1-Oban; Att.#2-Oban

Senator Oban: I have an amendment for this bill. 19.0956.03001. I have also provided a Christmas tree version of the bill. **See Att. #1 and #2.** The amendment reduces the three year to two; it allows school boards to extend a third year if necessary; it allows school boards to have a probationary year for a new hire – no matter how many years of experience they have – if it happens to be less than the probationary period time; it requires immediately upon hire that a first year be informed about the teacher mentoring program that we have set up in the state; in the second year of probationary time if – according to the performance review the teacher needs mentoring – then they would be enrolled in that mentorship program; and if that third year is extended provide enrollment to the mentorship program. It further defines what we consider full time – those two years for the probationary period with less than two years of full time teaching experience based on a school year as defined under the section that defines the school year. I didn't like the bill at all; I am trying to find a middle ground. The teachers don't like the bill, the administrators love the bill, so why don't we find a happy medium. That is what I am trying to accomplish in the amendment.

Senator Rust: Can we have a little bit of time to look this over?

Chairman Schaible: Yes, we can do it Monday. The thing is, we have a deadline of the 26th to get bills referred to Appropriations and we don't have that many. That is fine, we can look at this later.

Senator Rust: I favor the current bill as it is written, however, I am willing to take a look at this. I just need to digest what it says and whether or not I can vote for it.

Chairman Schaible: I have no problem waiting until Monday. With that, we will put that aside and look at it possibly Monday because I would like the full committee here.

Discussion closed.

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1347
3/26/2019
34228 (32:08)

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to probationary teacher contracts.

Minutes:

Att. #1through #4-Oban

Chairman Schaible: Committee, we are looking at HB 1347.

Senator Oban: *See Att. #1 through #4.* On Wednesday, I passed out Amendment .03001, which I consider a happy compromise between the current one-year and the three-years in the bill. So it changes that three-years to two. It allows a school district to extend it an additional year if necessary. It allows a school district to have a new hire – no matter their years of service – on probationary status for one-year, and if as a requirement of their performance review they need mentoring, they would be enrolled in the state's mentoring program, which we pay for, currently. Before we move on the amendment, I would remind everybody, that principals are at two-years. NDCEL (North Dakota Council of Educational Leaders) said they would be fine with moving principals to three years, and I also found in Century Code a different chapter that provides that same two-year period for superintendents, for the directors of multi-district special ed. units, for area career and tech center directors. So, it seems to me if two-years is good enough for them, it is good enough for teachers.

Chairman Schaible: What was the section number?

Senator Oban: I actually have a copy for everybody if – and I highlighted all the references to two-years in both of those sections – both the one we are discussing in this bill and the one that discusses the two-year period for all of those other directors and superintendents. With that information, Mr. Chairman, **I would move amendment .03001.**

Senator Marcellais: Second.

(4:03) **Chairman Schaible:** We have a motion and a second on amendment .03001 for HB 1347. Any discussion?

Senator Rust: The bill talks about first year teachers. One thing – point of distinction with administrators, principals, for the most part those people have been teaching for maybe a number of years before they get into that. Which is different than getting out of college and starting – generally, there is an age difference as well. I see a distinction there.

Senator Oban: Mr. Chairman, to that I would say, this is to be said that this is about experience. I know plenty of first year teachers fresh out of college who are just fine. I think if this is about making sure that somebody who is new into the job that they are in, has time to get their feet wet, has supports around them, and has a process if they are to be non-renewed that what is good for the goose is good for the gander. Again, I see two-years as a pretty good medium – a pretty good compromise as somebody who came into this being completely opposed to it. I can see the perspective of an administrator who wants another year. In the compromise, I gave them the third year if it is necessary, but we know that not everybody even needs that second year.

Chairman Schaible: And I agree with you a hundred percent on that – I think for the majority of the people that we are dealing with are good solid candidates – good teachers - this bill is irrelevant – if you have a shooting star and a good teacher, you are going to figure that out really quickly. I think this bill is for the ones we are not sure about. I think the idea is that this does not affect really good teachers. I don't see that. They are going to – there is always an opening for a good teacher. I think a school district is going to look to keep a good teacher and so, I don't see that. What I see this as is a period of time that gives the ones that need some help, need some professional development, some mentoring – giving them time to do that. There is that group and I appreciate the amendment, I think it is a fair amendment. The other part of this is I think the third year is what I feel like is getting down to the point of looking at a teacher that – we are at the point of – maybe this is the wrong profession for you – maybe this is some work that needs to be done – and making sure that we are going down the road of saying is there hope to make you a good teacher or maybe looking at something else. The other thing is that like I said, is something that makes sure that if we are going to go down this process, that we are making sure of the results of that teacher rather than a deadline of a date and I think that is what we have now is that – we are not sure of the process we want to go, but since we have a deadline, that is what we are going to use. That is the thing that I have seen most of this is – the deadline has forced the issue, where, I would rather have the qualifications of the person and the opportunity to do professional development and training with this person and let that be the determination rather than a deadline. I see no downside in having a longer period of time. The other thing is I don't know how many – I think it was 40 some states that do this and it seems to be working out okay for them. We have heard some comments of these administrators and teachers coming from that and they seem to be living with that just fine. The other thing is the amendment that you offered, if there are issues, we can look at this for two years and if we have problems, we always have an opportunity then to look at it again. I do have a little bit of a fear – and that should not be the determination of why we do bills they should be in good shape when we send them – the reality of it is that putting this in a conference committee might jeopardize the bill.

Senator Oban: That is okay with me. (Laughter)

Chairman Schaible: I realize that, but it is not okay with me. (Laughter) Like I said, that is not the determining factor for doing one thing or the other, but I do think it is a reality of the sausage we make here and it is something we need to be conscious of.

Senator Rust: I would probably classify – as I am listening to conversations here – when I think of teachers, you have – you have talked about shooting stars. There are some that come out that are definitely shooting stars. There are some that come out that are probably pretty good average teachers – unfortunately, in today's world, being average is something that nobody wants to be. Most people are average – we just like to think of ourselves as being above average and – so you have average people – and I don't think this one is going to – I don't think either one of those are going to get affected by this bill. Then you have the marginal one and you have the one that really shouldn't be in the profession. That one that shouldn't be in the profession probably gets counseled out or you at this point in time with the law you determine you are not going to renew their contract and you go through the provisions of the law for a first year teacher. This bill has more with that second group – which is the second group – which is a marginal person not really totally what you want, but not bad enough and so you end up taking some time to mentor and bring that person up. My personal opinion that if there is a marginal teacher, I probably under current law would go through the process of ending that contract. I think with this bill; I would go with some time to see if mentoring couldn't bring them up. If I think about myself as a first year teacher, I probably should have been fired in the first year. Maybe I should have been paying them for having me there, I don't know. I really don't think I became a good teacher until my third year – to be honest with you. I think it took a while to become a teacher – I like the three years, I like – I looked through that education – commission of the states – not only is it three years, it is about 40 plus – I want to say about 43 – but there are a number of those that are four and five years of those states. I think the 43 is probably three years or more. I really think for the teacher coming out unless they are on that lower end, you don't really have anything to worry about because schools need teachers. There is a shortage. I think schools try to work with teachers. I don't think – the only ones that are going to need to worry about something are those that are on that bottom end and maybe they should have some conversations with themselves about whether or not this is a profession they should be in or if I really need to pick up my game plan.

Chairman Schaible: Senator Oban.

Senator Oban: Mr. Chairman, I would just remind the committee this isn't just about young people coming straight out of college. This is about everybody who is in their first three years of teaching, plus, it puts somebody back on probationary period status if they move to another district. So if a fifteen-year teacher moves to a new town, he or she is on probationary status for three years. It gives the school district the ability to waive it, but we are lumping everybody into one box. If this really is just about trying to help those ones that might clearly need some help, then why not grant an extension period to those probationary years. This is putting everybody on three-years and saying this is the number of years it takes for everybody. I understand what you are saying that it won't impact people who are those shining stars in their first year, but then, why put everybody on probationary status for three-years? I know we are just arguing – But, I also think it is hilarious that we are just focusing on teachers.

Senator Elkin: I visited with my local school district and the only thing they liked about the bill was the fact that the tenured teacher moving in with ten years of experience – it allows them the opportunity to – but we have never had a problem with those teachers that have come out of college. The only thing they liked about it was that – it allows them that opportunity. Many times, school districts or a teacher may move for unknown reasons and they cannot find the rationale behind it. I would like to know what precipitated this bill. You have been on a school board a long time. Did you see a need for it within the school district you served?

Chairman Schaible: Yes, I served for 20 years on a school board and yes, I see a need for it. I am a school board person so local control is my deal. It gives the flexibility to the school board. Even a teacher coming in with some experience – that experience may be somewhere, but it might not be the mix for your district. You have experience and then you have to go through this process we have with non-renewal which is not much fun for anybody. I see this as an opportunity to give everybody time to make it fit for your district – whether it is a teacher and the school. Right now, if they are a new teacher, you have that one year to decide. If it is an existing teacher that already has tenure on that, then it is a non-renewal process. Those are really, really not fun processes. It is what is required, but I see this as a period of time as a school district and as a teacher, you can do somethings to mold it into something that is good for everybody.

Senator Elkin: Have we had a problem? Are we trying to address a problem or are we trying to create a problem by addressing this?

Chairman Schaible: I think this is something that has been asked for, it is something I certainly would have like to have as a school board member. I am not an administrator, so I can't speak from that realm, but we heard a fair amount of administrators that said they would like this option. The other thing is the ones come from out of state and say they don't have this – they see this is a difference. That is fine – every state should determine what is best for their state. Yes, as I said, I don't see this as a hammer to get rid of teachers, I see it as flexibility to help teachers and schools. It obviously gives schools more authority and more discretion, but quite frankly, that is where I think it should be. I think that is a good thing for schools.

Senator Rust: Is it a fair statement to make that over the years, as I been involved and seen even as a legislator, that this is probably one of the times when the three professional organizations have disagreed with one another. I think it has been on the radar of the administrator's association and the school boards association to do this and probably definitely off the radar of the ND United. They disagree and I understand totally, because they both come from different perspectives. I think it has – in answer to Senator Elkin's question – it has been something that has been brought before this group more than one time.

Senator Elkin: It is kind of interesting, because what I have here is what administrators getting off their butts. It sounds like a failure that lies with the administrators.

Chairman Schaible: And I agree with that to some extent. That is the struggle school boards and then you get complaints about administrators. The thing is it is a great system if everybody does their job. That is the thing.

Senator Oban: Here is what it does. Right now, in your first year of teaching, you can be non-renewed without cause. After your first year, you have to be given reasons. You have to have documentation. This extends that for three years that you now can be fired without cause. That is essentially it. You can fire somebody whenever you want if you have cause. If you can document why that is necessary. Now this will extend it to three-years without the necessary steps that are currently in law that an administrator can fire a teacher.

Chairman Schaible: You can fire somebody, but it is a process that is – it is a process that is very difficult – mostly on school board members that have to make this decision. It is videotaped, it is in front of the public. You are dealing with people's lives, their kids their money, their friends, and everything else. It is not just coming up with the reasons and going through this process. It is a very, very difficult process, and that is why I said, that is why this is necessary. If you are going to go through that process, I want to make sure that it is necessary. I also want to give it time so that you say – well look, we need some improvements to be made and let's do that. That is why I see this as that – it is a way of getting away from that process if you can and you still have that process if you need it.

Senator Rust: To Senator Oban's statement, let me tell you there is a process. You say it is without cause. If you look at the bill, it says, if the board of a school district contemplates not renewing a contract of an individual employed as – and you can put there first year teacher or probationary teacher – the board shall review the individual's evaluations and meet with the individual in an executive session to discuss the reasons. So, I mean, there have to be reasons, it can't be – you know – we don't like your hair color today.

Senator Oban: It would be pretty discriminatory if you like –

Senator Rust: I say that because if you go all the way back to Daisy vs. Wildrose, that statement was made. When asked – that was prior to some of these laws. When asked as I recall in that hearing, somebody asked him, you mean you could fire them for anything? I think the statement was something to do with the hair. Believe it or not, I think that is in that ruling. Yes, I could do it because of the hair if I'd like to. Because at that point in time, no reason had to be given, you could merely not renew that contract. Here it says you shall review the evaluations and meet with the person. Then further down, it talks about number four if a board of a school district elects not to renew the contract of an individual employed as a first year or probationary – which ever one – the board shall provide written notification together with a detailed description of the boards reasons for the individual no earlier than April 15th. There have to be reasons. It is not like you can fire them without cause. There has to be a reason to do it.

Senator Oban: Correct me if I am wrong – if that happens, there is no ability to appeal that decision. Right now there is a process that the teacher could then go through if the detailed description was something with which they disagreed. We heard from both associations that most of the time – most of the time – ND United is actually trying to get teachers out without even have to go through that process. I mean, I just – I'm done.

Chairman Schaible: Other discussion? **We have before us the amendment .03001 amendment to HB 1347.**

Roll Call Vote: 2 Yeas; 5 Nays; 0 Absent. Motion to adopt amendment fails.

Senator Oban: Mr. Chairman, I am going pass out another amendment that will move everybody to three years. Listening to the arguments that three-years is the magic number, let's make three-years the magic number.

Chairman Schaible: Does everybody have a copy of it? So I am guessing that is what this does then?

Senator Oban: Yes.

Chairman Schaible: By everybody, you mean, -

Senator Oban: All of those positions that I highlighted in those sections – it will be superintendents, principals, directors of special ed units, directors of area CTE – career and tech centers, and **I would move amendment 19.0956.03006.**

Senator Marcellais: Second.

Chairman Schaible: We have a motion and a second for the .03006 amendment. Other discussion.

Senator Rust: Mr. Chairman, I am not so sure that I oppose that, but I guess this should be a bill that should have input in a public hearing.

Chairman Schaible: I tend to agree with that. This is worth a discussion, but to put it on the bill like this seems to be retaliatory in nature in an attempt against the original bill. I am not debating we shouldn't look at streamlining the three years or not, but it is the place and time that seems to be my objection.

Senator Oban: I would just say that if the bill is meant to be a positive, then this is not retaliatory, it is actually making the positive apply to everybody.

Chairman Schaible: Other discussion. Hearing no other discussion, we will have the clerk take the roll on the .03006 amendment.

Roll Call vote: Yeas: 3; Nays: 4; Absent: 0.

Motion to adopt the amendment fails.

Chairman Schaible: We have HB 1347 in front of us.

Senator Davison: Motion to Do Pass HB 1347.

Senator Fors: Second.

Chairman Schaible: We have a Do Pass on HB 1347. Any discussion?

Senator Elkin: Can this be fixed the next legislative session? Because, I see where it will need to be fixed.

Chairman Schaible: Everything can get fixed next session. We improve things or depending on the eye of the beholder, but, yes, we offer what people think is good fixes to everything.

That is why I am saying, none of this seems like it is unreasonable. It is just that we are talking three years and in two years, we will have two years of seeing how this works and if we need to adjust it for two years at that time, we can do that then. It is not like this is mandatory and it is starting down the road and if there are fixes that need to be made – great, but like Senator Rust said, I think having a hearing and giving everybody a chance to speak is probably a good idea, too.

Senator Elkin: The disturbing thing is that I have yet be contacted by a teacher. I have been contacted by my school boards now and of course they have kind of reversed course on accepting this, but they would have preferred to see align itself with superintendents and principals, but it – they can go along with it if we know for sure that it would be addressed at a later session. What do they do like – the positive that they like, would be on page two subsection six. That is the only thing they liked about it.

Chairman Schaible: I can't say for sure, but I am guessing that it is going to be looked again in two years. And if you feel it is important, you as a legislator have that right to –

Senator Elkin: I really do. I haven't had an opportunity to visit with – I have visited with educators, but they were just totally unaware of this. They haven't had time to look at it either. That is my concern.

Chairman Schaible: I find that a little different because this isn't the first go around – this has been around for almost three months now. It has been – that is the beauty of our system, even though it is painful and ugly at times. It does go through several votes, several hearings and several opportunities for input and discussion. If they don't know it is there, it is probably that they weren't paying attention.

Senator Elkin: It is because they work.

Senator Oban: Mr. Chairman, I would also say, the committee chairman in the House when they were debating this bill, talked about the hundreds of emails he got from teachers. The organizations who try to encourage people to contact us were trying to compromise on the bill. They wanted to give this a shot. I am guessing you will hear from some teachers now that this is going to the floor.

Chairman Schaible: Other discussion. Seeing none we'll have the clerk take the roll.

Roll Call vote: 5 Yeas; 2 Nays; 0 Absent.

Senator Schaible will carry the bill.

March 18, 2019

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1347

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "15.1-15-02" insert "and 15.1-18.2-05"

Page 1, line 2, after "contracts" insert "and a teacher support program"

Page 2, line 1, replace "waive" with ":

a. Extend"

Page 2, line 1, remove "with at least"

Page 2, line 2, replace "three years of teaching experience in the state" with "for one additional year, based on the results of a performance review under section 15.1-15-01; or

b. Extend probationary status for a teacher, who has more than two years of teaching experience but who is newly employed by the district, for one additional year"

Page 2, line 3, remove "offer, as needed, based on the teacher's"

Page 2, line 4, replace "evaluation," with ":

a. Inform every probationary teacher, immediately upon hire, of the availability of an option to enroll in"

Page 2, line 4, replace "for probationary teachers" with "provided pursuant to section 15.1-18.2-05;

b. Provide enrollment in the teacher mentoring program under section 15.1-18.2-05 to each probationary teacher, if required as a condition of a performance review, in the teacher's second year of probationary status, or third year of probationary status if the status of the teacher was extended; and

c. Provide written notice of enrollment under subdivision b and other supports provided to the teacher during the third year of probationary status"

Page 2, line 6, overstrike "teaching for"

Page 2, line 6, after ~~"teach"~~ insert "with"

Page 2, line 6, replace "three" with "two"

Page 2, line 7, after "years" insert "of full-time teaching experience, based on a school year as defined under section 15.1-06-03"

Page 2, after line 7, insert:

"SECTION 2. AMENDMENT. Section 15.1-18.2-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18.2-05. Teacher support program - Establishment.

The education standards and practices board shall:

1. Establish and administer a teacher support program;
2. Employ an individual to serve as a teacher support program coordinator;
3.
 - a. Select and train experienced teachers who will serve as mentors for ~~first-yearprobationary~~ teachers and assist the ~~first-yearprobationary~~ teachers with instructional skills development; or
 - b. If a school district or other employing entity listed in section 15.1-18.2-07 is not in need of mentors for its ~~first-yearprobationary~~ teachers, select and train experienced teachers who will work with school district administrators and administrators from the other employing entities to identify the needs of the ~~non-first-yearnonprobationary~~ teachers and help the ~~non-first-yearnonprobationary~~ teachers address their particular needs through the use of:
 - (1) Research-validated interventions; and
 - (2) Proven instructional methods."

Renumber accordingly

March 25, 2019

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1347

Page 1, line 1, replace "section" with "sections 15.1-14-09, 15.1-14-10, 15.1-14-12, 15.1-14-19, 15.1-14-22, 15.1-14-29, 15.1-14-30, 15.1-14-32,"

Page 1, line 1, after "15.1-15-02" insert ", and 15.1-15-05.1"

Page 1, line 2, replace "probationary teacher" with "school personnel"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 15.1-14-09 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-09. School district superintendent - Nonrenewal of contract - Reasons - Notice.

1. If the board of a school district contemplates not renewing the contract of a superintendent who has been employed by the board in that position for at least ~~two~~three consecutive years, the board shall on or before April fifteenth:
 - a. Provide written notification of the contemplated nonrenewal to the superintendent.
 - b. Schedule a hearing to be held on or before April twenty-first for the purpose of discussing and acting upon the contemplated nonrenewal.
 - c. Provide written notification of the date, time, and place for the hearing to the superintendent.
 - d. Provide written notification of the reasons for the contemplated nonrenewal to the superintendent.
2.
 - a. The reasons for the contemplated nonrenewal of the superintendent's contract must:
 - (1) Be sufficient to justify the contemplated nonrenewal;
 - (2) Relate to the ability, competence, or qualifications of the superintendent; and
 - (3) Originate from specific findings documented in the formal evaluation of the superintendent's performance required by section 15.1-14-03.
 - b. The provisions of this section do not apply if the contemplated nonrenewal is based on a necessary reduction in personnel.

SECTION 2. AMENDMENT. Section 15.1-14-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-10. School district superintendent - Nonrenewal of contract - Hearing.

1. At the hearing required by section 15.1-14-09, the board of the school district shall present testimony or documentary evidence to substantiate the reasons for the contemplated nonrenewal of a superintendent who has been employed by the board in that position for at least ~~twethree~~ consecutive years.
2. The superintendent may call witnesses and present evidence necessary to refute the reasons for nonrenewal.
3. Each witness appearing on behalf of the board of the school district or the superintendent may be questioned for the purpose of clarification.
4. Unless otherwise agreed to by the board and the superintendent, the hearing must be conducted as an executive session of the board, except that:
 - a. The superintendent may invite to the hearing any two representatives to speak on behalf of the superintendent and may invite the superintendent's spouse or one other family member.
 - b. The board may invite to the hearing any two representatives to speak on behalf of the board and may invite the school district business manager.
5. If the superintendent chooses to be accompanied by an attorney, the legal expenses attributable to that representation are the responsibility of the superintendent.
6. If a continuance is requested by the superintendent, the board shall grant a continuance for a period not to exceed seven days.
7. No cause of action for libel or slander may be brought regarding any communication made at an executive session held by the board for the purposes provided in this section.
8. If, after considering the testimony and evidence presented at the hearing, the board chooses not to renew the contract of the superintendent, the board shall provide written notice of its decision to the superintendent on or before May first.

SECTION 3. AMENDMENT. Section 15.1-14-12 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-12. School district superintendent - Employed for less than ~~twethree~~ years - Notification of nonrenewal.

1. If the board of a school district elects not to renew the contract of a superintendent who has been employed by the board in that position for less than ~~twethree~~ years, the board shall provide written notice of the nonrenewal to the superintendent before May first. At the request of the superintendent, the board shall meet with the superintendent, in executive session, to convey the reasons for the nonrenewal.

2. No claim for libel or slander may be brought regarding any communication made at an executive session held in accordance with this section.

SECTION 4. AMENDMENT. Section 15.1-14-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-19. Multidistrict special education unit - Director - Nonrenewal of contract - Reasons - Notice.

1. If the board of a multidistrict special education unit contemplates not renewing the contract of a director who has been employed by the board in that position for at least ~~two~~three consecutive years, the board, on or before April fifteenth, shall:
 - a. Provide written notification of the contemplated nonrenewal to the director.
 - b. Schedule a hearing to be held on or before April twenty-first for the purpose of discussing and acting upon the contemplated nonrenewal.
 - c. Provide written notification of the date, time, and place for the hearing to the director.
 - d. Provide written notification of the reasons for the contemplated nonrenewal to the director.
2.
 - a. The reasons for the contemplated nonrenewal of the director's contract must:
 - (1) Be sufficient to justify the contemplated nonrenewal;
 - (2) Relate to the ability, competence, or qualifications of the director; and
 - (3) Originate from specific findings documented in the formal and written evaluations of the director's performance required by section 15.1-14-13.
 - b. The provisions of this section do not apply if the contemplated nonrenewal is based on a necessary reduction in personnel.

SECTION 5. AMENDMENT. Section 15.1-14-22 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-22. Multidistrict special education unit - Director - Employed for less than ~~two~~three years - Notification of nonrenewal.

If the board of a multidistrict special education unit elects not to renew the contract of a director who has been employed by the board in that position for less than ~~two~~three years, the board shall provide written notice of the nonrenewal to the director before May first. At the request of the director, the board shall meet with the director to convey the reasons for the nonrenewal.

SECTION 6. AMENDMENT. Section 15.1-14-29 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-29. Area career and technology center - Director - Nonrenewal of contract - Reasons - Notice.

1. If the board of an area career and technology center contemplates not renewing the contract of a director who has been employed by the board in that position for at least ~~two~~three consecutive years, the board shall on or before April fifteenth:
 - a. Provide written notification of the contemplated nonrenewal to the director.
 - b. Schedule a hearing to be held on or before April twenty-first for the purpose of discussing and acting upon the contemplated nonrenewal.
 - c. Provide written notification of the date, time, and place for the hearing to the director.
 - d. Provide written notification of the reasons for the contemplated nonrenewal to the director.
2.
 - a. The reasons for the contemplated nonrenewal of the director's contract must:
 - (1) Be sufficient to justify the contemplated nonrenewal;
 - (2) Relate to the ability, competence, or qualifications of the director; and
 - (3) Originate from specific findings documented in the formal and written evaluations of the director's performance required by section 15.1-14-23.
 - b. The provisions of this section do not apply if the contemplated nonrenewal is based on a necessary reduction in personnel.

SECTION 7. AMENDMENT. Section 15.1-14-30 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-30. Area career and technology center - Director - Nonrenewal of contract - Hearing.

1. At the hearing required by section 15.1-14-29, the board of the area career and technology center shall present testimony or documentary evidence to substantiate the reasons for the contemplated nonrenewal of a director who has been employed by the board in that position for at least ~~two~~three consecutive years.
2. The director may call witnesses and present evidence necessary to refute the reasons for nonrenewal.
3. Each witness appearing on behalf of the board or the director may be questioned for the purpose of clarification.
4. Unless otherwise agreed to by the board and the director, the hearing must be conducted as an executive session of the board, except that:

- a. The director may invite to the hearing any two representatives to speak on behalf of the director and may invite the director's spouse or one other family member.
 - b. The board may invite to the hearing any two representatives to speak on behalf of the board and may invite the center's business manager.
5. If the director chooses to be accompanied by an attorney, the legal expenses attributable to that representation are the responsibility of the director.
 6. If a continuance is requested by the director, the board shall grant a continuance for a period not to exceed seven days.
 7. No cause of action for libel or slander may be brought regarding any communication made at an executive session held by the board for the purposes provided in this section.
 8. If, after considering the testimony and evidence presented at the hearing, the board chooses not to renew the contract of the director, the board shall provide written notice of its decision to the director on or before May first.

SECTION 8. AMENDMENT. Section 15.1-14-32 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-32. Area career and technology center - Director - Employed for less than ~~two~~three years - Notification of nonrenewal.

If the board of an area career and technology center elects not to renew the contract of a director who has been employed by the board in that position for less than ~~two~~three years, the board shall provide written notice of the nonrenewal to the director before May first. At the request of the director, the board shall meet with the director to convey the reasons for the nonrenewal."

Page 2, after line 7, insert:

"SECTION 10. AMENDMENT. Section 15.1-15-05.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-15-05.1. Principal - Employed for less than ~~two~~three years - Notification of nonrenewal.

1. If the board of a school district elects not to renew the contract of a principal, an assistant superintendent, or an associate superintendent, who has been employed by the board in that position for less than ~~two~~three years, the board shall provide written notice of the nonrenewal to the individual before May first. At the request of the individual, the board shall meet with the individual, in executive session, to convey the reasons for the nonrenewal.
2. No claim for libel or slander may be brought regarding any communication made at an executive session held in accordance with this section."

Renumber accordingly

Date: 3-26-19
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1347

Senate Education Committee

☐ Subcommittee

Amendment LC# or Description: 19.0956.03001

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 Marcellais

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:		X	Senator Marcellais:	✓	
Vice-Chairman Fors:		X	Senator Oban:	✓	
Senator Davison		X			
Senator Elkin:		X			
Senator Rust:	X	X			

Total (Yes) 2 No 5

Absent 0

Floor Assignment _____

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

Fails

Date: 3-26-19
Roll Call Vote #: 2

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1347

Senate Education Committee

☐ Subcommittee

Amendment LC# or Description: 19.0956.03006

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 Sen Oban Seconded By Sen Marcellais

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:		✓	Senator Marcellais:	X	
Vice-Chairman Fors:		✓	Senator Oban:	X	
Senator Davison		✓			
Senator Elkin:	X				
Senator Rust:		✓			

Total (Yes) 3 No 4

Absent 0

Floor Assignment _____

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

Motion to Adopt Amendment Failed

Date: 3-26-19
Roll Call Vote #: 3

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1347

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 Sen. Davison Seconded By Sen. Fors

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:		✓
Vice-Chairman Fors:	✓		Senator Oban:		✓
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Sen. Schaible

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

Motion Passes

REPORT OF STANDING COMMITTEE

HB 1347, as engrossed: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1347 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

HB 1347

HB 1347
1-29-19
#1

House Education Committee
Chairman Owens
House Bill 1347
Representative Denton Zubke

Good Morning Chairman Owens and members of the Education Committee. My name is Denton Zubke and I am the representative from District 39 which encompasses the counties of Adams, Billings, Bowman, Golden Valley, Slope, McKenzie and parts of Dunn. I am here to support HB 1347.

This bill establishes a probationary period of three years for teachers. Probation periods are not uncommon in the public sector and certainly are not needed in the private sector as North Dakota has an employment at will section in Section 34 of the Century Code.

In a fifty state comparison by the Education Commission of the States on teacher tenure, probationary periods are quite common across the nation with only Hawaii and North Dakota allowing tenure in less than three years. Hawaii grants tenure after one year and North Dakota essentially grants it immediately upon hire. The link to the state comparison can be provided if you desire.

After a number of discussions, I have decided it is in the best interests to amend the bill as presented and remove the overstrikes on page 1 line 10-16 and line 19 and page 1, line 22.

I encourage your support for HB 1347 and will try to answer any questions you may have.

Respectfully

Representative Denton Zubke

1

HB 1347
1-29-19
#1

HB 1437

Amendment

Page 1, lines 10-16, 19. Remove the overstrike.

Page 1, line 22. Remove overstrike and underlined.

Renumber as necessary.



HB 1347 – Teacher Tenure – Probationary Teacher
Testimony in Support NDCEL

Good afternoon Chair Owens and members of the House Education Committee, I am here in support of HB 1347 and am representing school leaders throughout North Dakota including our Superintendents, Elementary, Middle and Secondary Principals, Career and Technical Education Directors, Special Education Directors, Athletic Directors, County Superintendents, Business Officials, REA Directors, Instructional Coaches, etc.

My role here today is to introduce the stance of the groups that NDCEL represents regarding this bill and provide some basic background information, and then behind me there are a number of school district leaders who will share with you testimony directly applicable to schools today.

We believe that this bill offers more protections for teachers than it takes away and it puts us into alignment with surrounding states, as well as most all other states in the union when considering the amount of time that a teacher might serve in a school district before being rewarded with continuing contract or what many states call “tenure”. I’ve handed out the Education Commission of the States 50 state analysis of tenure laws. Currently North Dakota has arguably the most liberal teacher tenure rules in the nation – the only closest being Hawaii that offers tenure after their first successful year of service. In North Dakota there is protection immediately offered to teachers upon hire. All of our bordering states have the 3-year rule, in place, in fact 44 states in the United States require a minimum of 3 years prior to granting tenure – in some states the threshold is higher or there is no tenure or continuing contract offered at all.

Again, behind me you will hear from a number of school leaders who will share with you their perspectives and stories. While I know this is an emotionally charged issue, I ask that you consider this as logically as you can and consider a DO PASS for HB 1347. Thank you.



**EDUCATION COMMISSION
OF THE STATES**

Your education policy team.

HB 1317
1-29-19
#2
**50-St
Comp**

Teacher Tenure - Requirements for earning nonprobationary status

May 2014

R = Teacher must return to begin the next school year or sign a contract committing to service in the next school year. Unless otherwise noted, all years listed as required for nonprobationary status are academic years.

	Requirements for earning nonprobationary status
Alabama	3 + R
Alaska	3 + R and an evaluation under the district's evaluation system stating that the teacher's performance meets the district performance standards
Arizona	3 + R Return to probationary status: A continuing teacher designated in the lowest performance classification for the current school year becomes a probationary teacher for the subsequent school year and remains a probationary teacher until the performance is designated in either of the two highest performance classifications.
Arkansas	3 + R
California	2 + R for employees whose probationary period commenced during the 1983-84 fiscal year or any fiscal year thereafter
Colorado	3 with 3 consecutive years of demonstrated effectiveness Return to probationary status: A nonprobationary teacher becomes probationary again after 2 consecutive years of demonstrated ineffectiveness.
Connecticut	Effective July 1, 2014: 40 months Superintendents must consider effective practice, as informed by

2

HB 1347.
1-29-19
#3

	performance evaluations, in granting tenure.
Delaware	<p>Hired after the 2009/2010 school year: 3 + at least 2 years of "satisfactory" ratings in the "student improvement" component of the teacher appraisal process within a 3-year period</p> <p>Hired prior to the 2009/2010 school year: 3 years, at least 2 of which were in the employ of the terminating board</p>
District of Columbia	Not addressed in statute.
Florida	<p>Hired prior to 7/1/2011: 3 + R</p> <p>Hired after 7/1/2011: 1 + R After successful completion of 1-year probationary contract, a teacher is placed on annual contract. District board may choose not to award an annual contract without cause. An annual contract may be awarded only if the employee has NOT received:</p> <ul style="list-style-type: none">• two consecutive "unsatisfactory" ratings on annual performance evaluations• two "unsatisfactory" ratings on annual performance evaluations in a 3-year period• three consecutive "needs improvement" ratings on annual performance evaluations• a combination of "needs Improvement" and "unsatisfactory" ratings <p>Because all teachers are awarded an annual contract regardless of probationary status, Florida has essentially eliminated tenure.</p>
Georgia	3 + R
Hawaii	1
Idaho	<p>3 + R</p> <p>Return to probationary status: When the work of a category 3 employee is found to be unsatisfactory, the board establishes a period of probation not less than eight weeks. After the probationary period, the board may retain, immediately discharge, discharge on termination of the current contract, or reemploy at the end of the current contract. The probation period does not affect renewable contract status.</p>
Illinois	<p>Hired prior to the implementation date of the Performance Evaluation Reform Act (PERA): 4 + R</p> <p>Hired on or after the implementation date of the Performance Evaluation Reform Act: 4 consecutive school terms of service in which the teacher receives</p>

HB 1347
1-29-12
12

overall annual evaluation ratings of at least "proficient" in the last school term and at least "proficient" in either the second or third school term
OR
3 consecutive school terms of service in which the teacher receives three overall annual evaluations of "excellent"
OR
2 consecutive school terms of service in which the teacher receives two overall annual evaluations of "excellent" service, but only if the teacher previously attained contractual continued service in a different school district or program in the state, voluntarily departed or was honorably dismissed from that school district or program in the school term immediately prior to the teacher's first school term of service applicable to the attainment of contractual continued service, and received, in his or her two most recent overall annual or biennial evaluations from the prior school district or program, ratings of at least "proficient," with both ratings occurring after the school district's or program's PERA implementation date.

Indiana

Under contract prior to 7/2012 + R

After 6/30/2011, a probationary teacher is a teacher who is under contract, but was not under any contract prior to 7/2012, and has not received a rating or has been rated "ineffective" and has not received three ratings in a 5-year period of "effective" or "highly effective."

A professional teacher is a teacher who receives a rating of "effective" or "highly effective" or a combination of both for at least 3 years in a 5-year or shorter period.

Under contract prior to 7/2011:
2 + R for semi-permanent teachers
5 + R for permanent teachers

Return to probationary status;
A professional teacher with a rating of "ineffective" is considered probationary, but is not subject to the cancellation if his or her contract unless the teacher receives another "ineffective" rating the following year or the contract cancellation is due to reduction in force or the teacher receives two consecutive "improvement necessary" ratings.

Iowa

3
Board may extend the probationary period for an additional year with the consent of the teacher.

Kansas

3 + R

Kentucky

4 + R

Louisiana

For teachers who acquired tenure prior to September 1, 2012:
3

45

HB 1347.
1-29-19
#2

	<p>Effective July 1, 2012: "Highly effective" rating for 5 years in a 6-year period</p> <p>Return to probationary status: A teacher rated "ineffective" loses tenure. The teacher may reacquire tenure if the "ineffective" rating is reversed pursuant to the grievance procedure or if the teacher receives a rating of "highly effective" for 5 years in a 6-year period.</p>
Maine	3
Maryland	3
Massachusetts	<p>3</p> <p>The district superintendent, with the principal's recommendation, can award professional teacher status to any teacher who has served not less than 1 year in the principal's building.</p>
Michigan	<p>5+ rated as effective or highly effective on his/her 3 most recent annual performance evaluations</p> <p>4+ rated as highly effective on 3 consecutive annual performance evaluations</p> <p>4 for a teacher under contract but not on continuing tenure as of 7/19/11</p>
Minnesota	3
Mississippi	2 in Mississippi district and 1 + in current district
Missouri	5 + R
Montana	3 + R
Nebraska	3
Nevada	<p>3 with "satisfactory" on performance evaluations for 2 consecutive years + receive offer for year 4</p> <p>Return to probationary status: A post-probationary teacher whose performance is rated below average for two consecutive years is returned to probationary status.</p>
New Hampshire	<p>5 consecutive years in any district in the state and has 3 consecutive years in current district</p> <p>Prior to 07/1/2011:</p>

HB 1347
1-29-19
#2

	3 consecutive years in any district in the state and has 2 consecutive years in current district
New Jersey	<p>For teachers hired prior to 8/6/2012: 3 + R</p> <p>Beginning in the 2012-13 school year: 4 + R In addition, a teacher must complete a district mentorship program during the initial year of employment and receive a rating of "effective" or "highly effective" in 2 annual summative evaluations within the first 3 years of employment after the initial year of employment.</p>
New Mexico	3
New York	3
North Carolina	After August 1, 2013, career status is phased out over a 5-year period and all teachers are employed on contract. Contracts or contract renewals for teachers employed three or more years may be for one, two, or four school years. The superintendent may recommend a teacher for a contract term of longer than one year only if the teacher has shown effectiveness as demonstrated by proficiency on the teacher evaluation instrument. Local boards have the option to approve the superintendent's recommendation, to not approve the recommendation, or to offer a teacher a renewed contract for a term different from that recommended by the superintendent.
North Dakota	Not specified
Ohio	3
Oklahoma	<p>For teachers employed prior to full implementation of Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE): 3</p> <p>For teachers first employed after full implementation of TLE either: 3 and has rated "superior" for at least 2 of the 3 years, with no rating below "effective;" or 4 and has averaged a rating of at least "effective," with at least an "effective" rating for the last 2 years; or 4 with principal petition and superintendent and school board approval.</p>
Oregon	3 + R
Pennsylvania	<p>Hired prior to 06/30/96: 2</p>

HB 1347
1-29-19
#2

	Hired on or after 06/30/96: 3
Rhode Island	<p>3 with 3 ratings of "effective" or higher on the state approved local educator evaluation system; or</p> <p>3 with at least one rating of "developing" or higher on the state approved local educator evaluation system with submission of proof of completion of specified professional development based on evaluation results for each "developing" or "ineffective" rating.</p>
South Carolina	<p>2</p> <p>All teachers are initially contracted with a 3-year induction contract period. At the end of each year of the 3-year induction period, the district may employ the teacher under another induction contract, an annual contract, or may terminate his or her employment. After successfully completing an induction contract period, not to exceed three years, an annual contract period, not to exceed four years, and an evaluation process a teacher is eligible for employment at the continuing contract level.</p>
South Dakota	3 + R
Tennessee	<p>5 or not less than 45 months within a 7-year period as probationary teacher, the last two as a regular teacher (not interim) and evaluations demonstrating "above expectations" or "significantly above expectations" during the last two years of probation+ R. Board must grant tenure.</p> <p>Return to probationary status: Tenured teachers who have two consecutive years of overall performance "below expectations" or "significantly below expectations" may lose tenure status until they have completed two consecutive years of "above" or "significantly above" expectations.</p> <p>For teachers acquiring tenure after 7/15/2011: Teachers with tenure who resign and come back must serve 2-year probationary period and demonstrate effective performance prior to being granted tenure.</p>
Texas	3
Utah	<p>3 (at least part-time basis)</p> <p>A school district may extend the provisional status of an employee up to an additional 2 consecutive years in accordance with written policy adopted by the district's school board that specifies the circumstances under which an employee's provisional status may be extended.</p> <p>Teachers who hold competency-based licenses are not eligible for career status.</p>

HB 1347
1-29-19
#2

Vermont	2
Virginia	At least 3 years, or, at the discretion of the board, up to 5 years
Washington	3, except that an employee who receives an evaluation rating below level 2 on the four-level rating system during the third year of employment remains subject to nonrenewal until he or she receives a level 2 rating. The superintendent may make a determination to remove an employee from provisional status if he or she has received one of the top two evaluation ratings during the second year of employment.
West Virginia	3 + R
Wisconsin	3 + R
Wyoming	3 + R and satisfactory performance evaluations Or Continuing contract status in 1 district and without lapse of time has taught 2 consecutive years + R

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Your Education Policy Team www.ecs.org

HB 1347
1-29-19
#3

Testimony on House Bill No. 1347

Presented to the House Education Committee

Dr. Robert Lech, Superintendent, Jamestown Public School District #1

January 29, 2019

Good morning Chairman Owens and members of the House Education Committee. For the record, my name is Rob Lech and I serve as the superintendent for the Jamestown Public Schools. I am providing testimony in support of House Bill 1347.

While HB 1347 is certain to elicit very polarizing opinions because it impacts continuing contract laws and hearing rights for some teachers, it is crucial for this committee to understand that North Dakota has some of the most gifted, hardworking, and dedicated teachers in the country. I have the privilege of working alongside 200 of them in Jamestown every day. While HB 1347 provides the authority for school districts to make the best possible choices related to human resources, it should not be misconstrued that these changes, in any way, relate to the quality of the professional educators in our state.

Currently, only a teacher in his or her first year in the profession is subject to the process outlined in NDCC 15.1-15-02. After this point, even when a teacher is in his or her first year in a new district, the full continuing contract laws are in effect. Despite that this is a new environment with likely new or changed responsibilities and new or changed expectations, the district must operate in the same fashion as it would if the staff member was a veteran of that district. From the perspective of the individual whose responsibility it is to recommend new hires to the school board, our current system is counterintuitive. Unless we are hiring a teacher that has never taught before, the result from that 1 hour interview and subsequent reference

HB 1347
1-29-19
#3

24 checks results in the right to a continuing contract. Even with an excellent processes there
25 remain many important variables that are unknown until a teacher is working in the system. It
26 seems reasonable to provide an opportunity for districts to fully assess prior to providing
27 continuing contract rights.

28 Additionally, I contend that, for the vast majority of North Dakota teachers, nothing is
29 really changed by HB 1347. A high-quality teacher, whether they are defined as a teacher or
30 probationary teacher, will continue to receive a contract from their school district. The small
31 handful of teachers that truly struggle will continue to be non-renewed regardless of
32 probationary status. The biggest difference may very well be those teachers who, in that initial
33 year, are progressing in the profession, but are just not quite at that required level. Those
34 teachers, under current law, may likely be recommended for non-renewal. Under HB 1347,
35 there is a greater likelihood that these teachers would be given a contract. Because the district
36 is given additional time prior to making a decision that provides continuing contract rights, it is
37 more likely that this teacher would be given additional time and thus support for professional
38 growth.

39 One important facet of HB 1347 is the flexibility of a school board in making decisions
40 related to probationary status of teachers in the first three years in the district. Under HB 1347,
41 the school board would have the ability to waive that probationary status if a teacher has
42 worked for over three years in the profession. This is a pathway that allows those experienced,
43 high quality teachers to retain the protections that are currently provided in NDCC.

44 Lastly, as hearing officers, our school board members are asked to take on a judicial role
45 in the non-renewal process and make the ultimate decision. While this is a responsibility they

HB 1347
1-29-19
#3

46 accept when they become school board members, the reality is that these hearings have
47 challenges. School board members are put in a situation to review facts and make fair
48 determinations, but the environment is very often emotionally charged. This can make fact-
49 based decision making difficult even for the most seasoned board member. The changes in HB
50 1347 would allow for the focus, for probationary teachers, to focus on facts and the evaluative
51 process outlined in NDCC 15.1-15-01.

52 I ask that you support the changes to continuing contract laws through a Do Pass
53 Recommendation on House Bill 1347. I would be open to questions and may be reached
54 through email at Robert.Lech@k12.nd.us or through phone at (701) 252-1950.

HB 1347
1-29-19
#4

**Testimony in Support of
HB 1347
ND House of Representative
Education Committee
January 29, 2019
Dr. Mike Bitz
(701) 391-8664**

Chairmen Owens and members of the House Education Committee, thank you for allowing me to appear before you today in support of HB 1347. My name is Mike Bitz and I serve as the superintendent of Mandan Public Schools. I will be brief.

I want to begin by saying I am a licensed teacher and that I have been fortunate to work alongside many great teachers in my 31 years in education. I would never support a bill that I felt was harmful to the teaching profession. I support HB 1347, because the current system to dismiss a teacher is a miserable process that is broken for all parties involved. I feel I am uniquely qualified to speak on this issue, because I went through a Reduction in Force hearing as a teacher in 1989, I have been a board member of a special education unit and voted to dismiss a teacher in the early 2000's, and I have worked as a school administrator evaluating teachers and administrators since 1991.

Decisions about teacher retention should be made based on teacher evaluations and the facts and evidence surrounding the teacher. Unfortunately, the current teacher dismissal process has little to do with the facts and evidence surrounding the case; rather it is based on emotion. Asking elected school board members to publicly vote to dismiss a teacher in front of a room full of co-workers, friends, and family members is a broken process. I've been in these rooms and it is incredibly uncomfortable for all involved and very seldom is the decision solely based on the merits of the teacher's work. Instead the

1

HB 1347
1-29-19
#4

decision is often based on emotion, with people crying, clapping, or booing. I can't imagine anyone thinking this process is the best way to decide if an employee is dismissed. I can think of no other profession where employees are dismissed in this emotionally charged manner.

If HB 1347 becomes law, it will not fix a broken system, but it will be a major improvement. It will more closely align ND teacher tenure laws with the 3 states that border ND. It will have no effect on the vast majority of teachers in this state. Teachers are in short supply and difficult to find, school administrators are not going to be dismissing teachers in any greater frequency than happens today. HB 1347 simply provides for a more professional process.

I appreciate the opportunity to appear before you today and I urge the committee to give SB255 a unanimous DO PASS recommendation. I would be happy to try to answer any questions you may have.

2

Jeffrey Thake

HB 1347
1-29-19
#5

House Bill 1347

1). This bill protects first year teachers. It is difficult to get in and coach a 1st year teacher in that 1st year. Often if it doesn't "feel" like a good fit, rather than giving them the benefit of the doubt and trying to work through another year of coaching, we recognize that it is far easier to let them go in their first year than it ever is after that. This bill would provide some cushion of TIME to allow you to work with a new(er)teacher without the pressure. I was an administrator in Illinois where the rule there was 4 years. We did NOT fire a bunch of teachers - rather it was an understanding that they had more time to be worked with.

2). If the teacher truly is not a good fit for your school - in their first years, it is not as challenging to remove them.

3). We DO NOT fire good teachers.

4). This will align them to the same rule as principals and superintendents where we do not have the right to continuing contract right away either.

5). Most of the concerns about teachers who are struggling have been brought to me BY the teachers association.

The purpose of probationary years of employment are for the evaluator to be afforded the opportunity to work with teachers who are entering the profession.

<https://teachertenure.procon.org/view.resource.php?resourceID=004377>

HB 1347
1-29-19
#6

Testimony on HB 1347

HOUSE EDUCATION COMMITTEE

January 22, 2019

By: Steve Hall, Superintendent, Kindred Public School District

Chairman Owens and members of the Education Committee, I am Steve Hall, Superintendent of Kindred School District.

I am here in support of HB 1347.

I feel this change is good for teachers, administrators, school boards and ultimately students in our schools. I have been an administrator hiring, evaluating and sometimes dismissing teachers for 28 years. I like what this bill does for a first-year teachers in our state. The first year is the most challenging year for a teacher I would like to have an opportunity to give a teacher the benefit of the doubt when that first year is wrapping up. We know when we have a high flyer and they have got it and will be successful, but sometime it might not go well. You are stuck with a tough decision about someone's career. This decision has to be made even before the end of the school year, between April 15 and May 1. My hope is the second year will be better and each year after that. We can give a teacher the opportunity to grow within the same school district rather than sending them off to start over in another district. The fact is sometimes we just don't know after the first year if they will become a quality teacher. Why would we not give teachers and administrators the opportunity to grow and work together.

At our schools we have other staff (non-teachers) that do not have tenure they are at-will employees and I like the fact that I can try to work with them and after a few years if it doesn't work out it doesn't and we move on. If you are a good employee you stay on. In this bill tenure is given to teachers after 3 years.

I also support that a district has the option to waive the probationary status if a teacher has 3 years of experience in the state.

I am a member of the state superintendent's organization and I helped chair four regional meetings throughout the state with school superintendents. I know the feedback was positive and there was support shown at all four meetings for this legislation.

Thank you, I would be willing to answer any questions you have at this time.

HB 1347
1-29-19
#7

66th Legislative Assembly
Education Committee
Representative Mark S. Owens, Chair
Representative Cynthia Schreiber-Beck, Vice Chair

Dr. Penny Veit-Hetletved, ND DOCR
Director of Education, Staff Development, and Core Correctional Practices

House Bill No 1347

Mr. Chairman and Members of the Committee:

My name is Dr. Penny Veit-Hetletved, and I am the Director of Education, Staff Development, and Core Correctional Practices with the Department of Corrections and Rehabilitation. For the purpose of this bill, it is important to note that I am also Superintendent of Schools for the DOCR. I am here to speak in favor of HB 1347.

Points of Testimony:

I am halfway through my third decade within education. I've dedicated my career to education, teaching, supporting teachers, and developing teachers. With that said, this bill is advantageous to the profession as it gives new teachers an opportunity to be developed beyond the first year learning curve.

- Correctional Education is a different aspect to education as a whole. We do a great deal of mentoring within year one, and often face tough decisions as to whether the teacher has made reasonable progress within earning a

HB 1347
1-29-19
#7

66th Legislative Assembly
Education Committee
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Dr. Penny Veit-Hetletved, ND DOCR
Director of Education, Staff Development, and Core Correctional Practices

“continuous” contract by the progress he/she has made in that first year. I

liken this to basketball—would it be fair to take a new coach who just finished his degree, went to the new coach’s conference, and then expect him/her to take the team straight to state that season? Giving a three year opportunity would be a more realistic development of the educator. (Not to mention the practice of tenure would then be consistent with teachers and administrators.

- As a superintendent, I want the best teachers possible for the students I am responsible for. I am never looking to terminate educators, but I am looking to develop strong teachers.
- I believe supporting this bill is actually a greater support to the teacher as it is a developmental model to assist them in improving the craft of teaching in a more realistic time frame where tenure is reached with a skill set to match the continuing contract earned. I’ve hired educators who have a dozen years of experience yet hadn’t been professionally developed. In this example, the teacher has simply repeated his first year of teaching twelve times rather

HB 1347
1-29-19
#7

66th Legislative Assembly
Education Committee

Representative Mark S. Owens, Chair
Representative Cynthia Schreiber-Beck, Vice Chair

Dr. Penny Veit-Hetletved, ND DOCR
Director of Education, Staff Development, and Core Correctional Practices

than becoming developmentally versed in teaching—thereby, a third of the way in one’s career, he finds himself on an improvement plan. I feel that this bill is fundamentally good for teachers and their development—and most assuredly optimal learning environments for our students.

Chairman Owens and Members of the Committee, that concludes my prepared testimony, and I will stand for any questions that you may have.



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HB 1347
1-29-19
#9

HB 1347
Testimony of Alexis Baxley
House Education
January 29, 2019

Chairman Owens and members of the House Education, my name is Alexis Baxley. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. I am here today in support of HB 1347.

After discussions with my members, we believe creating the three-year probationary period will encourage districts and administrators to put more time into new teachers before having to decide if they are a good fit for the district or not.

Current law makes it easier to nonrenew a teacher in their first year of teaching. It's not unreasonable to imagine that a teacher – any professional really – continues their growth beyond their first year of employment. Allowing more of a cushion before the requirements to nonrenew increase will incentivize districts and administrators to put in more coaching time with young teachers rather than feeling pressure to dismiss a first year teacher.

For these reasons, NDSBA stands in support of HB 1347 and encourages this committee to give it a do pass recommendation. Thank you for your time, and I will stand for any questions.

HB 1347
1-29-19
#9-



Great Public Schools

Great Public Service

**Testimony Before the House Education Committee
HB 1347
Tuesday, January 29, 2019**

Good afternoon Chairman Owens and Members of the Committee. For the record, I am Nick Archuleta and I am the president of North Dakota United. On behalf of our 11,500 members, I rise today to urge a DO NOT PASS recommendation for HB 1347.

Mr. Chairman, North Dakota United and our members agree with the proponents of the bill that we do not want underperforming teachers teaching our children. The amount of time and resources our association spends when teachers are hired-that should not have been hired- is bad for our members and, frankly, for our budget. We have no interest in fighting administrators who want to dismiss a teacher if they have followed the laws established by the state and abided by the Negotiated Agreement with the teachers in their district. This bill attempts to solve a problem that doesn't exist while having the unintended consequence that will lead to people not wanting to enter the teaching profession at all.

The case that was made by the proponents of this bill is predicated on two false theories: The first is that it is impossible to get rid of a teacher after his/her first year, so administrators are forced to get rid of first year teachers if their gut tells them that a first year teacher is irredeemable.

HB 1347
1-29-19
#90

The second false theory is that there is a startlingly high number of first year teachers being non renewed because it is impossible to fire them after year one.

Let's look at that first theory. A casual perusal of the Century Code proves it to be false. In short, the Century Code outlines the check list one must follow to non-renew or dismiss any teacher:

- do evaluations of the teacher;
- notify the teacher in the allotted time frame of the decision to non-renew;
- convince a simple majority of the school board that the decision to dismiss is the right call.

Many veteran teachers are non-renewed after their first year. Of those, very few go through the process of a formal hearing before their local school board. ND United helps teacher members work through the resignation process, while protecting their workplace rights in the process.

Now let's look at the second false theory upon which HB 1347 is predicated. There is no authentic data from the proponents of this legislation that legitimizes the theory that so many first year teachers are being fired after their first year because it is impossible to get rid of them beyond the first year. On the other hand, I don't have more than anecdotal evidence that proves it false either. I had a conversation with an NDU Field Consultant who has worked in our Fargo office for fifteen years. I asked her how many first year teacher dismissals she has helped with in her fifteen years there. Her answer was "only one."

I shared that story with a retired superintendent just this morning. He commented that in his long career as a Superintendent, he had dismissed only a single first year teacher. My point here is that we can all relate anecdotal details to support our position on this bill. Why not study this issue, collect all the applicable and empirical data, and then make an informed decision?

Mr. Chairman and members of the Committee, I also would like to address the strikethroughs offered in HB 1347 that repeal the right of a teacher to have representation by our organization, or anyone else, and the section that removes the probationary

teachers' ability to go before the school board in Executive Session to make their case. That is, to face their accusers.

I would think most of us can agree that an employee who is being fired will have an exceedingly difficult time continuing their career in education. Given that fact, Mr. Chairman, why in the world should not this employee have the right to know the reason for his or her dismissal?

The repeal of these two sections at the very least show a blatant lack of respect for teachers. I would ask you to amend the bill to allow teachers to have representation and make their case to their local school board, should they choose to do so.

In NDU's discussions with supporters of HB 1347, we heard quite a bit about other states' probationary teacher rules; specifically, Minnesota. It is true that Minnesota has a three year probationary period for teachers. What was not mentioned, however, is that during that probationary time, if a teacher is up for non-renewal, the teacher may avail herself of representation. She gets to have a meeting with the School Board and can have a hearing and to question witnesses for both sides. This is similar to the right enjoyed by North Dakota's non first year teachers now. If we want to extend probationary time because other states do it, I would encourage that we also to adopt the rules of our neighbor Minnesota for those probationary teachers.

Mr. Chairman and members of the Committee, this is the fourth bill I've testified on before you today. In early arguments, I have heard repeatedly that hiring teachers is extremely difficult. That we need to lower our standards if we are to get the "teachers" we need to staff our schools. How do the provisions outlined in HB 1347 inspire our young people to enter the profession? What is aspirational in this legislation?

Chairman Owens, and members of the Committee, I would encourage a DO NOT PASS on HB 1347. I would also like you to know that ND United would support a study of the status of probationary teachers so that this legislature can actually craft policy based on facts, not theories.

This concludes my testimony, Chairman Owens and members of the Committee. I will be happy to stand for any questions.

HB 1347
1-29-19
#10

Landen Schmeichel
330 Saturn Drive
Bismarck, ND 58503

January 29, 2019
Testimony - HB 1347

Ladies and gentlemen of the honorable ND House Education Committee, and may it please the committee chair:

I consider it an honor to speak before you today. My name is Landen Schmeichel and am currently a second year teacher here in Bismarck. I am here to offer testimony in opposition to HB 1347, a bill related to amending the ND Century Code in regard to employment rights of public educators, a group of honorable individuals I am humbled to consider myself a part of as of about a year and a half ago.

It is with great importance that North Dakota citizens, legislators, administrators, universities, and other stakeholders demand high quality professionals to instruct our wonderful children - ND's future and our future. Laws and processes should seek only to define and support the development of high quality educators; that is no doubt. Often times the intent of bills may match this endeavor, but other times, intentional or not, amendments to processes already in place result in unfortunate consequences.

I speak in opposition to HB 1347 for three reasons. First, the effects of this bill would discourage aspiring educators from entering a profession already in need of more people. Across the state and across the nation, the number of people pursuing a teaching license continues to diminish. When individuals pursue a degree as challenging and complex as education, they should feel as though after obtaining their first job as a teacher they are secure in that position to grow as an early educator into a polished teacher without the fear of losing their position so long that they are doing their job well and fulfilling all contractual obligations at the standards set forth by both the school district and their administrator. Let me be clear, I'm not advocating that poor quality instructors be given a thousand chances to fail without their ineptitude being addressed. Rather, the process already provided in the ND Century Code related to teacher dismissal is adequate in maintaining fidelity to the high quality instruction we demand for our children and students. Given HB 1347's extension of a probation period of 1 year to 3 years, strong teacher candidates would likely be swayed from entering into a field where they felt as though their occupation, and perhaps their entire life, could be uprooted without proper cause for a significant period of time.

Second, I speak in opposition of HB 1347 because of its lack of due process for teacher dismissal. In passing this bill, legislators would be removing the allotted structure for both teacher representation at dismissal meetings and rights in going before the school district in which the teacher's job is in question. Passage would result in less employee rights, and a less than stable mindset for both those who are seeking to enter the teaching profession, and perhaps even those who move from one district to another district, due to the dubious wording in the bill's current draft.

Lastly, HB 1347 would hurt the students of North Dakota. As an early educator myself, I seize every opportunity to grow, learn, and reflect on my craft. I love my job because along with seeing students discover the world and challenge ideas, I get to accrue new skills, ideas, and wisdom from the people who compose my classroom. The students and future of ND bring breathtaking thoughts and ideas to our world. They are wonderful people, and I can't wait for you all to see the incredible ideas and wonders they will bring to our society. HB 1347 would discourage my efforts, along with every other early educator's efforts in offering students an opportunity to grow. For if we are too focused on attaining arbitrary growth models and standards set in conversations that we may no longer be allowed to participate in, we lose focus on what's most important in this world - our students.

HB 1347 would discourage new educators from entering the profession, it would alter the century code in a manner that would revoke employee rights of public educators, and it would refocus the efforts of educators' on policy rather than on the most important element of our day - student achievement. I echo the voices of hundreds of early educators across this state who, like me, humbly ask that our efforts be placed on becoming the best possible teachers for our students without fear of unfair termination, and ask this committee to recommend a do not pass on HB 1347.

I am grateful for your time, and I ask that you consider my words in your discussions and decisions.

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with
MIDCEL

HB1347
1-29-19
#11

Amy Neal
1012 20th Street NW
Minot, ND 58703

January 29, 2019
Oppose HB 1347

Dear Chairman Owens and members of the House Education Committee,

I am here in OPPOSITION of HB 1347. Last week I sent a letter to the members of this committee to voice my initial concerns to you about the language and specifically the "strike-outs" of HB 1347.

Upon hearing the quick synopsis of this bill to extend the probationary period of a first-year teacher from one to three years, I thought this was going to be a bill about mentoring, providing resources, and professional development . . . but I was sadly mistaken. It turns out to be a bill that removes rights from new teachers, eliminates representation in a stressful situation, diminishes the teaching profession, takes away accountability of the School Board, and gives too much power to a single administrator.

When I started reading the "strike-outs" in this language, the red flags are waving.

*(Lines 8-11) The School Board would get to review the teacher's evaluations done by their administrator, but would not get to hear from the teacher directly. The responsibility of the School Board should be to HEAR from the teacher or a representative of the teacher.

*(Lines 2-14) Because there is no opportunity for a meeting with the School Board, the teacher loses all opportunity for verbal support from their colleagues or teacher representative.

*(Line 19) The School Board does not have to be accountable for any summarized description of why the teacher is being non-renewed . . . just a notification. Seems to leave the non-renewal reasoning and description up to the administrator doing the evaluations.

I mentioned in a previous letter that I have a concern with this language being taken advantage of . . . personality conflict, lack of principal leadership, or hiring someone for a short time just to get someone else hired in a few years. These are real possibilities and if we take accountability away from the current process, then these examples (and more) can happen.

I am "all in favor" of mentoring, providing feedback, modeling, observing, and expecting growth from a new teacher. Protocol is currently in place through our evaluations to document if a teacher is making growth. If the administrator has done their WORK through documentation, then action can be taken for staffing decisions.

I realize that we have many different size districts throughout North Dakota and they have advantages or disadvantages when hiring. Many districts are feeling the effects of

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HB 1347
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lower numbers of teachers applying for jobs in North Dakota (especially rural communities). Making it easier to non-renew a first to third year teacher is not the solution for a teacher shortage. This is the exact opposite.

North Dakota lawmakers and policy makers really need to be careful how we make decisions that impact a profession. HB 1347 makes it easier to non-renew trained and licensed teachers that have gone through a Teacher Education program from an accredited institution. Let's start finding solutions to encourage aspiring teachers into the education profession and retaining teachers for a full career.

Vote No on HB 1347!

Sincerely,

Amy L. Neal
Kindergarten Teacher - Minot
2016 ND Teacher of the Year

Testimony on HB 1347

Presented by: Kathy Bullinger, Retired Elementary Principal
736 San Angelo Drive, Bismarck ND 58504

Today I would like to give testimony on HB 1347 and encourage a NO vote on this bill.

I am a newly retired North Dakota administrator who spent 34 years in education, 25 which were spent in administration. This bill gives even greater concern to the issue that we are finding it more difficult to fill all types of teaching positions in our K-12 schools. HB 1347 attacks teachers early in their careers rather than providing for them an encouraging, supportive start to teaching.

As an administrator of newly hired teachers, it was imperative that I find a way to build a strong relationship with my young teachers that was proactive and with growth in mind. The state teacher mentoring program along with the new teacher evaluation tools being used are effective ways to build collegiality and a supportive, nurturing environment in which to build a base of skills for new/probationary teachers. The foundation is in place in our schools to show where a teacher excels and where they might need to improve. Isn't it only fair that we document strategies used in mentoring our young teachers? It would be more advantageous to help them get a positive start to their careers rather than decide early that they don't fit and merely elect to not hire them in their second or third year. At the heart of administration we should see that the principal is working closely with his/her teachers to lead them forward. An administrator who chooses not to do this and wants to see a quick change to remedy what they see as a problem is not the sort of leader that a school may want.

Some would say that this bill would put teachers on the same playing field as principals and superintendents when it comes to removal. My experience would say that all educators start out as teachers thus proving themselves in the classroom first. Effective teachers may not always be effective leaders which subjects them to the annual contract rule. Teachers are the center of education and must be supported in as many ways as possible and be shown the respect that they earned when they were presented with their teaching license.

Currently in education we speak of a growth mindset, one where the learner is nurtured and allowed to be coached and guided to their own personal goals. This should apply to our teachers. In a time when we are seeing teacher shortages across the board, we need to show that this profession is a safe and nurturing place for educators at the dawn of their careers.

I strongly encourage a NO vote on HB 1347.

Thank You.

February 13, 2019

#1
HB 1347
2-13-19

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1347

Page 1, line 10, remove the overstrike over "~~and meet with the individual in an~~"

Page 1, line 11, remove the overstrike over "~~executive session to discuss the reasons for the contemplated nonrenewal~~"

Page 1, line 12, remove the overstrike over "~~The individual employed as a~~"

Page 1, line 12, after "~~first year~~" insert "probationary"

Page 1, line 12, remove the overstrike over "~~teacher may be accompanied by two~~"

Page 1, remove the overstrike over lines 13 through 16

Page 1, line 17, remove the overstrike over "~~4.~~"

Page 1, line 19, remove the overstrike over "~~, together with a detailed description of the board's reasons,~~"

Page 1, line 21, remove the overstrike over "~~5.~~"

Page 1, line 21, remove "3."

Page 1, line 22, remove the overstrike over "~~4~~"

Page 1, line 22, remove "2"

Page 2, line 1, remove the overstrike over "~~6.~~"

Page 2, line 1, remove "4."

Page 2, after line 2, insert:

"7. The board of a school district shall offer, as needed, based on the teacher's evaluation, a teacher mentoring program for probationary teachers."

Page 2, line 3, replace "5." with "8."

Renumber accordingly

HB 1347
3-13-19
AH #1
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Senate Education Committee
Chairman Schaible
House Bill 1347
Representative Denton Zubke

Good Morning Chairman Schaible and members of the Education Committee. My name is Denton Zubke and I am the representative from District 39 which encompasses the counties of Adams, Billings, Bowman, Golden Valley, Slope, McKenzie and parts of Dunn. I am here to support HB 1347.

This bill establishes a probationary period of three years for teachers. Probation periods are not uncommon in the public sector and certainly are not needed in the private sector as North Dakota has an employment at will section in Section 34 of the Century Code. The bill was amended in the house and includes a section on offering a mentoring program as needed during the probationary period. It also allows a district to waive the probationary period for teachers that have taught at another district in the state if they have taught for more than three years.

In a fifty state comparison by the Education Commission of the States on teacher tenure, probationary periods are quite common across the nation with only Hawaii and North Dakota allowing tenure in less than three years. Hawaii grants tenure after one year and North Dakota essentially grants it immediately upon hire.

Many teachers find the first year stressful and this bill relieves some of the pressure. It does the same for districts in that it provides more time to evaluate and provide mentoring for teachers who have potential but may struggle in that first year. Teachers, administrators, school boards... all of us have the same goals. Quality education for the students. This bill does nothing to diminish or compromise that but instead enhances it.

I encourage your support for HB 1347 and will try to answer any questions you may have.

Respectfully

Representative Denton Zubke



HB 1347
3-13-19
Att #2
p1 of 4

House Bill No. 1347

Dr. Robert Lech, Superintendent, Jamestown Public School District #1

Dr. Aimee Copas- Executive Director - NDCEL

March 13, 2019

Good morning Chairman Owens and members of the House Education Committee. This testimony was developed by Dr. Aimee Copas – Director for NDCEL and Dr. Rob Lech serving as the superintendent for the Jamestown Public Schools. Rob wanted to be here today to help answer questions but is home at JPS honoring previous school commitments. I am providing testimony in support of House Bill 1347 for the both of us.

While HB 1347 is certain to elicit very polarizing opinions because it impacts continuing contract laws and hearing rights for some teachers, it is crucial for this committee to understand that North Dakota has some of the most gifted, hardworking, and dedicated teachers in the country. Rob has the privilege of working alongside 200 of them in Jamestown every day. While HB 1347 provides the authority for school districts to make the best possible choices related to human resources, it should not be misconstrued that these changes, in any way, relate to the quality of the professional educators in our state.

Additionally, this should not be misconstrued to intimate that administrators and school boards are not providing adequate support for new teachers. There are many different strategies that districts employ, such as orientations, trainings, instructional coaching, and mentoring. Also, districts have all adopted research-based observation and evaluation process. These are grounded in greater observations and actionable improvement feedback than the traditional evaluation process.

It is important to remember that, **upon hire**, every teacher is provided a continuing contract. There are times, as outlined in NDCC 15.1-15-05, when a teacher may be

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Executive Director: Aimee Copas-----Assistant Director: Russ Ziegler



HB 1347²
3-13-19
Att #2
p. 2 of 4

contemplated for nonrenewal. In these instances, a hearing takes place. Depending on the experience of the teacher, these hearings look somewhat different under current law. A teacher in his or her first year in the profession is subject to the process outlined in NDCC 15.1-15-02. After this point, even when a teacher is in his or her first year in a new district, the full hearing rights outlined in 15.1-15-06 are in effect.

One area of concern for administrators is that the full hearing rights of 15.1-15-06 are in effect for every teacher beyond the first year in the profession. This becomes problematic when a teacher moves to a new district. Despite that, this is a new environment with likely new or changed responsibilities and new or changed expectations, the hearing process outlined in 15.1-15-06 must be followed. From the perspective of the individual whose responsibility it is to recommend new hires to the school board, this is counterintuitive. Unless we are hiring a teacher that has never taught before, the result from that 1-hour interview and subsequent reference checks is the same process as a veteran teacher in the district. Even with excellent hiring procedures, there remains many important variables that are unknown until a teacher is working in the system. It does not seem unreasonable to provide an opportunity for districts to fully assess these staff prior to providing the same rights as veteran staff members in the district.

Additionally, we contend that, for the vast majority of North Dakota teachers, nothing is really changed by HB 1347. A high-quality teacher, whether they are defined as a teacher or probationary teacher, will continue to receive a contract from their school district. The small handful of teachers that truly struggle will continue to be non-renewed regardless of probationary status. The biggest difference may very well be those teachers who, in that initial year, are progressing in the profession, but are just not quite at that required level. Those teachers, under



AB 1347
3-13-19
A# #2
P.3 of 4

current law, may likely be recommended for non-renewal. Under HB 1347, there is a greater likelihood that these teachers would be given a contract. Because the district is given additional time prior to making a decision on nonrenewal, it is more likely that this teacher would be given additional time and thus support for professional growth.

One important facet of HB 1347 is the flexibility of a school board in making decisions related to probationary status of teachers in the first three years in the district. Under HB 1347, the school board would have the ability to waive that probationary status if a teacher has worked for over three years in the profession. This is a pathway that allows those experienced, high quality teachers to retain the protections that are currently provided in NDCC.

Lastly, as hearing officers, our school board members are asked to take on a judicial role in the non-renewal process and make the ultimate decision. While this is a responsibility they accept when they become school board members, the reality is that these hearings have challenges. School board members are put in a situation to review facts and make fair determinations, but the environment is very often emotionally charged. This can make fact-based decision making difficult even for the most seasoned board member. The changes in HB 1347 would allow for the focus, for probationary teachers, to focus on facts and the evaluative process outlined in NDCC 15.1-15-01.

Anecdotally, I came from a state with a 3-year tenure law. Whether you call this probationary teacher, right to continuing contract with due process, or tenure – they all mean the same thing. What I would tell you and would be echoed by my colleagues from other states and those that serve here in North Dakota that have spent time in states with a 3-year plan in place before awarding tenure, it is a much better system for all involved. Teachers have the time they

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Executive Director: Aimee Copas-----Assistant Director: Russ Ziegler



AB 1347
3-13-14
Att 2
p. 4 of 4

deserve to acclimate under less pressure, administrators have time to appropriately observe and coach, and ultimately once that tenure is earned, it truly does help to retain good teachers in a school district. I can think of two or three teachers in my last school in South Dakota that I kept on board and ultimately resulted in a good teacher and a good fit, however, those same teachers in North Dakota, I would've either non-renewed after their first year. How unfortunate that would've been for them and for our school.

I ask that you support the changes to continuing contract laws through a Do Pass Recommendation on House Bill 1347 and that you maintain the bill in its current format. Rob would be open to questions and may be reached through email at Robert.Lech@k12.nd.us or through phone at (701) 252-1950.

Testimony in Support of HB 1347
ND Senate Education Committee
March 13, 2019
Dr. Mike Bitz
(701) 391-8664

Chairmen Schaible and members of the Senate Education Committee, thank you for allowing me to appear before you today in support of HB 1347. My name is Mike Bitz and I serve as the superintendent of Mandan Public Schools. I will be brief.

I want to begin by saying I am a licensed teacher and that I have been fortunate to work alongside hundreds of great teachers in my 30 years in education. I would never support a bill that I felt was harmful to the teaching profession. I support HB 1347, because the current system to dismiss a teacher is a miserable process that is broken for all parties involved. I feel I am uniquely qualified to speak on this issue, because I went through a Reduction in Force hearing as a teacher in 1989, I have been a board member of a special education unit and voted to dismiss a teacher in the early 2000's, and I have worked as a school administrator evaluating teachers and administrators since 1991.

Decisions about teacher retention should be made based on teacher evaluations and the facts and evidence surrounding the teacher. Unfortunately, the current teacher dismissal process has little to do with the facts and evidence surrounding the case; rather it is based on emotion. Asking elected school board members to publicly vote to dismiss a teacher in front of a room full of co-workers, friends, and family members is a broken process. I've been in these rooms and it is incredibly uncomfortable for all involved and very seldom is the decision solely based on the merits of the teacher's work. Instead the decision is often based on emotion, with people crying, clapping, or booing. I can't imagine anyone

HB 1347
3-13-19
Att #3
p 2 of 2

thinking this process is the best way to decide if an employee is dismissed. I can think of no other profession where employees are dismissed in this emotionally charged manner.

If HB 1347 becomes law, it will not fix a broken system, but it will be a major improvement. It will more closely align ND teacher tenure laws with the 3 states that border ND. It will have no effect on the vast majority of teachers in this state. Teachers are in short supply and difficult to find, school administrators are not going to be dismissing teachers in an arbitrary manner. HB 1347 simply provides for a more professional process for all parties involved.

I appreciate the opportunity to appear before you today and I urge the committee to give HB 1347 a unanimous DO PASS recommendation. I would be happy to try to answer any questions you may have.



NDSBA

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HB 1347
3-13-19
AH #4
P. 1 of 2

HB 1347

Testimony of Amy De Kok

Senate Education

March 13, 2019

Chairman Schaible and members of the Senate Education Committee, my name is Amy De Kok. I am in-house Legal Counsel for the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. I am here today in support of HB 1347.

HB 1347 is straightforward. It extends the period of time after which a public school teacher in ND achieves tenure status from 1 year after licensure to 3 years. What this will mean is that after a teacher completes 3 years of employment with a public school district in ND, the teacher will achieve tenure status with that district and their employment cannot be terminated without the board of the school district complying with delineated notice requirements and undergoing a statutory nonrenewal due process proceeding.

Currently, ND law provides that a teacher achieves tenure status after just one year following licensure in the State of ND. The first year of teaching after licensure for most teachers can be a struggle. It involves a significant learning curve. Indeed, many teachers look back at that year and readily admit that they were not very effective and still had much to learn. Also, certain factors may impact a teacher's experience in that first year. For example, a teacher could have a particular difficult group of students that has an impact on his or her effectiveness and success that year. This in turn could impact the evaluations the teacher receives from administration and could lead to a recommendation to the board to nonrenew the teacher in advance of tenure status being achieved.

The law as it stands now forces school districts to make the decision on whether to continue employment of a teacher before the teacher completes that first year of teaching with less than 1 year of observation and evaluation OR to terminate the teacher's employment with the school district. Indeed, this decision is often made after only 4 or 5 months of classroom time. This is not good for the teacher or the district. Less than one year simply does not give sufficient opportunity for most public school teachers in their first year of licensure to acquire and demonstrate to a district employer the skills and experience to be an effective educator. It also does not give school districts sufficient time to mentor and provide meaningful

assistance to first year teachers before the decision of whether the teacher should transition into tenured status.

Despite the bill title, HB 1347 is not a probationary teacher bill and does not create a new “probationary” status for teachers. Rather, HB 1347 addresses tenure status for teacher and extends the non-tenured period to 3 years so that teachers and school districts may work together before tenure is achieved. The bill was amended in the House to include a requirement that the board of a school district offer as needed and based on the teacher’s evaluation, a teacher mentoring program for non-tenured teachers. This will provide appropriate mentoring and assistance to a teacher to develop the appropriate skills and experience to be an effective teacher.

For these reasons, NDSBA stands in support of HB 1347 and encourages this committee to give it a do pass recommendation. Thank you for your time, and I will stand for any questions.



North Dakota Small Organized Schools

SB 1347
3-13-19
AH #5
p10f1

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March 9, 2019

Chairman Schaible, and Members of the ND Senate Education Committee,

For the record, my name is Mr. ElRoy Burkle, Executive Director of North Dakota Small Organized Schools (NDSOS).

NDSOS goes on record of supporting HB 1347. The timeline for new teachers to become comfortable in the teaching profession is 3 to 5 years of classroom experience. This statement is based upon my professional experiences/observations as a former secondary principal or serving combined roles as superintendent/elementary principal or secondary principal. Transition from the university setting to the classroom setting can be a challenge. The 'high flyers' will grasp the entire teaching and learning culture quickly and become highly successful. There are a few, however, that need additional encouragement, guidance, and mentoring. To me, this bill allows for BOTH the administration and marginal teachers the necessary time to work towards developing and implementing proven instructional practices that will allow for success. A year with today's expectations to determine tenure is simply inadequate.

A lot has changed from when I started teaching and I believe this bill provides additional time to truly evaluate and provide appropriate assistance, when needed, for struggling teachers during their first three years of employment. Additionally, NDCC 15.1-15-01 requires two performance reviews during the first three years employed as a teacher. This bill would create an alignment to that process.

Thank you for your time and I shall stand for questions.

Respectfully,

s/s Mr. ElRoy Burkle

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Dr. Steven Johnson, Supt. Lisbon

The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.

Chairman Schaible and Members of the Committee,

My name is Erin Jacobson and I am the Coordinator of the North Dakota Teacher Support System. I am here today to discuss HB 1347 in regard to the 7th line which states, "The board of a school district shall offer, as needed, based on the teacher's evaluation, a teacher mentoring program for probationary teachers." . Probationary teachers are currently defined as teachers in their first three years of teaching in the state. According to the Century Code, mentors are allowed to serve first year teachers or if the school district is not in need of mentors for its first year teachers, select and train experienced teachers who will work with school district administrators to identify the needs of the non-first year teachers.

The North Dakota Teacher Support System currently has a first year teacher program that has tripled in size in the past eight years. Through the mentoring program we have provided training to 1,583 mentors. These mentors have mentored 2,700 first year teachers in our state.

It has been our goal to support first year teachers with a trained mentor who is required to hold regular one on one conferences, observe, give feedback and engage the first year teacher in a professional growth cycle. The requirements of our mentoring program are based on current research from national organizations such as: The New Teacher Center and Learning Forward. Receiving a mentor in our program has been viewed as a positive opportunity. The majority of first year teachers have the mindset of "I get to be mentored". We work hard to maintain a positive and growth focused support system for our teachers.

We have compared the retention of teachers in our state who received a mentor in our program to teachers who did not receive a mentor in our program. The data shows, on average we retain 11% more teachers who are mentored compared to those who are not mentored. Currently, it is estimated from a report from the Learning Policy Institute, each teacher who leaves the profession costs the district an average of \$20,000 in recruitment, hiring and training of a replacement. This means that it is costing our state approximately \$1.78 million every three years when first year teachers are not mentored.

Our teachers are working harder and harder with increasing demands. Beginning teachers need our support. They need the support of a trained mentor. I believe that through the use of the state mentoring program, we can retain effective educators. Please consider the definition of a mentoring program when you are considering this bill.

Thank you. I am happy to answer any questions you have.

NDTSS Retention Study 2018-19

Year	# of mentored first year teachers	Retention Rate	# of first year teachers <u>not</u> mentored	Retention Rate	Difference in Retention Rate
2017-18	211	94.3%	257	85.6%	8.7%
2016-17	258	90.7%	304	74.7%	16%
2015 -16	273	82.5%	340	77.2%	5.3%
TOTALS	742	901			

*data collected from MISO3 form

*Teachers indicating zero years of experience in 2015-16, 2016-17, and 2017-18.

*In the three year study, 87 teachers mentored in NDTSS and 205 teachers who were **not** mentored in NDTSS are no longer teaching.

If we could assume that the non-mentored teachers could have been retained at the same rate as was demonstrated for the mentored teachers, the following additional teachers would have been retained.

Year	# of not mentored teachers x Difference in Retention Rate	Number of teachers
2017 - 18	257 x 8.7% =	22 teachers
2016 - 17	304 x 16% =	49 teachers
2015 - 16	340 x 5.3% =	18 teachers
	TOTAL	89 teachers

In the past three school years, if we could have mentored the 901 teachers who were not mentored, and retained them at the rate experiences by mentored teachers, 89 teachers would not have left teaching. At a cost of \$20,000 for recruitment, hiring and training a new teacher, retaining these 89 teachers would have saves the schools \$1.78 million dollars.



Great Public Schools

Great Public Service

**Testimony Before the Senate Education Committee
HB 1347
Wednesday, March 12, 2019**

Good morning, Chairman Schaible, and members of the Committee. For the record, I am Nick Archuleta and I am the president of North Dakota United. On behalf of our 11,500 members, I rise today to urge a DO NOT PASS recommendation for HB 1347.

Mr. Chairman, I am going to be perfectly frank: HB 1347 does one thing and one thing only--it makes it easier to dismiss teachers in their 2nd and 3rd years as professional educators. That's it.

HB 1347 does not direct school districts or administrators to ensure that processes are in place to help probationary teachers succeed. It does not call on them to do anything – anything – that they can be doing right now to improve teacher performance. For example, nothing in current statute prohibits administrators from accessing the state's mentoring program, also known as the Teacher Support System which is housed in the Education Standards and Practices Board.

Mr. Chairman, North Dakota United and our members agree with the proponents of the bill that no one wants underperforming teachers, teaching our children. The amount of time and resources our association spends counseling teachers out of the profession who were hired when they should not have been is considerable. We have no interest in fighting school boards and administrators who want to dismiss a teacher provided they have followed the laws established by the state and abided by the Negotiated Agreement they signed with the teachers in their district.

This bill, HB 1347, attempts to solve a problem that doesn't exist while having the unintended consequence that will lead to people not wanting to enter the teaching profession at all.

The case that was made by the proponents of this bill is predicated on two false theories: The first is that it is impossible to get rid of a teacher after his/her first year, so administrators are forced to get rid of first year teachers if their gut tells them that a first-year teacher is irredeemable.

The second false theory is that there is a startlingly high number of first year teachers being non renewed because it is impossible to fire them after year one.

Let's look at that first theory. A casual perusal of the Century Code proves it to be false. In short, the Century Code outlines the check list one must follow to non-renew or dismiss any non-probationary teacher:

- **do evaluations of the teacher;**
- **notify the teacher in the allotted time frame of the decision to non-renew;**
- **convince a simple majority of the school board that the decision to dismiss is the right call.**

Many veteran teachers are non-renewed well after their first year. Of those, very few go through the process of a formal hearing before their local school board. ND United helps teacher members work through the resignation process, while protecting their workplace rights in the process.

State law also allows for immediate discharge of any teacher, for cause, if their offense falls under these 7 categories:

1. **Immoral conduct.**
2. **Insubordination.**
3. **Conviction of a felony.**
4. **Conduct unbecoming the position held by the individual.**
5. **Failure to perform contracted duties without justification.**
6. **Gross inefficiency that the individual has failed to correct after written notice.**
7. **Continuing physical or mental disability that renders the individual unfit or unable to perform the individual's duties.**

As you can see, many of these categories are very broad and often interpreted a little more broadly than we would like. Teachers who are not performing can be removed from their jobs at the end of contract year or immediately if necessary.

To prove this point---a quick email to our staff asking if they are aware of any dismissals going on, lead to a response that currently eleven such cases are being worked in our office. None of the teachers being dismissed are in their first 3 year of teaching and none are likely to keep their jobs. In most cases we transition them out of the profession. I share this information with you, Mr. Chairman and members of the Committee, to assure you that there is a process involved in dismissing a teacher, but it is, mostly certainly, not impossible. We should quit pretending that it is.

It is not state law that makes it impossible to non-renew a teacher who is not succeeding. It is not state law that prevents administrators from offering the proper supports for teachers in their first year. At the end of the day, its about people. In North Dakota, we have many schools led by outstanding administrators. But not every school is so blessed. We have schools across the state staffed by great teachers, but not every teacher is a good fit for their school. Clearly, we need to make sure that both teachers and administrators have the tools they need to grow professionally if we are to achieve our goals for the students we serve. HB 1347 just makes it easier to fire teachers and that, in and of itself, does not get any of us closer to our goal.

Now let's look at the second false theory upon which HB 1347 is predicated. There is no authentic data from the proponents of this legislation that legitimizes the theory that so many probationary teachers are being fired after their first year because it is impossible to get rid of them beyond the first year. On the other hand, I don't have more than anecdotal evidence that proves it false either. I had a conversation with an NDU Field Consultant who has worked in our Fargo office for fifteen years. I asked her how many first year teacher dismissals she has helped with in her fifteen years there. Her answer was "only one."

I shared that story with a retired superintendent from a large district in ND. He commented that in his long career as a Superintendent, he had dismissed only a single first year teacher. My point here is that we can all relate anecdotal details to support our

HB 1347
3-13-19
AH #7
p 4 of 4

position on this bill. Why not study this issue, collect all the applicable and empirical data, and then make an informed decision?

Chairman Schaible, and members of the Committee, I would encourage a DO NOT PASS on HB 1347. I would also like you to know that ND United would support a study of the status of probationary teachers so that this legislature can craft policy based on facts, not suppositions. We stand ready to help teachers succeed. We look forward to working with the many thoughtful administrators in our state to develop a plan to craft a 21st Century approach to probationary teacher status. HB 1347 represents a top down, heavy handed and antiquated approach that will drive young people from the profession at exactly the time when we should be welcoming them into the profession.

For these reasons, Chairman Schaible, I urge a DO NOT PASS recommendation for HB 1347.

Thank you for the opportunity to convey the wishes of our membership to the Committee today. I am happy to stand for any questions.

HB 1347
3-13-19
A# #8
p 1 of 5

March 13th, 2019

Landen J. Schmeichel
330 Saturn Drive
Bismarck, ND 58503
(701)-425-6294

Testimony - HB 1347

Chairman and members of the Senate Education committee,

It is an immense honor to speak with you today. My name is Landen Schmeichel and I am a second year teacher in Bismarck. I am here to offer testimony in opposition to HB 1347, a bill related to extending the probationary period of public educators in ND from 1 to 3 years.

It's important that North Dakota citizens, legislators, administrators, universities, and other stakeholders demand high quality professionals to instruct our wonderful children, our future. Laws and processes should seek only to define and support the development of high quality educators. However, today I speak in opposition to HB 1347 for three reasons.

First, the effects of this bill would discourage aspiring educators from entering a profession already in need of more people. Across the state and across the nation, the number of people pursuing a teaching license continues to diminish. When individuals pursue a degree as challenging and complex as education, they should feel secure in their position to grow from an early educator into a polished teacher. Changing the probationary period from 1 to 3 years for new teachers would bear a significant weight on the minds of new teachers who, like me, seek to focus on perfecting our craft for the betterment of our students and their future.

In my discussions with fellow new teachers, the idea of transitioning from a 1 to a 3 year period is, quite frankly, disconcerting. When both my wife and I were hired as new teachers in Bismarck, we were able to invest immediately into the local economy - purchasing a home, paying property, sales, and income tax, along with establishing strong community ties to the neighbors surrounding us. Our story bears resemblance to many others' stories.

I collaborate with first, second, and third year teachers every day. The stress of teaching would only be inflated by the effects of HB 1347. Expanding a framework that would only result in destabilizing our livelihoods is not among the first tasks of

attracting new people to a profession as delicate and important as public education.

However, let me be clear, I'm not advocating that poor quality instructors be given a thousand chances to fail without their ineptitude being addressed. My second point has to do with this exact notion. If this bill's intent is to ensure high quality instruction, then the focus should be on mentorship, rather than extending probationary periods.

Currently, the state's first year mentorship program offers new teachers specific, personal, and confidential mentorship. Many of my colleagues refer to this system as a "life-saver," a real support for what can be a really tough job. Mentorship structures offer a place where veteran teachers can listen and maybe prescribe approaches tested by time and grit. According to research conducted on mentorship programs for new teachers, teacher efficacy and growth occurs at an incredible rate under such mentorship programs. If a teacher is struggling, if his or her craft demands improvement, then mentorship program extensions should perhaps be explored to a greater extent rather than extensions to probationary periods.

Finally, and maybe most importantly, I speak in opposition to HB 1347 because it runs opposite to what the real value and culture of

North Dakota really is. In places where critical shortages have been declared for every subject and content area by school districts, new teachers are in high demand and low supply.

Let's, for a minute, envision North Dakota after HB 1347's passage and signing into law. New educators are arriving to areas where teachers are demanded. Plausibly, these professionals would not be persuaded to settle down, buy a home, and invest in communities. As a result of their three year probationary period a new educator would likely be forced to pursue a condition with minimal financial risk, knowing that during this time his or her profession, salary, and livelihood could be uprooted. Taking a risk for a year is the burden society asks most individuals to bear in pursuit of the American Dream; asking young professionals to engage in this condition for three years is contrary to the spirit and culture that I think we hope to maintain and instill in "The Peace Garden State."

HB 1347 would hurt North Dakota's current new educators, it would discourage individuals in the future from entering the field of education, and it runs against what I believe is what makes this state better than the other 49. What hurts educators and our state is what hurts students, and this is why for the 100 plus students I am privileged to teach everyday, I urge you to vote no on this bill. I

HB 1347
3-13-19
Att #8
p.5 of 5

am grateful for your time, and I ask that you consider my words in your discussions and decisions.

I would be happy to answer any questions you might have.

March 18, 2019

HB 1347
3-19-19
AH #1
p1 of 2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1347

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "15.1-15-02" insert "and 15.1-18.2-05"

Page 1, line 2, after "contracts" insert "and a teacher support program"

Page 2, line 1, replace "waive" with ":

a. Extend"

Page 2, line 1, remove "with at least"

Page 2, line 2, replace "three years of teaching experience in the state" with "for one additional year, based on the results of a performance review under section 15.1-15-01; or

b. Extend probationary status for a teacher, who has more than two years of teaching experience but who is newly employed by the district, for one additional year"

Page 2, line 3, remove "offer, as needed, based on the teacher's"

Page 2, line 4, replace "evaluation," with ":

a. Inform every probationary teacher, immediately upon hire, of the availability of an option to enroll in"

Page 2, line 4, replace "for probationary teachers" with "provided pursuant to section 15.1-18.2-05;

b. Provide enrollment in the teacher mentoring program under section 15.1-18.2-05 to each probationary teacher, if required as a condition of a performance review, in the teacher's second year of probationary status, or third year of probationary status if the status of the teacher was extended; and

c. Provide written notice of enrollment under subdivision b and other supports provided to the teacher during the third year of probationary status"

Page 2, line 6, overstrike "teaching for"

Page 2, line 6, after "~~teach~~" insert "with"

Page 2, line 6, replace "three" with "two"

Page 2, line 7, after "years" insert "of full-time teaching experience, based on a school year as defined under section 15.1-06-03"

Page 2, after line 7, insert:

"SECTION 2. AMENDMENT. Section 15.1-18.2-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18.2-05. Teacher support program - Establishment.

The education standards and practices board shall:

1. Establish and administer a teacher support program;
2. Employ an individual to serve as a teacher support program coordinator;
3.
 - a. Select and train experienced teachers who will serve as mentors for first-yearprobationary teachers and assist the first-yearprobationary teachers with instructional skills development; or
 - b. If a school district or other employing entity listed in section 15.1-18.2-07 is not in need of mentors for its first-yearprobationary teachers, select and train experienced teachers who will work with school district administrators and administrators from the other employing entities to identify the needs of the non-first-yearnonprobationary teachers and help the non-first-yearnonprobationary teachers address their particular needs through the use of:
 - (1) Research-validated interventions; and
 - (2) Proven instructional methods."

Renumber accordingly

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1347

H B 1347
3-19-19
Att #2
p 1 of 3

Introduced by

Representatives Zubke, Mitskog, Owens, Schreiber-Beck

Senators Luick, Schaible

A BILL for an Act to amend and reenact ~~section~~sections 15.1-15-02 and 15.1-18.2-05 of the North Dakota Century Code, relating to probationary teacher contracts and a teacher support program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-15-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-15-02. ~~First-year~~Probationary teachers - Review of evaluations - Renewal and nonrenewal of contracts.

1. If the board of a school district contemplates not renewing the contract of an individual employed as a ~~first-year~~probationary teacher, the board shall review the individual's evaluations required by section 15.1-15-01 and meet with the individual in an executive session to discuss the reasons for the contemplated nonrenewal.
2. The individual employed as a ~~first-year~~probationary teacher may be accompanied by two representatives selected by the individual for the purpose of speaking on behalf of the individual and by the individual's spouse or one other family member.
3. No claim for relief for libel or slander may be brought regarding any communication made at an executive session of a school board held pursuant to this section.
4. If the board of a school district elects not to renew the contract of an individual employed as a ~~first-year~~probationary teacher, the board shall provide written notification of the decision, together with a detailed description of the board's reasons, to the individual no earlier than April fifteenth nor later than May first.
5. Failure by the board of a school district to provide the notification required by subsection 4 constitutes an offer to renew the individual's contract on the same terms and conditions as the individual's contract for the current year.

6. The board of a school district may ~~waive~~:

a. Extend probationary status for a teacher ~~with at least three years of teaching experience in the state~~ for one additional year, based on the results of a performance review under section 15.1-15-01; or

b. Extend probationary status for a teacher, who has more than two years of teaching experience but who is newly employed by the district, for one additional year.

7. The board of a school district shall ~~offer, as needed, based on the teacher's evaluation~~:

a. Inform every probationary teacher, immediately upon hire, of the availability of an option to enroll in a teacher mentoring program ~~for probationary teachers~~ provided pursuant to section 15.1-18.2-05;

b. Provide enrollment in the teacher mentoring program under section 15.1-18.2-05 to each probationary teacher, if required as a condition of a performance review, in the teacher's second year of probationary status, or third year of probationary status if the status of the teacher was extended; and

c. Provide written notice of enrollment under subdivision b and other supports provided to the teacher during the third year of probationary status.

8. For purposes of this section, a ~~"first-year~~probationary teacher" means an individual ~~teaching for the first school year since obtaining a license to teach~~ with less than ~~three~~two years of full-time teaching experience, based on a school year as defined under section 15.1-06-03.

SECTION 2. AMENDMENT. Section 15.1-18.2-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18.2-05. Teacher support program - Establishment.

The education standards and practices board shall:

1. Establish and administer a teacher support program;

2. Employ an individual to serve as a teacher support program coordinator;

3. a. Select and train experienced teachers who will serve as mentors for ~~first-year~~probationary teachers and assist the ~~first-year~~probationary teachers with instructional skills development; or

- 1 b. If a school district or other employing entity listed in section 15.1-18.2-07 is not in
- 2 need of mentors for its first-yearprobationary teachers, select and train
- 3 experienced teachers who will work with school district administrators and
- 4 administrators from the other employing entities to identify the needs of the
- 5 ~~non-first-year~~nonprobationary teachers and help the
- 6 ~~non-first-year~~nonprobationary teachers address their particular needs through the
- 7 use of:
- 8 (1) Research-validated interventions; and
- 9 (2) Proven instructional methods.

15.1-14-01. School district superintendent - Duties.

A school district superintendent shall:

1. Supervise the general operation of the school district.
2. Supervise the provision of education to students.
3. Visit the schools of the district.
4. Supervise school personnel.
5. Prepare and deliver reports requested by the board of the district.
6. Perform any other duties requested by the board.

15.1-14-02. School district superintendent - Bond.

A school district superintendent shall furnish to the school district a bond in an amount fixed by the board of the school district and equal to at least the maximum amount of money that may be subject to the superintendent's control at any one time. The bond must be conditioned for the faithful discharge of the superintendent's duties, including the maintenance of accurate financial records and the safekeeping and deliverance of all school property and funds that come under the superintendent's control. The bond must be written through the state bonding fund and must be obtained at the expense of the school district.

15.1-14-03. School district superintendent - Evaluation.

1.
 - a. On or before November fifteenth of each year, the board of a school district shall conduct an evaluation of the superintendent's performance.
 - b. On or before March fifteenth of each year, the board shall conduct a second evaluation of the superintendent's performance.
 - c. The board shall provide a copy of each evaluation report required by this subsection to the superintendent and shall place a copy of each report in the superintendent's personnel file.
2. If the board finds the superintendent's performance to be unsatisfactory in any area, the board shall detail its findings regarding the superintendent's performance in the report and shall make recommendations.
3. Upon receiving an evaluation report, the superintendent may provide a written response to the board. The board shall place the superintendent's written response in the superintendent's personnel file.
4. The board shall meet with the superintendent to discuss the evaluation.

15.1-14-03.1. Individual functioning as a principal and a superintendent - Treatment.

Notwithstanding the provisions of chapter 15.1-15, if an individual is employed by the board of a school district to function as both a school principal and a school district superintendent, that individual must be treated as a school district superintendent for all purposes related to the individual's evaluation, discharge, and nonrenewal, as set forth in accordance with sections 15.1-14-03 through 15.1-14-12.

15.1-14-04. School district superintendent - Grounds for dismissal.

The board of a school district may dismiss a school district superintendent prior to the expiration of the individual's contract for any of the following causes:

1. Immoral conduct.
2. Insubordination.
3. Conviction of a felony.
4. Conduct unbecoming the position of superintendent.
5. Failure to perform contracted duties without justification.
6. Gross inefficiency that the superintendent has failed to correct after written notice.
7. Continuing physical or mental disability that renders the superintendent unfit or unable to perform the superintendent's duties.

HB 1347
3-26-19
Att #1

15.1-14-05. School district superintendent - Discharge for cause - Notice of hearing - Legal expenses.

1. If the board of a school district intends to discharge a superintendent for cause prior to the expiration of the superintendent's contract, the board shall:
 - a. Provide the superintendent with a written description of the reasons for the discharge; and
 - b. Provide the superintendent with written notice specifying the date and time at which the board will conduct a hearing regarding the discharge.
2. If the superintendent chooses to be accompanied by an attorney, the legal expenses attributable to that representation are the responsibility of the superintendent.

15.1-14-06. School district superintendent - Discharge for cause - Hearing.

1. At the hearing, the superintendent may produce evidence and witnesses to rebut any reasons given by the board of the school district for its discharge of the superintendent.
2. The hearing must be conducted in accordance with chapter 28-32.
3. All witnesses are subject to cross-examination.
4. Unless otherwise agreed to by the board and the superintendent, the hearing must be conducted as an executive session of the board, except that:
 - a. The superintendent may invite to the hearing any two representatives to speak on behalf of the superintendent and may invite the superintendent's spouse or one other family member.
 - b. The board may invite to the hearing any two representatives to speak on behalf of the board and may invite the school district business manager.
5. If a continuance is requested by the superintendent, the board shall grant a continuance for a period not in excess of seven days. The board may grant a continuance in excess of seven days upon a showing of good cause.
6. No cause of action for libel or slander may be brought regarding any communication made at an executive session held by the board for the purposes provided in this section.

15.1-14-07. School district superintendent - Discharge for cause - Report to the education standards and practices board.

If the board of a school district discharges a superintendent for cause, the board shall report the discharge to the education standards and practices board.

15.1-14-08. School district superintendent - Suspension during discharge proceeding - Compensation.

The board of a school district may suspend a superintendent if, by unanimous vote, the board determines that suspension is appropriate during the period in which a discharge for cause is pursued. If the superintendent is ultimately discharged for cause, the board may determine the amount of compensation, if any, due the superintendent during the period of suspension. If the superintendent is ultimately not discharged, the board may not apply any reduction to the superintendent's salary for the period of suspension.

15.1-14-09. School district superintendent - Nonrenewal of contract - Reasons - Notice.

1. If the board of a school district contemplates not renewing the contract of a superintendent who has been employed by the board in that position for at least two consecutive years, the board shall on or before April fifteenth:
 - a. Provide written notification of the contemplated nonrenewal to the superintendent.
 - b. Schedule a hearing to be held on or before April twenty-first for the purpose of discussing and acting upon the contemplated nonrenewal.
 - c. Provide written notification of the date, time, and place for the hearing to the superintendent.

- d. Provide written notification of the reasons for the contemplated nonrenewal to the superintendent.
2. a. The reasons for the contemplated nonrenewal of the superintendent's contract must:
- (1) Be sufficient to justify the contemplated nonrenewal;
 - (2) Relate to the ability, competence, or qualifications of the superintendent; and
 - (3) Originate from specific findings documented in the formal evaluation of the superintendent's performance required by section 15.1-14-03.
- b. The provisions of this section do not apply if the contemplated nonrenewal is based on a necessary reduction in personnel.

HB 1347
3-26-19
AH #1

15.1-14-10. School district superintendent - Nonrenewal of contract - Hearing.

1. At the hearing required by section 15.1-14-09, the board of the school district shall present testimony or documentary evidence to substantiate the reasons for the contemplated nonrenewal of a superintendent who has been employed by the board in that position for at least two consecutive years.
2. The superintendent may call witnesses and present evidence necessary to refute the reasons for nonrenewal.
3. Each witness appearing on behalf of the board of the school district or the superintendent may be questioned for the purpose of clarification.
4. Unless otherwise agreed to by the board and the superintendent, the hearing must be conducted as an executive session of the board, except that:
 - a. The superintendent may invite to the hearing any two representatives to speak on behalf of the superintendent and may invite the superintendent's spouse or one other family member.
 - b. The board may invite to the hearing any two representatives to speak on behalf of the board and may invite the school district business manager.
5. If the superintendent chooses to be accompanied by an attorney, the legal expenses attributable to that representation are the responsibility of the superintendent.
6. If a continuance is requested by the superintendent, the board shall grant a continuance for a period not to exceed seven days.
7. No cause of action for libel or slander may be brought regarding any communication made at an executive session held by the board for the purposes provided in this section.
8. If, after considering the testimony and evidence presented at the hearing, the board chooses not to renew the contract of the superintendent, the board shall provide written notice of its decision to the superintendent on or before May first.

15.1-14-11. School district superintendent - Contract - Failure to provide notice of nonrenewal.

The contract of a school district superintendent is deemed to be renewed for a period of one year from its termination date if:

1. On or before April fifteenth, the board of a school district has not provided written notification to the superintendent regarding a contemplated nonrenewal of the superintendent's contract; and
2. On or before June first, the superintendent has not provided to the board a written resignation.

15.1-14-12. School district superintendent - Employed for less than two years - Notification of nonrenewal.

1. If the board of a school district elects not to renew the contract of a superintendent who has been employed by the board in that position for less than two years, the board shall provide written notice of the nonrenewal to the superintendent before May first. At the request of the superintendent, the board shall meet with the superintendent, in executive session, to convey the reasons for the nonrenewal.

2. No claim for libel or slander may be brought regarding any communication made at an executive session held in accordance with this section.

HB 1347
3-26-19
AH #1

15.1-14-13. Multidistrict special education unit - Director - Evaluation.

1. Before December fifteenth of each year, the board of a multidistrict special education unit shall conduct a formative evaluation of the director's performance.
2. Before March fifteenth of each year, the board shall conduct a formal evaluation of the director's performance. The board shall place a copy of the evaluation report in the director's file and shall provide a copy of the evaluation report to the director.
3. If the board finds the director's performance to be unsatisfactory in any area, the board shall detail its findings regarding the director's performance in the report and shall make recommendations.
4. Upon receiving the report, the director may provide a written response to the board. The board shall place the director's written response in the director's personnel file.
5. The board shall meet with the director to discuss the evaluation.

15.1-14-14. Multidistrict special education unit - Director - Grounds for dismissal.

The board of a multidistrict special education unit may dismiss a director prior to the expiration of the individual's contract for any of the following causes:

1. Immoral conduct.
2. Insubordination.
3. Conviction of a felony.
4. Conduct unbecoming the position of a director.
5. Failure to perform contracted duties without justification.
6. Gross inefficiency that the director has failed to correct after written notice.
7. Continuing physical or mental disability that renders the director unfit or unable to perform the director's duties.

15.1-14-15. Multidistrict special education unit - Director - Discharge for cause - Notice of hearing - Legal expenses.

1. If the board of a multidistrict special education unit intends to discharge a director for cause prior to the expiration of the director's contract, the board shall:
 - a. Provide the director with a written description of the reasons for the discharge; and
 - b. Provide the director with written notice specifying the date and time at which the board will conduct a hearing regarding the discharge.
2. If the director chooses to be accompanied by an attorney, the legal expenses attributable to that representation are the responsibility of the director.

15.1-14-16. Multidistrict special education unit - Director - Discharge for cause - Hearing.

1. At the hearing, the director may produce evidence and witnesses to rebut any reasons given by the board of the multidistrict special education unit for its discharge of the director.
2. The hearing must be conducted in accordance with chapter 28-32.
3. All witnesses are subject to cross-examination.
4. Unless otherwise agreed to by the board and the director, the hearing must be conducted as an executive session of the board, except that:
 - a. The director may invite to the hearing any two representatives to speak on behalf of the director and may invite the director's spouse or one other family member.
 - b. The board may invite to the hearing any two representatives to speak on behalf of the board and may invite the unit's business manager.
5. If a continuance is requested by the director, the board shall grant a continuance for a period not in excess of seven days. The board may grant a continuance in excess of seven days upon a showing of good cause.

6. No cause of action for libel or slander may be brought regarding any communication made at an executive session held by the board for the purposes provided in this section.

HB 1347
3-26-19
A# #1

15.1-14-17. Multidistrict special education unit - Director - Discharge for cause - Report to the education standards and practices board.

If the board of a multidistrict special education unit discharges a director for cause, the board shall report the discharge to the education standards and practices board.

15.1-14-18. Multidistrict special education unit - Director - Suspension during discharge proceeding - Compensation.

The board of a multidistrict special education unit may suspend a director if, by unanimous vote, the board determines that suspension is appropriate during the period in which a discharge for cause is pursued. If the director is ultimately discharged for cause, the board may determine the amount of compensation, if any, due the director during the period of suspension. If the director is ultimately not discharged, the board may not apply any reduction to the director's salary for the period of suspension.

15.1-14-19. Multidistrict special education unit - Director - Nonrenewal of contract - Reasons - Notice.

1. If the board of a multidistrict special education unit contemplates not renewing the contract of a director who has been employed by the board in that position for at least two consecutive years, the board, on or before April fifteenth, shall:
 - a. Provide written notification of the contemplated nonrenewal to the director.
 - b. Schedule a hearing to be held on or before April twenty-first for the purpose of discussing and acting upon the contemplated nonrenewal.
 - c. Provide written notification of the date, time, and place for the hearing to the director.
 - d. Provide written notification of the reasons for the contemplated nonrenewal to the director.
2. a. The reasons for the contemplated nonrenewal of the director's contract must:
 - (1) Be sufficient to justify the contemplated nonrenewal;
 - (2) Relate to the ability, competence, or qualifications of the director; and
 - (3) Originate from specific findings documented in the formal and written evaluations of the director's performance required by section 15.1-14-13.
- b. The provisions of this section do not apply if the contemplated nonrenewal is based on a necessary reduction in personnel.

15.1-14-20. Multidistrict special education unit - Director - Nonrenewal of contract - Hearing.

1. At the hearing required by section 15.1-14-19, the board of the multidistrict special education unit shall present testimony or documentary evidence to substantiate the reasons for the contemplated nonrenewal of a director who has been employed by the board in that position for at least two consecutive years.
2. The director may call witnesses and present evidence necessary to refute the reasons for nonrenewal.
3. Each witness appearing on behalf of the board or the director may be questioned for the purpose of clarification.
4. Unless otherwise agreed to by the board and the director, the hearing must be conducted as an executive session of the board, except that:
 - a. The director may invite to the hearing any two representatives to speak on behalf of the director and may invite the director's spouse or one other family member.
 - b. The board may invite to the hearing any two representatives to speak on behalf of the board and may invite the unit's business manager.

- 48.1347
3-26-19
AH# 1
5. If the director chooses to be accompanied by an attorney, the legal expenses attributable to that representation are the responsibility of the director.
 6. If a continuance is requested by the director, the board shall grant a continuance for a period not in excess of seven days.
 7. No cause of action for libel or slander may be brought regarding any communication made at an executive session held by the board for the purposes provided in this section.
 8. If, after considering the testimony and evidence presented at the hearing, the board chooses not to renew the contract of the director, the board shall provide written notice of its decision to the director on or before May first.

15.1-14-21. Multidistrict special education unit - Director - Contract - Failure to provide notice of nonrenewal.

The contract of a multidistrict special education unit director is deemed to be renewed for a period of one year from its termination date if:

1. On or before April fifteenth, the board of the multidistrict special education unit has not provided written notification to the director regarding a contemplated nonrenewal of the director's contract; and
2. On or before June first, the director has not provided to the board a written resignation.

15.1-14-22. Multidistrict special education unit - Director - Employed for less than two years - Notification of nonrenewal.

If the board of a multidistrict special education unit elects not to renew the contract of a director who has been employed by the board in that position for less than two years, the board shall provide written notice of the nonrenewal to the director before May first. At the request of the director, the board shall meet with the director to convey the reasons for the nonrenewal.

15.1-14-23. Area career and technology center - Director - Evaluation.

1. Before December fifteenth of each year, the board of an area career and technology center shall conduct a formative evaluation of the director's performance.
2. Before March fifteenth of each year, the board shall conduct a formal evaluation of the director's performance. The board shall place a copy of the evaluation report in the director's file and shall provide a copy of the evaluation report to the director.
3. If the board finds the director's performance to be unsatisfactory in any area, the board shall detail its findings regarding the director's performance in the report and shall make recommendations.
4. Upon receiving the report, the director may provide a written response to the board. The board shall place the director's written response in the director's personnel file.
5. The board shall meet with the director to discuss the evaluation.

15.1-14-24. Area career and technology center - Director - Grounds for dismissal.

The board of an area career and technology center may dismiss a director prior to the expiration of the individual's contract for any of the following causes:

1. Immoral conduct.
2. Insubordination.
3. Conviction of a felony.
4. Conduct unbecoming the position of a director.
5. Failure to perform contracted duties without justification.
6. Gross inefficiency that the director has failed to correct after written notice.
7. Continuing physical or mental disability that renders the director unfit or unable to perform the director's duties.

15.1-14-25. Area career and technology center - Director - Discharge for cause - Notice of hearing - Legal expenses.

HB 1347
3-26-19
Att #1

1. If the board of an area career and technology center intends to discharge a director for cause prior to the expiration of the director's contract, the board shall:
 - a. Provide the director with a written description of the reasons for the discharge; and
 - b. Provide the director with written notice specifying the date and time at which the board will conduct a hearing regarding the discharge.
2. If the director chooses to be accompanied by an attorney, the legal expenses attributable to that representation are the responsibility of the director.

15.1-14-26. Area career and technology center - Director - Discharge for cause - Hearing.

1. At the hearing, the director may produce evidence and witnesses to rebut any reasons given by the board of the area career and technology center for its discharge of the director.
2. The hearing must be conducted in accordance with chapter 28-32.
3. All witnesses are subject to cross-examination.
4. Unless otherwise agreed to by the board and the director, the hearing must be conducted as an executive session of the board, except that:
 - a. The director may invite to the hearing any two representatives to speak on behalf of the director and may invite the director's spouse or one other family member.
 - b. The board may invite to the hearing any two representatives to speak on behalf of the board and may invite the center's business manager.
5. If a continuance is requested by the director, the board shall grant a continuance for a period not in excess of seven days. The board may grant a continuance in excess of seven days upon a showing of good cause.
6. No cause of action for libel or slander may be brought regarding any communication made at an executive session held by the board for the purposes provided in this section.

15.1-14-27. Area career and technology center - Director - Discharge for cause - Report to the education standards and practices board.

If the board of an area career and technology center discharges a director for cause, the board shall report the discharge to the education standards and practices board.

15.1-14-28. Area career and technology center - Director - Suspension during discharge proceeding - Compensation.

The board of an area career and technology center may suspend a director if, by unanimous vote, the board determines that suspension is appropriate during the period in which a discharge for cause is pursued. If the director is ultimately discharged for cause, the board may determine the amount of compensation, if any, due the director during the period of suspension. If the director is ultimately not discharged, the board may not apply any reduction to the director's salary for the period of suspension.

15.1-14-29. Area career and technology center - Director - Nonrenewal of contract - Reasons - Notice.

1. If the board of an area career and technology center contemplates not renewing the contract of a director who has been employed by the board in that position for **at least two consecutive years**, the board shall on or before April fifteenth:
 - a. Provide written notification of the contemplated nonrenewal to the director.
 - b. Schedule a hearing to be held on or before April twenty-first for the purpose of discussing and acting upon the contemplated nonrenewal.
 - c. Provide written notification of the date, time, and place for the hearing to the director.

- HB 1347
3-26-19
AK #1
- d. Provide written notification of the reasons for the contemplated nonrenewal to the director.
 2. a. The reasons for the contemplated nonrenewal of the director's contract must:
 - (1) Be sufficient to justify the contemplated nonrenewal;
 - (2) Relate to the ability, competence, or qualifications of the director; and
 - (3) Originate from specific findings documented in the formal and written evaluations of the director's performance required by section 15.1-14-23.
 - b. The provisions of this section do not apply if the contemplated nonrenewal is based on a necessary reduction in personnel.

15.1-14-30. Area career and technology center - Director - Nonrenewal of contract - Hearing.

1. At the hearing required by section 15.1-14-29, the board of the area career and technology center shall present testimony or documentary evidence to substantiate the reasons for the contemplated nonrenewal of a director who has been employed by the board in that position for **at least two consecutive years**.
2. The director may call witnesses and present evidence necessary to refute the reasons for nonrenewal.
3. Each witness appearing on behalf of the board or the director may be questioned for the purpose of clarification.
4. Unless otherwise agreed to by the board and the director, the hearing must be conducted as an executive session of the board, except that:
 - a. The director may invite to the hearing any two representatives to speak on behalf of the director and may invite the director's spouse or one other family member.
 - b. The board may invite to the hearing any two representatives to speak on behalf of the board and may invite the center's business manager.
5. If the director chooses to be accompanied by an attorney, the legal expenses attributable to that representation are the responsibility of the director.
6. If a continuance is requested by the director, the board shall grant a continuance for a period not to exceed seven days.
7. No cause of action for libel or slander may be brought regarding any communication made at an executive session held by the board for the purposes provided in this section.
8. If, after considering the testimony and evidence presented at the hearing, the board chooses not to renew the contract of the director, the board shall provide written notice of its decision to the director on or before May first.

15.1-14-31. Area career and technology center - Director - Contract - Failure to provide notice of nonrenewal.

The contract of an area career and technology center director is deemed to be renewed for a period of one year from its termination date if:

1. On or before April fifteenth, the board of the center has not provided written notification to the director regarding a contemplated nonrenewal of the director's contract; and
2. On or before June first, the director has not provided to the board a written resignation.

15.1-14-32. Area career and technology center - Director - Employed for less than two years - Notification of nonrenewal.

If the board of an area career and technology center elects not to renew the contract of a director who has been employed by the board in that position for **less than two years**, the board shall provide written notice of the nonrenewal to the director before May first. At the request of the director, the board shall meet with the director to convey the reasons for the nonrenewal.

CHAPTER 15.1-15
CONTRACTS OF TEACHERS AND ADMINISTRATORS

HB 1347
3-26-19
AH #2

15.1-15-01. Performance reviews - Written reports.

1. a. The school district shall conduct two performance reviews of each individual employed as a teacher, a principal, or as an assistant or associate superintendent during each of the first three years an individual holds such a position. The school district shall prepare written reports of the individual's performance. The school district shall make the first yearly report available to the individual on or before December fifteenth. The school district shall make the second yearly report available to the individual on or before April fifteenth.
- b. If an individual begins employment as a teacher, a principal, or as an assistant or associate superintendent after January first, the school district shall conduct one review of the individual's performance. The school district shall make the written report available to the individual on or before April fifteenth.
2. Beginning with the fourth year of an individual's employment as a teacher, a principal, or as an assistant or associate superintendent, the school district shall conduct at least one review of the individual's performance each year. The school district shall prepare a written report of the individual's performance and make the report available to the individual on or before April fifteenth.

15.1-15-02. First-year teachers - Review of evaluations - Renewal and nonrenewal of contracts.

1. If the board of a school district contemplates not renewing the contract of an individual employed as a first-year teacher, the board shall review the individual's evaluations required by section 15.1-15-01 and meet with the individual in an executive session to discuss the reasons for the contemplated nonrenewal.
2. The individual employed as a first-year teacher may be accompanied by two representatives selected by the individual for the purpose of speaking on behalf of the individual and by the individual's spouse or one other family member.
3. No claim for relief for libel or slander may be brought regarding any communication made at an executive session of a school board held pursuant to this section.
4. If the board of a school district elects not to renew the contract of an individual employed as a first-year teacher, the board shall provide written notification of the decision, together with a detailed description of the board's reasons, to the individual no earlier than April fifteenth nor later than May first.
5. Failure by the board of a school district to provide the notification required by subsection 4 constitutes an offer to renew the individual's contract on the same terms and conditions as the individual's contract for the current year.
6. For purposes of this section, a "first-year teacher" means an individual teaching for the first school year since obtaining a license to teach.

15.1-15-03. Employment after January first - Review of evaluation - Renewal and nonrenewal of contracts.

Repealed by S.L. 2005, ch. 161, § 2.

15.1-15-04. Contracts - Renewals - Notice.

1. a. If the board of a school district elects not to renew the contract of a teacher, a principal, or an assistant or associate superintendent for the ensuing school year, the board shall provide written notification of the decision to the individual.
- b. The board may not notify the individual under this section earlier than March first nor later than May first of the school year in which the individual has been employed.

- c. The failure of a board to provide written notice under this subsection constitutes an offer to renew the individual's contract for the ensuing school year, under the same terms and conditions as the individual's current contract.
2.
 - a. No earlier than March first nor later than May first, the board of a school district shall provide to each individual offered a contract renewal notification of the date by which the individual must accept or reject the contract.
 - b. At least fourteen calendar days must pass between the notification required by this subsection, and the date by which the individual must accept or reject the contract.
3.
 - a. In order to accept an offer to renew a contract, including an offer generated by the failure of a board to provide written notice as required by subsection 1, an individual shall provide written notification of acceptance to the board on or before the date required by the board or May fifteenth, whichever is earlier. An individual accepting an offer to renew a contract is entitled to a written contract for the ensuing school year.
 - b. In order to reject an offer to renew a contract, including an offer generated by the failure of a board to provide written notice as required by subsection 1, an individual shall provide written notification of rejection to the board on or before the date required by the board or May fifteenth, whichever is earlier.
 - c. If an individual fails to provide notification of acceptance or rejection of an offer to renew a contract, the board is relieved of any continuing contract provisions.
4.
 - a. If negotiations are being carried on pursuant to chapter 15.1-16, the provisions of this section requiring the board of a school district to give an individual notice and requiring that the individual respond to the notice are suspended until the negotiations are completed.
 - b. If negotiations do not begin as required by subsection 5 of section 15.1-16-13, the board of a school district may provide notification to each individual offered a contract renewal.

15.1-15-05. Contracts - Contemplated nonrenewal - Reasons - Notice.

1. If the board of a school district contemplates not renewing the contract of an individual employed as a teacher, a principal, or as an associate or assistant superintendent, the board shall, no earlier than March first nor later than April fifteenth:
 - a. Provide written notification of the contemplated nonrenewal to the individual.
 - b. Schedule a hearing to be held on or before April twenty-first for the purpose of discussing and acting upon the contemplated nonrenewal.
 - c. Provide written notification of the date, time, and place for the hearing to the individual.
 - d. Provide written notification of the reasons for the contemplated nonrenewal to the individual.
2. The reasons for the contemplated nonrenewal of the individual's contract must not be frivolous or arbitrary. The reasons must be sufficient to justify the contemplated nonrenewal and must:
 - a. Originate from specific findings documented in the report of the individual's performance required by section 15.1-15-01 and relate to the individual's ability, competence, or qualifications; or
 - b. Originate from the needs of the district in justifying a reduction in the staff.

15.1-15-05.1. Principal - Employed for less than two years - Notification of nonrenewal.

1. If the board of a school district elects not to renew the contract of a principal, an assistant superintendent, or an associate superintendent, who has been employed by the board in that position for less than two years, the board shall provide written notice of the nonrenewal to the individual before May first. At the request of the individual, the board shall meet with the individual, in executive session, to convey the reasons for the nonrenewal.

2. No claim for libel or slander may be brought regarding any communication made at an executive session held in accordance with this section.

HB 1347
3-26-19
AH #2

15.1-15-06. Contracts - Contemplated nonrenewal - Hearing.

1. At the hearing required by section 15.1-15-05, the school district superintendent or a designee of the board shall present testimony or documentary evidence regarding the reasons for the contemplated nonrenewal of the individual's contract.
2. The board of the school district contemplating the nonrenewal of an individual's contract may call additional witnesses to present testimony or documentary evidence regarding the reasons for nonrenewal.
3. The individual whose contract is subject to nonrenewal may call witnesses and produce evidence necessary to refute the reasons for the nonrenewal.
4. Each witness appearing on behalf of the board of the school district or the individual whose contract is subject to nonrenewal may be questioned for the purpose of clarification.
5. The board of the school district shall review all testimony and evidence presented at the hearing and make a determination regarding the nonrenewal. If the board determines that the reasons for nonrenewal have not been substantiated, the board shall dismiss the nonrenewal proceedings.
6. Unless otherwise agreed to by the board of the school district and the individual subject to the nonrenewal, the hearing must be conducted as an executive session of the board, except that:
 - a. The individual may invite to the hearing any two representatives, and the individual's spouse or one other family member; and
 - b. The board may invite to the hearing any two representatives, the school district business manager, and the school district superintendent.
7. The individual subject to the nonrenewal may request one continuance. If a continuance is requested, the board of the school district shall grant a continuance not in excess of seven days.
8. No cause of action for libel or slander may be brought regarding any communication made in an executive session of the board held for the purposes provided in this section.
9. A determination by the board of a school district not to renew an individual's contract is, if made in good faith, final and binding on all parties.
10. If the board of a school district elects not to renew an individual's contract, the board shall provide notice of its determination to the individual in writing on or before May first.

15.1-15-07. Discharge for cause - Grounds.

The board of a school district may dismiss an individual employed as a teacher, a principal, or as an assistant or associate superintendent prior to the expiration of the individual's contract for any of the following causes:

1. Immoral conduct.
2. Insubordination.
3. Conviction of a felony.
4. Conduct unbecoming the position held by the individual.
5. Failure to perform contracted duties without justification.
6. Gross inefficiency that the individual has failed to correct after written notice.
7. Continuing physical or mental disability that renders the individual unfit or unable to perform the individual's duties.

15.1-15-08. Discharge for cause - Hearing.

1. If the board of a school district contemplates the discharge for cause of an individual employed as a teacher, a principal, or as an assistant or associate superintendent before the expiration of the individual's contract, the board shall petition the director of

the office of administrative hearings for appointment of an administrative law judge to preside over the hearing. The administrative law judge shall set the time and place of the hearing, direct the board to publish notice of the hearing, and direct the board to provide to the individual a list of charges at least five days before the hearing.

2. Except as otherwise provided in this section, the hearing must be conducted in accordance with chapter 28-32.
3. Unless otherwise agreed to by the board and the individual, the administrative law judge shall close the hearing, except for the parties, their legal representatives, witnesses, three invitees requested by the individual, and three invitees requested by the board.
4. The individual subject to the discharge may request one continuance. If a continuance is requested, the administrative law judge shall grant the continuance not in excess of seven days. Upon a showing of good cause by the individual, the administrative law judge may grant a continuance in excess of seven days.
5. No cause of action for libel or slander may be brought regarding any communication made in an executive session of the board held for the purposes provided in this section.
6. At the conclusion of the hearing, the administrative law judge shall provide all evidence presented at the hearing to the board in order that the board may make a determination regarding the discharge.
7. A determination of the board under this section may be appealed to the district court.
8. All costs of the services provided by the administrative law judge, including reimbursement for expenses, are the responsibility of the board.

15.1-15-09. Alleged child abuse - Discharge - Nonrenewal of contract - Limitations.

1. The board of a school district may not discharge or refuse to renew the contract of a teacher, a principal, or an assistant or associate superintendent solely because a report of suspected child abuse or neglect under section 50-25.1-05 alleges participation by the individual.
2. If a report of suspected child abuse or neglect under section 50-25.1-05 alleges participation by a teacher, a principal, or an assistant or associate superintendent, the individual may be suspended pending the outcome of the case by:
 - a. The board of the employing school district;
 - b. The superintendent of the employing school district, if authorized in accordance with subdivision b of subsection 22 of section 15.1-09-33; or
 - c. An individual charged with administering the district, if authorized in accordance with subdivision c of subsection 22 of section 15.1-09-33.

15.1-15-10. Suspension during discharge proceeding - Compensation.

1. The board of a school district may suspend an individual employed as a teacher, a principal, or as an assistant or associate superintendent if, by unanimous vote, the board determines that suspension is appropriate during the period in which a discharge for cause is pursued.
2. The board shall address the matter of the individual's suspension in an executive session, unless both the board and the individual agree that the matter may be addressed in the presence of others or at an open meeting of the board.
3. If the individual is ultimately discharged for cause, the board may determine the amount of compensation, if any, payable to the individual during the period of suspension. If the individual is ultimately not discharged, the board may not apply any reduction to the individual's salary for the period of suspension.

15.1-15-11. Discharge for cause - Report to education standards and practices board.

If the board of a school district discharges for cause an individual employed as a teacher, a principal, or as an assistant or associate superintendent, the board shall report the discharge to the education standards and practices board.

15.1-15-12. Nonapplicable provisions.

This chapter does not apply to:

1. Any individual employed to teach at an institution of higher education under the control of the state board of higher education;
2. Any individual employed to teach at the youth correctional center, North Dakota vision services - school for the blind, or the school for the deaf;
3. Any individual who replaces a teacher, a principal, or an assistant or associate superintendent while that teacher, principal, or assistant or associate superintendent is on a leave of absence or a sabbatical; and
4. Any individual employed by a school district as a teacher, a principal, an assistant superintendent, or an associate superintendent, provided the individual's term of employment begins on or after January first and does not extend beyond June thirtieth of the same school year.

HB 47
3-26-19
A# #2

March 25, 2019

HB 1347
3-26-19
AA #3

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1347

Page 1, line 1, replace "section" with "sections 15.1-14-09, 15.1-14-10, 15.1-14-12, 15.1-14-19, 15.1-14-22, 15.1-14-29, 15.1-14-30, 15.1-14-32,"

Page 1, line 1, after "15.1-15-02" insert ", and 15.1-15-05.1"

Page 1, line 2, replace "probationary teacher" with "school personnel"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 15.1-14-09 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-09. School district superintendent - Nonrenewal of contract - Reasons - Notice.

1. If the board of a school district contemplates not renewing the contract of a superintendent who has been employed by the board in that position for at least ~~two~~three consecutive years, the board shall on or before April fifteenth:
 - a. Provide written notification of the contemplated nonrenewal to the superintendent.
 - b. Schedule a hearing to be held on or before April twenty-first for the purpose of discussing and acting upon the contemplated nonrenewal.
 - c. Provide written notification of the date, time, and place for the hearing to the superintendent.
 - d. Provide written notification of the reasons for the contemplated nonrenewal to the superintendent.
2.
 - a. The reasons for the contemplated nonrenewal of the superintendent's contract must:
 - (1) Be sufficient to justify the contemplated nonrenewal;
 - (2) Relate to the ability, competence, or qualifications of the superintendent; and
 - (3) Originate from specific findings documented in the formal evaluation of the superintendent's performance required by section 15.1-14-03.
 - b. The provisions of this section do not apply if the contemplated nonrenewal is based on a necessary reduction in personnel.

SECTION 2. AMENDMENT. Section 15.1-14-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-10. School district superintendent - Nonrenewal of contract - Hearing.

1. At the hearing required by section 15.1-14-09, the board of the school district shall present testimony or documentary evidence to substantiate the reasons for the contemplated nonrenewal of a superintendent who has been employed by the board in that position for at least twethree consecutive years.
2. The superintendent may call witnesses and present evidence necessary to refute the reasons for nonrenewal.
3. Each witness appearing on behalf of the board of the school district or the superintendent may be questioned for the purpose of clarification.
4. Unless otherwise agreed to by the board and the superintendent, the hearing must be conducted as an executive session of the board, except that:
 - a. The superintendent may invite to the hearing any two representatives to speak on behalf of the superintendent and may invite the superintendent's spouse or one other family member.
 - b. The board may invite to the hearing any two representatives to speak on behalf of the board and may invite the school district business manager.
5. If the superintendent chooses to be accompanied by an attorney, the legal expenses attributable to that representation are the responsibility of the superintendent.
6. If a continuance is requested by the superintendent, the board shall grant a continuance for a period not to exceed seven days.
7. No cause of action for libel or slander may be brought regarding any communication made at an executive session held by the board for the purposes provided in this section.
8. If, after considering the testimony and evidence presented at the hearing, the board chooses not to renew the contract of the superintendent, the board shall provide written notice of its decision to the superintendent on or before May first.

SECTION 3. AMENDMENT. Section 15.1-14-12 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-12. School district superintendent - Employed for less than twethree years - Notification of nonrenewal.

1. If the board of a school district elects not to renew the contract of a superintendent who has been employed by the board in that position for less than twethree years, the board shall provide written notice of the nonrenewal to the superintendent before May first. At the request of the superintendent, the board shall meet with the superintendent, in executive session, to convey the reasons for the nonrenewal.

2. No claim for libel or slander may be brought regarding any communication made at an executive session held in accordance with this section.

SECTION 4. AMENDMENT. Section 15.1-14-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-19. Multidistrict special education unit - Director - Nonrenewal of contract - Reasons - Notice.

1. If the board of a multidistrict special education unit contemplates not renewing the contract of a director who has been employed by the board in that position for at least two~~three~~ consecutive years, the board, on or before April fifteenth, shall:
 - a. Provide written notification of the contemplated nonrenewal to the director.
 - b. Schedule a hearing to be held on or before April twenty-first for the purpose of discussing and acting upon the contemplated nonrenewal.
 - c. Provide written notification of the date, time, and place for the hearing to the director.
 - d. Provide written notification of the reasons for the contemplated nonrenewal to the director.
2.
 - a. The reasons for the contemplated nonrenewal of the director's contract must:
 - (1) Be sufficient to justify the contemplated nonrenewal;
 - (2) Relate to the ability, competence, or qualifications of the director; and
 - (3) Originate from specific findings documented in the formal and written evaluations of the director's performance required by section 15.1-14-13.
 - b. The provisions of this section do not apply if the contemplated nonrenewal is based on a necessary reduction in personnel.

SECTION 5. AMENDMENT. Section 15.1-14-22 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-22. Multidistrict special education unit - Director - Employed for less than two~~three~~ years - Notification of nonrenewal.

If the board of a multidistrict special education unit elects not to renew the contract of a director who has been employed by the board in that position for less than two~~three~~ years, the board shall provide written notice of the nonrenewal to the director before May first. At the request of the director, the board shall meet with the director to convey the reasons for the nonrenewal.

SECTION 6. AMENDMENT. Section 15.1-14-29 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-29. Area career and technology center - Director - Nonrenewal of contract - Reasons - Notice.

1. If the board of an area career and technology center contemplates not renewing the contract of a director who has been employed by the board in that position for at least ~~two~~three consecutive years, the board shall on or before April fifteenth:
 - a. Provide written notification of the contemplated nonrenewal to the director.
 - b. Schedule a hearing to be held on or before April twenty-first for the purpose of discussing and acting upon the contemplated nonrenewal.
 - c. Provide written notification of the date, time, and place for the hearing to the director.
 - d. Provide written notification of the reasons for the contemplated nonrenewal to the director.
2. a. The reasons for the contemplated nonrenewal of the director's contract must:
 - (1) Be sufficient to justify the contemplated nonrenewal;
 - (2) Relate to the ability, competence, or qualifications of the director; and
 - (3) Originate from specific findings documented in the formal and written evaluations of the director's performance required by section 15.1-14-23.
- b. The provisions of this section do not apply if the contemplated nonrenewal is based on a necessary reduction in personnel.

SECTION 7. AMENDMENT. Section 15.1-14-30 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-30. Area career and technology center - Director - Nonrenewal of contract - Hearing.

1. At the hearing required by section 15.1-14-29, the board of the area career and technology center shall present testimony or documentary evidence to substantiate the reasons for the contemplated nonrenewal of a director who has been employed by the board in that position for at least ~~two~~three consecutive years.
2. The director may call witnesses and present evidence necessary to refute the reasons for nonrenewal.
3. Each witness appearing on behalf of the board or the director may be questioned for the purpose of clarification.
4. Unless otherwise agreed to by the board and the director, the hearing must be conducted as an executive session of the board, except that:

- a. The director may invite to the hearing any two representatives to speak on behalf of the director and may invite the director's spouse or one other family member.
 - b. The board may invite to the hearing any two representatives to speak on behalf of the board and may invite the center's business manager.
5. If the director chooses to be accompanied by an attorney, the legal expenses attributable to that representation are the responsibility of the director.
 6. If a continuance is requested by the director, the board shall grant a continuance for a period not to exceed seven days.
 7. No cause of action for libel or slander may be brought regarding any communication made at an executive session held by the board for the purposes provided in this section.
 8. If, after considering the testimony and evidence presented at the hearing, the board chooses not to renew the contract of the director, the board shall provide written notice of its decision to the director on or before May first.

SECTION 8. AMENDMENT. Section 15.1-14-32 of the North Dakota Century Code is amended and reenacted as follows:

15.1-14-32. Area career and technology center - Director - Employed for less than twethree years - Notification of nonrenewal.

If the board of an area career and technology center elects not to renew the contract of a director who has been employed by the board in that position for less than twethree years, the board shall provide written notice of the nonrenewal to the director before May first. At the request of the director, the board shall meet with the director to convey the reasons for the nonrenewal."

Page 2, after line 7, insert:

"SECTION 10. AMENDMENT. Section 15.1-15-05.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-15-05.1. Principal - Employed for less than twethree years - Notification of nonrenewal.

1. If the board of a school district elects not to renew the contract of a principal, an assistant superintendent, or an associate superintendent, who has been employed by the board in that position for less than twethree years, the board shall provide written notice of the nonrenewal to the individual before May first. At the request of the individual, the board shall meet with the individual, in executive session, to convey the reasons for the nonrenewal.
2. No claim for libel or slander may be brought regarding any communication made at an executive session held in accordance with this section."

Renumber accordingly

March 18, 2019

AB 1347
3-26-19
AH#4
P. 1 of 2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1347

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "15.1-15-02" insert "and 15.1-18.2-05"

Page 1, line 2, after "contracts" insert "and a teacher support program"

Page 2, line 1, replace "waive" with ":

a. Extend"

Page 2, line 1, remove "with at least"

Page 2, line 2, replace "three years of teaching experience in the state" with "for one additional year, based on the results of a performance review under section 15.1-15-01; or

b. Extend probationary status for a teacher, who has more than two years of teaching experience but who is newly employed by the district, for one additional year"

Page 2, line 3, remove "offer, as needed, based on the teacher's"

Page 2, line 4, replace "evaluation," with ":

a. Inform every probationary teacher, immediately upon hire, of the availability of an option to enroll in"

Page 2, line 4, replace "for probationary teachers" with "provided pursuant to section 15.1-18.2-05;

b. Provide enrollment in the teacher mentoring program under section 15.1-18.2-05 to each probationary teacher, if required as a condition of a performance review, in the teacher's second year of probationary status, or third year of probationary status if the status of the teacher was extended; and

c. Provide written notice of enrollment under subdivision b and other supports provided to the teacher during the third year of probationary status"

Page 2, line 6, overstrike "teaching for"

Page 2, line 6, after "teach" insert "with"

Page 2, line 6, replace "three" with "two"

Page 2, line 7, after "years" insert "of full-time teaching experience, based on a school year as defined under section 15.1-06-03"

Page 2, after line 7, insert:

"SECTION 2. AMENDMENT. Section 15.1-18.2-05 of the North Dakota Century Code is amended and reenacted as follows:

HB 1347
3-26-19
Att # 4
p 2 of 2

15.1-18.2-05. Teacher support program - Establishment.

The education standards and practices board shall:

1. Establish and administer a teacher support program;
2. Employ an individual to serve as a teacher support program coordinator;
3.
 - a. Select and train experienced teachers who will serve as mentors for first-yearprobationary teachers and assist the first-yearprobationary teachers with instructional skills development; or
 - b. If a school district or other employing entity listed in section 15.1-18.2-07 is not in need of mentors for its first-yearprobationary teachers, select and train experienced teachers who will work with school district administrators and administrators from the other employing entities to identify the needs of the non-first-yearnonprobationary teachers and help the non-first-yearnonprobationary teachers address their particular needs through the use of:
 - (1) Research-validated interventions; and
 - (2) Proven instructional methods."

Renumber accordingly