

**2019 HOUSE EDUCATION COMMITTEE**

**HB 1416**

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau Room, State Capitol

HB 1416  
1/23/2019  
31269

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe by Marjorie Conley.

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

Relating to school calendar days and teacher professional development conferences.

## **Minutes:**

Attachment 1, 2

**Chairman Owens:** Opened the hearing on HB 1416

**Rep. Karls:** (See Attachment 1)

**Chairman Owens:** Are there any questions from the committee? Any more support for HB 1416?

**Alexis Baxley, School Board Association:** ( 2:45-3:11)

**Chairman Owens:** Any more support for HB 1416? Any opposition for HB 1416?

**Aimee Copas:** (See Attachment 2) (3:55-8:50)

Chairman Owens: Any questions from the committee?

Rep. Ron Guggisberg: Is the teacher's convention sponsored by DPI?

Aimee Copas: It is now called the fall administrators conference. It used to be years ago it was more directed toward Title 1, but now they really expanded it. It is now the North Dakota Public Instruction and they have various partners with their conference the week before and that includes ND United and a variety of others. We need to figure out the logistics and insure that the teachers are compensated so they can attend on the two days off.

Rep. Ron Guggisberg: Do all administrators belong to your organization?

Aimee Copas: end 11:00.

Chairman Owens others in opposition?

Elroy Burkle: (11:20 -13:00)

Chairman Owens: Opposition? Neutral?

Nick Archuleta, ND United: 13:45 – 16:00 The ND United did discontinue their fall instructional conference. As a result of those days they used to be paid days for teachers to attend but they became unpaid days. So as a result teachers had to make a decision, do I want to travel to attend the conference where the cost was all on them whether it was for child care, hotels or gas and food. So because those days weren't paid days the attendance did drop off and it got to the point that it wasn't cost effective to host anymore. We have partnered with the North Dakota Department of Public Instruction though with their fall conference and we have hundreds of teachers go there. They have paid days for teachers, so they are getting paid to get very positive, very valuable professional development.

**Chairman Owens:** Are there any question?

**Vice Chairman Cynthia Schreiber-Beck:** With the DPI conference, those are paid days and do they have substitute teachers?

**Mr. Archuleta:** The administrators who allow their teachers to come find out that is very valuable training and were willing to pay their substitutes.

**Vice Chairman Cynthia Schreiber-Beck:** To clarify, is there some information data that could point to rural schools, demographics.

**Mr. Archuleta:** I do believe that we have a list of those teachers that attended and by that we can figure out which communities they come from. I will try and get that information to you. The administrators are getting paid days. They get paid to be there.

**Chairman Owens:** Any further questions? Any other neutral on HB 1416?

**Kirstin Baesler, DPI:** (17:45 - 20:50)

**Chairman Owens:** Are there any questions for the committee?

**Rep. Ron Guggisberg:** So how close are we coming to get the administrative Conference under one roof?

**Kirstin Baesler:** end ( 23:12)

**Chairman Owens:** Any more neutral?

**Jeff Fastnacht, Assistant Supt., Mandan Public Schools:** (24:00 – 25:00)

**Chairman Owens:** neutral closed hearing.

# 2019 HOUSE STANDING COMMITTEE MINUTES

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

HB 1416  
1/23/2019  
31325  
19:00-21:25

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe

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

Relating to school calendar days and teacher professional development conferences

## Committee Work:

**Rep. Mary Johnson:** I **move** that we suspend the rules to allow two motions on the floor and should that pass I would move a **Do Not Pass** on HB 1416.

I think those in opposition made a very valid point that this is the only time that statewide they have a consistent two days off, so all the jurisdictions can meet. The other professional development days are negotiated through the teachers' contract, so they are going to vary from district to district. This is the only time that it is consistent statewide.

**Representative Denton Zubke: Seconded.**

**A Roll Call Vote was taken: Yes 12, No 0, Absent 2.**

**Do Not Pass carries. Rep. Ron Guggisberg will carry HB 1416.**

Date: 1-23-19  
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1416**

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. M. Johnson Seconded By Rep. D. Zubke

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

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. R. Guggisberg

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

**REPORT OF STANDING COMMITTEE**

**HB 1416: Education Committee (Rep. Owens, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1416 was placed on the Eleventh order on the calendar.

**2019 TESTIMONY**

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Rep. Karen Karls, District 35, Bismarck  
Testimony on HB 1416 -- January 23, 2019

For the record, I am Rep. Karen Karls, District 35 in Bismarck. As you can see, this is a simple bill. I've attached a 2<sup>nd</sup> sheet to my testimony illustrating the section of NDCC that is repealed by this bill. It's highlighted in yellow on the back side of the page.

I recently had the opportunity to spend time with a close relative who is a teacher in ND. She wondered why the dates for the ND Teachers' Convention are still on the school calendar when we haven't had a state teachers' convention for years. It surprised me; I don't have children in school any longer. I assumed, like lots of folks, that this annual convention still took place every October. She challenged me to introduce a bill to repeal this outdated section of code.

So, I am asking, "What is the point?" Wouldn't it make more sense, instead of starting the school year close to the middle of August, to use this time to delay it 2 days? Or, how about ending the school year 2 days sooner? I believe local school districts should have the flexibility to adjust their own calendar year.

Yesterday I received this email from my nephew, a high school teacher in ND:

**Sent:** Tuesday, January 22, 2019 7:44 AM  
**To:** kkarls@nd.gov  
**Subject:** Teachers' Convention Days

Hi Aunt Karen,

I believe that it should be up to the individual school districts whether or not they want to hold school those days. Since many aren't able to attend the convention it is better to use those days for instruction and have days off elsewhere, especially right before Christmas or when we need an extra snow day in March.

Thank you for your attention and I will try to answer any questions.

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**CHAPTER 15.1-06  
SCHOOLS**

**15.1-06-01. Schools free and accessible - School ages.**

1. Each public school must be free, open, and accessible at all times to any child provided:
  - a. The child may not enroll in grade one unless the child reaches the age of six before August first of the year of enrollment;
  - b. The child may not enroll in kindergarten unless the child reaches the age of five before August first of the year of enrollment; and
  - c. The child has not reached the age of twenty-one before August first of the year of enrollment.
2. Notwithstanding subsection 1, a school district may not enroll in grade one a child who is not six years old before August first, unless the child will be six years old before December first and:
  - a. The child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the school district, can demonstrate academic, social, and emotional readiness; or
  - b. The child has completed an approved kindergarten program.
3. Notwithstanding subsection 1, a school district may not enroll in kindergarten a child who is not five years old before August first unless the child will be five years old before December first and the child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the school district, can demonstrate superior academic talents or abilities and social and emotional readiness.
4. The requirements of this section are not applicable to the children of military families, to the extent that the requirements conflict with enrollment provisions otherwise agreed to by the state in the compact on educational opportunity for military children.

**15.1-06-02. School holidays.**

1. Schools may not be in session on the following holidays:
  - a. Any Sunday.
  - b. New Year's Day, the first day of January.
  - c. Good Friday, the Friday preceding Easter Sunday.
  - d. Memorial Day, the last Monday in May.
  - e. The anniversary of the Declaration of Independence, the fourth day of July.
  - f. Labor Day, the first Monday in September.
  - g. Veteran's Day, the eleventh day of November.
  - h. Thanksgiving Day, the fourth Thursday in November.
  - i. Christmas Day, the twenty-fifth day of December.
  - j. Any day declared to be a public holiday by the President of the United States or the governor.
2. Notwithstanding the provisions of subsection 1, if the first day of January, the fourth day of July, the eleventh day of November, or the twenty-fifth day of December is a Sunday, the school district shall observe the holiday on the following Monday.
3. Notwithstanding the provisions of subsection 1, if the eleventh day of November is a Saturday, the school district shall observe the holiday on the preceding Friday.
4. The board of a school district may direct that classes not be held on the day of a statewide election if the school is used as a polling place on that day.

**15.1-06-03. School year - Definition.**

The school year begins on July first and ends on June thirtieth the following year.

**15.1-06-04. School calendar - Length.**

1. A school district shall provide for a school calendar that includes:

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- a. At least one hundred seventy-five days of instruction;
  - b. Three holidays, as selected by the board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;
  - c. No more than two days for:
    - (1) Parent-teacher conferences; or
    - (2) Compensatory time for parent-teacher conferences held outside of regular school hours; and
  - d. At least two days of professional development.
2. a. A day of professional development must consist of:
    - (1) Six hours of professional development, exclusive of meals and other breaks, conducted within a single day;
    - (2) Six hours of cumulative professional development conducted under the auspices of a professional learning community; or
    - (3) Two four-hour periods of professional development, exclusive of meals and other breaks, conducted over two days.
  - b. If a school district offers a four-hour period of professional development, as permitted in this subsection, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. This subdivision does not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.
3. If because of weather a school must dismiss before completing a full day of instruction, the school is responsible for making up only those hours and portions of an hour between the time of early dismissal and the conclusion of a full day of classroom instruction.
  4. For purposes of this section, a full day of instruction consists of:
    - a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
    - b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

**15.1-06-04.1. School district calendar - Limitation.**

*Repeal*

1. A school district may not schedule school-sponsored, school-directed, or school-related activities, including instructional time, during any day that the superintendent of public instruction declares is in conflict with a professional development conference directed toward all teachers or all administrators and hosted by an educational organization in this state.
2. The declaration permitted by subsection 1 is limited to two days during a school year.

**15.1-06-05. Instructional days - Reconfiguration - Application.**

1. A school district may apply to the superintendent of public instruction for permission to reconfigure the number of instructional days required by section 15.1-06-04.
2. The superintendent of public instruction may approve an application under subsection 1 only if the reconfiguration of the required number of instructional days:
  - a. Makes available to each of the school district's elementary students at least nine hundred fifty-one and one-half hours of instructional time and makes available to each of the district's high school students at least one thousand thirty-eight hours of instructional time; and
  - b.
    - (1) Encourages innovation;
    - (2) Provides improved educational opportunities or enhanced academic opportunities for the students;
    - (3) Provides for greater flexibility in the use of a school by current students;
    - (4) Provides for greater flexibility in the use of a school by individuals or groups other than current students; or



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## HB 1416 – Professional development days retraction

NDCEL

Good morning Chair Owens and members of the House Education Committee. We are here to testify in opposition to the bill that would remove the area of century code that provides the opportunity for two days to be held as no-student-contact days in the school calendar for the purpose of professional development for all administrators or all teachers.

The ability to get as many administrators as possible together for training is a critical component to overall success in our educational systems of our state. We talk continually at the state level about the need to grow leadership and that conversation has spilled over to the national level as well. The only way to enable our schools to send all administrators to a conference at the same time is to be in a place where there is no school. Our smaller schools cannot afford to leave their buildings understaffed during instructional days.

For decades, there has been a Fall Administrators Conference held on two “no school” days. On those same days, for decades, there was a statewide teacher conference as well. While the attendance at the teacher’s conference waned over time, and is no longer sponsored by NDUnited, the Fall Administrators Conference has been continually held the same corresponding two days (the third Thursday and Friday) in October for years. This meeting is also a critical venue for a needed face to face NDHSAA board meeting. The attendance at this conference continues to show that over 80% of our school administrators in the state attend. This is an attendance percentage that is the envy of many. Why is it so high? There is a laser focus on the highest quality of professional development put forth based on a field-based needs assessment, answering to the PD needs of school administrators. We then bring in the most nationally highly qualified trainers to deliver that PD. Furthermore, we partner with the best local talent in ND and with a tight partnership with our REA’s to ensure they can provide subsequent support and to provide in-depth breakout sessions so administrators can tailor their conference. All while partnering with our ND Universities to offer graduate credit. Many indicate that this conference is at the quality level of a national conference...and it is done at a minimal cost.

Furthermore, we are getting closer all the time to being able to work with NDDPI to move their ND Fall Conference (formally known as the Title conference) to the same two days enabling MORE teachers to attend, and even potentially partnering on keynote speakers, etc. As you can see, these two days are and will continue to be well used. Having both conferences on the same days will save school districts an enormous amount of money and resources in substitute teachers. Additionally – school leaders have indicated that they would be far more likely to send MORE teachers to this conference because they wouldn’t need substitute teachers and would gladly cover the cost of attendance at the conference on a rotational basis.

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Removing the ability to have these two days set aside for this critical professional development would be a tremendous loss to our state. We strongly recommend a recommendation of DO NOT PASS on HB 1416.