

2021 HOUSE EDUCATION

HB 1467

2021 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1467
2/1/2021

Relating to the provision of pod education outside the classroom during a declared emergency or disaster

Chairman Owens called the hearing to order at 3:30 PM. Roll call was taken with Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, M. Johnson, Longmuir, Marschall, Pyle, Richter, Simons, Zubke, Hager and Guggisberg present.

Discussion Topics:

- History of pods in education
- Amendment 21.0850.01001 topic
- Learning styles - distance learning versus pod learning
- Homeschooling learning not including pod learning
- Guidance of curriculum

Rep. Paulson introduced HB 1467, #4690, #4683, #4682
Bette Grande, Roughrider Policy Center, answer question
Russ Ziegler, Asst. Director, NDCEL, #4477
Alexis Baxley, Exec. Director, ND SBA, #4569
Joe Kolosky, DPI, answer question

Additional written testimony:
#4401

Chairman Owens closed the hearing on HB 1467 at 4:12 PM

Bev Monroe, Committee Clerk

Thank you, Mr. Chairman. For the record, my name is Bob Paulson, and I represent District 3 in Minot. Mr. Chairman and members of the committee, I'm here to submit House Bill 1467 for your consideration.

This bill addresses the issue of POD schooling, an alternative educational approach being used by parents around the nation where in-person learning is not available due to COVID, especially in situations where virtual learning is not going well for their children.

I had them put a New York Times article on LAWS for your information that addresses the high points of the model of POD schooling.

This idea was brought to me after session had already begun, and after some brief research I thought it was worth a conversation with Superintendent Baesler. I met with her and members of her staff, and she gave the concept a favorable review as being potentially beneficial for North Dakota students. She graciously offered to have members of her staff, Mr. Joe Kolosky and Mr. Jim Upgren work with Legislative Council to draft the language that you see before you today. I greatly appreciate their efforts.

One example that might help define the need for POD schooling is one where two working parents are faced with the decision of how to supervise the education of their children when in person learning is not available. Faced with the decision of who will quit their job to be able to supervise the children, and then wrestling with how to make ends meet when reduced to one income with a two income budget, the opportunity to coordinate and cooperate with other friends or neighbors in a similar situation could provide some relief to this untenable situation. If four families were able to join forces in this scenario, you now have potentially eight parents contributing, and the option of only taking one day off a week or perhaps even less becomes a real possibility.

These parents, depending upon their qualifications and comfort level, could personally supervise the education of the children, hire a tutor, hire a retired teacher or use video-based education.

Again, this situation is happening around the nation and each situation is unique. What this bill seeks to do is to provide a structure in North Dakota where parents have a specific set of guidelines to follow as they proceed. Parents need assurances that in choosing to work voluntarily with other parents to create group educational activities for their children, they will not trigger regulatory or other burdens upon themselves, their households, or their children.

While learning pods are not new, the heightened awareness and utilization of the idea could be something positive to come out of a very challenging experience of the pandemic.

Parents grouping together to help advance or supplement their children's education should be encouraged, applauded, and protected.

Mr. Chairman, I have submitted a friendly amendment for the committee's review, which can also be found on LAWS. Page 1 lines 13-15 amends the definition of parent, page 1 line 18 adds the word or so that it amends the bill to be effective during a state of emergency or when in person learning is not feasible, page 1 line 23 it includes the scenario for if a state of emergency is declared on only a county wide level, and finally on page 3 lines 10-12 it clarifies that this bill would not impact the ability of homeschool families to collaborate in their homeschooling effort.

Mr. Chairman, that is the bill, and I'm happy to take questions available to field questions on the specific language of the bill.

21.0850.01001

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1467

Introduced by

Representatives Paulson, Richter, Satrom, Schauer, Schreiber-Beck

1 A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota
2 Century Code, relating to the provision of pod education outside the classroom during a
3 declared emergency or disaster.

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

5 **SECTION 1.** A new section to chapter 15.1-21 of the North Dakota Century Code is created
6 and enacted as follows:

7 Pod education - Remote learning - Emergencies.**8 1. As used in this section:**

- 9 a. "Collaborate" means communication, sharing of educational resources,
10 development of learning opportunities, delivery of educational instruction, and the
11 joint supervision of student pod education between parents of children in two or
12 more separate families.
- 13 b. "Parent" ~~includes~~ means a child's resident of the state who is a parent,
14 conservator, legal guardian, custodian, or other individual with legal authority to
15 act on behalf of a child.
- 16 c. "Pod education" means a program of instruction in which parents may collaborate
17 on the creation of lessons and delivery of instruction to students outside the
18 classroom during emergencies or when in-person classroom learning is not
19 feasible.
- 20 d. "Supervise" means the selection of materials, determination of an educational
21 philosophy, and oversight over the method, manner, and delivery of instruction to
22 students participating in pod education.
- 23 2. If the governor declares a county or statewide state of disaster or emergency that
24 affects the ability of schools to satisfy the requirements of this chapter through

1 in-person instruction, a parent may provide a student educational instruction through
2 pod learning.

3 3. A parent intending to supervise or supervising a child's participation in pod education
4 shall file a statement reflecting that intent or fact with the superintendent of the child's
5 school district of residence or, if no superintendent is employed, with the county
6 superintendent of schools for the child's county of residence.

7 4. The statement under subsection 3 must include:

8 a. The name and address of the child receiving pod education;

9 b. The child's date of birth;

10 c. The child's grade level;

11 d. The name and address of the parent who will supervise the pod education;

12 e. The qualifications of the parent who will supervise the pod education;

13 f. Any public school courses in which the child intends to participate and the school
14 district offering the courses; and

15 g. Any extracurricular activities in which the child intends to participate and the
16 school district or approved nonpublic school offering the activities.

17 5. The statement under subsection 3 must be accompanied by a copy of the child's
18 immunization record and proof of the child's identity as required by section 12-60-26.

19 6. The superintendent of the child's school district of residence or, if no superintendent is
20 employed, the county superintendent of schools for the child's county of residence
21 shall report the number of statements of intent filed in accordance with this section to
22 the superintendent of public instruction at the time and in the manner required by the
23 superintendent of public instruction.

24 7. A parent may supervise pod education if the parent holds a high school diploma or a
25 GED diploma.

26 8. A parent supervising pod education shall include instruction in the subjects required by
27 law to be taught to public school students. The instruction must have a duration of at
28 least four hours each day for a minimum of one hundred seventy-five days each year,
29 or until the governor rescinds the statewide state of disaster or emergency.

30 9. A parent supervising pod education shall maintain a record of courses taken by the
31 child and the child's academic progress assessments, including any standardized

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1467

Page 1, line 13, replace "includes" with "means"

Page 1, line 13, replace "child's" with "resident of the state who is a parent, conservator,"

Page 1, line 13, after "guardian" insert ", custodian, or other individual with legal authority to act on behalf of a child"

Page 1, line 16, after "emergencies" insert "or"

Page 1, line 21, after "a" insert "county or"

Page 3, after line 8, insert:

"12. This section may not be interpreted, construed, or implemented in a manner that would impair or affect collaborative learning, pod learning, or other programs of home education under chapter 15.1-23."

Renumber accordingly

What Parents Need to Know About Learning Pods

As many schools remain closed, families are seeking alternatives to the virtual classroom.

By Dani Blum and Farah Miller

Aug. 18, 2020

This fall, as schools across the United States start with either partial or full remote learning plans, parents are forming learning pods, or small groups of children who can learn together at home. These arrangements have quickly become a popular and, sometimes, divisive topic. A Pandemic Pods Facebook group was set up by families in San Francisco on July 7 and it already has almost 40,000 members. Google search traffic for “learning pods” has swelled since the start of August. Here’s what parents and teachers should know:

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What is a learning pod?

Learning pods — also called “pandemic pods,” micro-schools or nano-schools — are small groups of students (typically three to 10 children) who learn together outside the classroom but still in person. Some pods are hiring tutors to teach a child’s school curriculum; some pods are sharing teaching duties among parents. Other families are opting out of their kids’ schools entirely and treating a pod like a home-schooling co-op with an agreed-upon curriculum.

Why are parents and teachers turning to pods?

In July, The Times asked readers who were planning to form a learning pod, why they were doing so. The major reason cited of the 100 readers who responded, was safety from the coronavirus. Many of the parents and teachers said they wanted their children to have social interaction and in-person instruction. Some parents with small children said they were worried their kids would not have the attention spans needed for online learning and they thought having a teacher might help.

Educators often tout a set schedule as the most effective way to help kids feel safe. In lieu of real-time instruction from schools, parents are also hoping pods can provide a bit more structure. For working parents, a pod may ensure kids can get online and complete their coursework in a timely manner. “For parents who need to work and can’t supervise their children’s learning, joining a pod may feel like the only way they can educate their kids and keep their jobs,” Clara Totenberg Green, a social and emotional learning specialist in Atlanta Public Schools, wrote in an Op-Ed for The Times.

Are learning pods safe?

The more people in a pod, the risk for coronavirus exposure increases. That’s why parents should keep the number of kids low, with experts suggesting five or fewer students. Once you add in a teacher, siblings and family members, the pod could end up being linked to dozens of people.

CORONAVIRUS SCHOOLS BRIEFING: *It’s back to school — or is it?*

Sign Up

Ideally, just like in social pods that people have formed during coronavirus, families in learning pods shouldn’t socialize with people outside the pod unless they wear masks and remain socially distant. Pod members should be open and honest about their families’ health and activities with each other, and set clear rules around wearing masks and washing hands when the pod meets. Pods should also have an agreed-upon plan for what happens if someone tests positive, gets sick or is in a high-risk situation.

How do I find or create a learning pod near me?

Many pods are forming online via existing parenting Facebook groups and neighborhood listservs. Some communities have created new groups focused specifically on pods, to share resources and post calls for tutors and pod-mates.

Private schools and businesses have also started offering services to create learning pods: a start-up called Learning Pods connects groups with trained instructors; The Manhattan-based independent Portfolio School, along with the independent Hudson Lab School in Westchester and Red Bridge school in San Francisco, will hire and manage teachers and even help families negotiate pod agreements; and a frenzy of new education technology companies say they offer similar solutions.

For some families, though, groups are forming the traditional way — based on networks they had before the pandemic, made up of their kids' classmates, family friends or neighbors with similarly aged children.

How do I hire someone to teach our learning pod?

If you use services offered by Learning Pods, Selected For Families or SchoolHouse, they'll identify and vet instructors. You can also search online for tutors offering their services or get recommendations from private schools, which may not be able to bring back their entire staffs.

Parents hiring teachers on their own should ask about an instructor's teaching philosophy and background. Meg Flanagan, an educational consultant based in the Washington, D.C., area suggested hiring someone with a bachelor's degree in education who also meets your state's teaching requirements and, if possible, run a background check. Parents should also check references.

It's also a good idea to ask about any costs beyond the teacher's rate — for prep time, materials, transportation and other expenses — before you commit to a teacher.

Schools During Coronavirus ›

Class Disrupted

Updated Jan. 29, 2021

The latest on how the pandemic is reshaping education.

- A teacher's death in Houston has deepened fears and conflict over in-person instruction.
- A federal study in rural Wisconsin showed little in-school transmission, but there's wide debate over how to interpret the results.
- Classes are set to resume at the State University of New York at Oneonta, which had the worst fall outbreak of any public college in New York.
- Students didn't return to elementary schools in one New Jersey town after a tense week of debate and a boycott by some educators.

How much does it cost to have a learning pod?

Pod rates can range from \$30 an hour to \$100 or more. A single semester at the Hudson Lab School, for example, can cost more than \$13,000. A preschool pod offered through Learning Pods charges \$2,100 each month for a student in a pod of four.

Why are learning pods so controversial?

Given the high costs of learning pods, they may exacerbate inequalities between those who have the time and resources to network with potential pod-mates or hire private tutors and those who can't. In her Op-Ed, Green argued that pods will further contribute to racial segregation. "Children whose parents have the means to participate in learning pods will most likely return to school academically ahead, while many low-income children will struggle at home without computers or reliable internet for online learning," she wrote.

Are there ways to make learning pods equitable?

Some pod-related Facebook groups have discussed inviting low-income children into pods and subsidizing their costs, but sociologists warn this practice could create friction and ill will. Instead, people could consider donating to one of the many fund-raising campaigns families that have started online to cover the costs of learning pods for lower-income families. Organizations such as the mutual aid fund Black Education Pods have been set up to provide tutoring services to lower-income students.

Like so many new practices that have evolved during the pandemic, learning pods are evolving. As schools continue to make decisions about reopening (or shutting down again) and researchers learn more about the virus, it's clear that parents will keep trying to find creative ways to support their children's education and development.

Dani Blum is a news assistant on the Parenting desk. She graduated from the University of Pennsylvania in 2018.



HB 1467 – POD education outside the classroom during a declared emergency or disaster.

February 1, 2021

Chairman Owens and members of the House Education Committee. Thank you for the opportunity to testify on HB 1467. I am Dr. Russ Ziegler, assistant director for the North Dakota Council of Educational Leaders.

When the state went to all online learning last spring all stakeholders were put under a lot of stress and hardships. Parents were thrown into a situation where they had to help their children attend school online. Teachers had to change all of their curriculum to be presented and assessed online. We understand that this bill is trying to address those issues from the parents' perspective, however we feel that the main tenant of this bill is already available to families. We also feel that this bill may take away the support and resources that are available through the school.

There is nothing in current code that prohibits a group of parents to get together to help their children with school. During the COVID-19 pandemic when our state could not do in-person instruction the schools did their very best with making that transition. With the current code the students could still be utilizing the school's curriculum and following the standards while the parents created a pod to help their children with their schoolwork. Current code does not restrict a parent from setting up group tutoring sessions where items could be pre-taught or re-taught by one of them to a group of students. It is our concern with bill that a parent would withdraw their children from the school do to pod education, and in doing so would lose the resources and support that the schools have in place.

Another concern that we would have is that pulling the students out of school to do pod education would also remove them from the help and support of their teacher. Most teachers build good positive relationships with their students, they know where the students are educationally and try to do what is best for them. Removing them from the school also removes that very valuable resource, the teacher.

Because of this NDCEL would be in opposition of HB 1467 as it is currently written.



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

P.O. Box 7128
Bismarck ND 58507-7128
1-800-932-8791 • (701)255-4127
www.ndsba.org

HB 1467
House Education Committee
February 1, 2021
Testimony of Alexis Baxley

Good afternoon Chairman Owens and members of the House Education Committee. My name is Alexis Baxley, and I serve as the executive director of the North Dakota School Boards Association. NDSBA represents the elected school boards of all 175 public school districts and several special education units in North Dakota.

The North Dakota School Boards Association stands in opposition to HB 1467. We recognize the difficulties distance learning created for many parents and families in 2020. However, we believe there is nothing in state law that would have prohibited multiple families from gathering to supervise the distance learning provided by the local school district and adhering to state standards.

We are concerned with the sections of the bill that would allow the supervising parent to select or create the curriculum and instruction of their choice. Parents and students already have the opportunity to do this through homeschooling if they wish to make that choice.

If a parent's intention is to opt their children into pod education only for the duration of the emergency, and then return to the public setting, we have concerns about how school districts would be tasked with transitioning students who were without their classroom supports and potentially not adhering to the standards students who did not opt into pod education were.

The bill specifically exempts participants in pod education from four sections of NDCC, including NDCC § 15.1-21, the section of code related to curriculum and testing. However, students would only be exempt from these requirements for as long as they are using pod education. As soon as they return to public school, these requirements would apply, and school districts would be on the hook to assess where students are at in relation to mandated curriculum content and state standards. Any students who are behind or whose pod education did not adhere to state standards are likely to lag behind other students, potentially requiring additional instruction. While the bill prohibits districts from being held liable for any damages resulting from a parent's failure to educate a child under this section, they will be held liable for that student's test scores upon their return to the public school setting.

NDSBA is opposed to HB 1467 for these reasons, and requests that the committee to give the bill a do not pass recommendation. I would be happy to answer any questions.

Chairman Owens and Committee Members,

My name is Theresa Deckert. I serve as the Office Administrator for the North Dakota Home School Association and am also on the board of directors. I submit testimony today on the behalf of our association.

The North Dakota Home School Association Board of Directors supports the right of parents to choose the best educational option for their children. We are neutral on this bill in its current form.

“Pod schooling” does not fit within the realm of the current homeschool law and we would not want to see it included in the homeschool code. It should remain a separate and distinct form of education.

However on a personal note, I can share with you from the perspective of working for the state homeschool association. This bill does address an area that was a real need during the pandemic. Not all parents were comfortable with sending their children to on site classes, possibly because of health issues, but neither were they able to stay home and supervise their young child’s education. I received many calls asking about pod schooling these past months. I do not really see any part of state law that currently allows for this form of education. The legislature may need to be proactive in establishing another alternative for parents in the light of some future emergency disaster.

Thank you,

Theresa Deckert
4631 76Th AVE NE
Devils Lake, ND
701-662-4790
District 15

Bill Actions for HB 1467

Introduced by Rep. Paulson, Richter, Satrom, Schauer, Schreiber-Beck

A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to the provision of pod education outside the classroom during a declared emergency or disaster.

Date	Chamber	Meeting Description	Journal
01/18	House	Introduced, first reading, referred Education Committee	<u>HJ 281</u>
02/01	House	Committee Hearing 03:30	
02/05	House	Request return from committee	<u>HJ 503</u>
		Withdrawn from further consideration	<u>HJ 503</u>