

# EDUCATION POLICY COMMITTEE

The Education Policy Committee was assigned two studies:

- Section 23 of House Bill No. 1013 (2017) directed a study of the feasibility and desirability of combining services for any and all English language learner programs, distance learning programs, regional education associations, teacher center networks, adult learning centers, career and technical education programs, education technology services, continuing education for counselors, educational leadership, and the teacher mentor program.
- Section 5 of House Bill No. 1324 (2017) directed a study of entities that deliver K-12 professional development services, distance curriculum, support for schools in achieving school improvement goals, assistance with analysis and interpretation of student achievement data, and technology support services. The study directive required a focus on the funding, governance, nature, scope, and quality of services provided to schools. The study directive also required a focus on the duplication of services across entities and the accountability for expenditures. The study directive required identification of efficiencies and the feasibility and desirability of consolidating services.

The committee was directed to receive the following reports from the Superintendent of Public Instruction:

- A report regarding requests from a school or school district for a waiver of any rule governing the accreditation of schools.
- A report regarding waivers applications under North Dakota Century Code (NDCC) Section 15.1-06-08.1.
- An annual report regarding the innovative education program, including the status of the implementation plan, a summary of any waived statutes or rules, and a review of evaluation date results.
- A report regarding the compilation of test scores of a test aligned to the state content standards in reading and mathematics given annually to students in three grades statewide.

The committee also was directed to receive a report from the Education Standards and Practices Board (ESPB) regarding electronic satisfaction survey results of all interactions with individuals seeking information or services from the board.

Committee members were Senators Erin Oban (Chairman), Kyle Davison, Richard Marcellais, Donald Schaible, and Shawn Vedaa and Representatives Rich S. Becker, Ron Guggisberg, Mary Johnson, Donald Longmuir, Andrew Marschall, David Monson, Bill Oliver, Mark S. Owens, Matthew Ruby, and Cynthia Schreiber-Beck.

Due to similarities in the nature and scope of the two assigned studies, the committee elected to combine the studies into one comprehensive study.

The committee submitted this report to the Legislative Management at the biennial meeting of the Legislative Management in November 2018. The Legislative Management accepted the report for submission to the 66<sup>th</sup> Legislative Assembly.

## EDUCATION ENTITIES PROVIDING SERVICES TO SCHOOLS IN THE STATE

In North Dakota, educational entities that provide K-12 services are separate stand-alone bodies, and each entity has its own governance model and no clear shared goals. The studies were proposed to address concerns that the current model of providing K-12 services has led to the duplication of services among entities, which has led to inefficiencies in the overall delivery of services. The committee began its work by receiving information from those education entities, including information related to the budget, governance, services offered, quality assurances, any duplication of services the entities provide in conjunction with other entities, and potential areas to create efficiencies.

### Background

#### Constitutional and Statutorily Created Entities

Section 2 of Article V of the Constitution of North Dakota includes the Superintendent of Public Instruction among the officials to be elected by the voters of the state. That section provides the duties and powers of the Superintendent of Public Instruction must be prescribed by law. Section 1 of Article VIII of the Constitution of North Dakota requires the Legislative Assembly to provide for a system of public schools open to all children of the state. Section 2 of Article VIII of the Constitution of North Dakota requires the system of public schools to begin with primary education and extend through all grades. North Dakota Century Code Chapter 15.1-03 establishes the Department of Public Instruction (DPI) to be administered by the Superintendent of Public Instruction. The general duties of the Superintendent of Public Instruction are established under NDCC Chapter 15.1-02. The Superintendent of Public Instruction has numerous statutory duties and responsibilities, including supervising elementary and secondary education in the state, the establishment and maintenance of schools, the development of course content standards, the assessment of students,

determining the outcome of appeals regarding education matters, and directing school district annexation, reorganization, and dissolution.

There are a number of entities under the supervision of DPI, including the State Library under NDCC Chapter 54-24, the School for the Blind under NDCC Chapter 25-06, the School for the Deaf under NDCC Chapter 25-07, and special education units under NDCC Chapters 15.1-32 and 15.1-33.

In addition to DPI, there are a number of legislatively created entities that provide K-12 services in the state, including regional education associations (REAs), ESPB, and the Department of Career and Technical Education (CTE).

The Education Standards and Practices Board is established in NDCC Chapter 15.1-13, and is primarily responsible for supervising the licensure of teachers in the state, setting standards for and approving teacher preparation programs, making recommendations for the inservice education of individuals engaged in the profession of teaching, and issuing major equivalency and minor equivalency endorsements. Under NDCC Section 15.1-13-02, the board consists of 10 members appointed by the Governor. In addition to statutory provisions, ESPB has adopted administrative rules under North Dakota Administrative Code Title 67.1 which detail the licensing requirements for teachers, professional practices, and professional development requirements.

The Department of Career and Technical Education was established under NDCC Chapter 15-20.1. The purposes of the department include formulating plans for the promotion of career and technical education in subjects essential and integral to the public school system of education in the state, providing for the preparation of teachers, conducting studies and investigations relating to career and technical education, promoting and aiding in the establishment of schools, departments, and classes related to career and technical education, and prescribing the qualifications and providing for the certification of career and technical education teachers, directors, and supervisors.

Regional education associations are authorized under NDCC Chapter 15.1-09.1. Regional education associations are a group of school districts that have entered a joint powers agreement to coordinate and facilitate professional development activities for teachers and administrators employed by the member school districts; supplement technology support services; assist with achieving school improvement goals identified by the Superintendent of Public Instruction; assist with the collection, analysis, and interpretation of student achievement data; and assist with the expansion and enrichment of curricular offerings. Under NDCC Section 15.1-09.1-02, the Superintendent of Public Instruction must review the joint powers agreement and verify a specific set of criteria have been met in order for the school districts under the joint powers agreement to be designated as an REA. There are eight REAs in the state.

Under NDCC Section 54-59-03, the Governor is responsible for appointing the Chief Information Officer, who administers the Information Technology Department (ITD). North Dakota Century Code Section 54-59-02 states ITD has the "responsibility for all wide area network services planning, selection, and implementation for all state agencies, including institutions under the control of the board of higher education, counties, cities, and school districts in the state." The section also states the services include services necessary to transmit voice, data, or video outside the county, city, or school district and ITD is responsible for support services, host software development, statewide communication services, standards for providing information to other state agencies and the public through the Internet, technology planning, process redesign, and quality assurance.

North Dakota Century Code Sections 54-59-17 and 54-59-18 establish the Educational Technology Council, the council's membership, and the council's powers and duties. The council is responsible for developing and coordinating educational technology initiatives for elementary and secondary education. While not specifically statutorily referenced, EduTech was created under the umbrella of the Educational Technology Council within ITD to strengthen education technology tools and support and training for educators. EduTech offers services including antivirus software to schools, email access, online surveys, training workshops, videoconferencing, and web hosting. The Educational Technology Council also is responsible for hiring the Director for the North Dakota Center for Distance Education.

North Dakota Century Code Chapter 15-19 relates to distance education and establishes the North Dakota Center for Distance Education for the purpose of providing distance education to students. The students are not required to be residents of the state to be eligible to receive services. The center provides a curriculum determined proper and suitable by the Superintendent of Public Instruction. All programs and activities of the center are provided for under the supervision of the Educational Technology Council.

### **Nongovernmental Entities**

There are numerous entities not under government control which generally exist to advocate and work to influence particular causes and which provide professional educational services in the state. Among these entities are the North Dakota Science, Technology, Engineering, and Math Network; North Dakota United; the North Dakota School Boards

Association; the North Dakota Council of Educational Leaders; the Anne Carlsen Center; the American Indian Education Association; the State Association of Non-Public Schools; and the North Dakota Association of Technology Leaders.

## **Testimony and Committee Considerations**

### **Department of Public Instruction**

The committee received information from a representative of DPI regarding the budget, governance, services, quality assurance, duplication of services, and efficiencies of the department. The Superintendent of Public Instruction oversees 175 operational public school districts in the state. The Department of Public Instruction serves 373 school buildings, 5 Bureau of Indian Education schools, 53 non-public schools, and 4 state institutions. There are over 106,000 public school students in the state, 6,500 non-public school students, 1,500 Bureau of Indian Education students, and 2,800 home-educated students. The department's budget of \$2,333,849,760 for the 2017-19 biennium, which includes general funds, federal funds, and special funds, is allocated as follows: \$1,935,204,163 to schools as state aid; \$266,532,705 for grants to schools; \$55,400,000 for transportation; \$30,165,005 for operating expenses; \$19,300,000 for special education contracts; and \$17,439,176 is for salaries and fringe benefits.

There are 14 divisions and offices within DPI to help fulfill the superintendent's constitutional and statutory duties and responsibilities. The department measures the quality of services provided through a number of indicators, including assessment results, graduation rates, remediation rates, and post-secondary enrollment. In an attempt to eliminate inefficiencies, the department reported it has reduced the number of full-time equivalent positions from 99 in 2013, to 89 in 2018 through consolidation of job responsibilities. The department also reported it has eliminated the need to lease office space by consolidating all operating units into the Capitol, and in 2016 hired outside consultants to examine the department's business operations for strengths and weaknesses. The results of the consultation indicated the need for a strategic state vision for K-12 education, with alignment to the vision by all education entities in the state. As a result of the findings of the outside consultants, the department hired Greenway Strategy Group to lead and develop a strategic vision for education in the state with the help of a steering committee comprised of representatives of the education service provider entities in the state.

According to the testimony, the strategic steering committee analyzed stakeholder interviews, student input, and performance data following the K-12 environmental scan. The steering committee also defined the vision, mission, and long-term outcomes for education in the state, and developed strategic themes. The department developed strategic initiatives to meet the themes, organized action plans to accomplish the initiatives, and created monitoring and review processes.

### **Department of Career and Technical Education**

The committee received information from a representative of CTE regarding the budget, governance, services, quality assurance, duplication of services, and efficiencies of the department. It was reported CTE's budget of \$41.3 million for the 2017-19 biennium is allocated as follows: \$23.1 million, plus \$5.6 million of federal funding, for education services to grades 9 through 12 and secondary education schools; \$300,000 for services to elementary and middle schools; \$2.3 million is for 2-year campuses with an additional \$2.5 million in federal funding; \$1.8 million for the adult farm management program; and \$4.9 million for department salary and operating expenses, with an additional \$800,000 in federal funding. More than 20,000 students are enrolled in career and technical education programs in the state.

The Department of Career and Technical Education serves school districts and 10 area centers, students, teachers, career development counselors, 2-year campuses, public and tribal schools, farmers and ranchers, and business and industry in the state. The services provided by CTE include reviewing and evaluating career and technical education programs in the state, approving new programs and coursework, providing technical assistance, helping to determine equipment and facility needs, providing performance data on students, making curriculum recommendations, providing curriculum framework, holding academic standards meetings, providing career planning tools and training, providing teacher professional development, and offering alternative teacher certification. The department assures the quality of services provided through post school evaluation questionnaires, post conference surveys, quarterly career and technical education administrator meetings, and broad membership within the department's board. Every school in the state with a career and technical education program is evaluated once every 5 years.

### **Education Standards and Practices Board**

The committee received information from a representative of ESPB regarding the budget, governance, services, quality assurance, duplication of services, and efficiencies of ESPB. The Education Standards and Practices Board serves all licensed teachers in the state by creating licensing standards, issuing licenses, creating educator program approval and accreditation standards, creating professional conduct standards with the ability to issue sanctions on licenses, and providing professional development for teachers. The board is composed of 11 members with a combination of public and private school teachers, school board members, school administrators, a dean of a college of education, and the Superintendent of Public Instruction as an ex-officio member. The board office has a five-person staff. The board, which does not receive any direct funding from the state, generates budget income through teacher

licensure fees. A teacher license costs between \$50 to \$150 plus application fees, depending on the type of license desired. The 2017-18 budget for the board is \$811,000.

The Education Standards and Practices Board assures the quality of services provided through a customer satisfaction survey given to stakeholders. The board makes adjustments to services provided based on feedback received. According to the testimony, ESPB is not aware of any duplication of services, as ESPB is the only teacher licensure entity in the state. It was noted ESPB operates efficiently with its minimal staff and budget income derived solely from license fees. The majority of states have licensing boards within the state's department of education. North Dakota; however, has a separate independent licensing board.

### **Regional Education Associations**

The committee received information from a representative representing the eight REAs in the state regarding the budget, governance, services, quality assurance, duplication of services, and efficiencies of regional education associations. According to the testimony, REAs are developed to impact students, teachers, and school supports and to collaborate with school districts on a regional basis to respond to needs. The regional education associations provide high-quality professional development; innovative and shared learning opportunities for schools, educators, and students; and support for statewide education initiatives and policy objectives. It was reported the REAs had a combined budget of \$28,449,337 for the 2015-17 biennium. Of the budget, 23 percent was state agency funding, 27 percent was federal funding, and 50 percent was private and local funding. The per student cost of services provided by the REAs is approximately \$118.

The testimony indicated REAs create efficiencies by capitalizing on relationships with schools, providing immediate access based on regional needs, collaborating and providing cost-sharing, sharing staff among schools, being creative and having flexible problem-solving capabilities, providing school improvement and data analysis assistance to schools, and being structured to communicate quickly and efficiently. The regional education associations also create efficiencies by collaborating to provide certain services with other agencies and entities in an interagency effort. The efforts include helping to offer virtual career and technical education centers, behavioral health and suicide prevention with the State Department of Health, and pre-service teacher training with the North Dakota University System.

The regional education associations assure the quality of services provided through teacher and student surveys. Ninety-three percent of public and nonpublic school districts in the state utilize REA services, and those school districts represent 98 percent of students in the state.

According to the testimony, all eight REAs are conducting a "needs" analysis. School districts were requested to prioritize the five statutory duties of REAs. It was reported school districts consistently indicated after professional development services, school improvement was the second priority, and the remaining duties were a mix of priorities depending on the school district. The school districts also requested assistance with curriculum assessment and instruction, behavioral issues, and innovative approaches from the REAs. It also was reported there have been ongoing services and merger discussions between REAs. It was noted, however, schools have made it clear that if a merger is to occur, the merger must be beneficial to the schools as well as the REAs. Finally, it was reported REAs are working to obtain certain grants from DPI for professional development services for schools.

### **Educational Technology Council and Center for Distance Education**

The committee received information from representatives of the Educational Technology Council, including EduTech, and the Center for Distance Education regarding the budget, governance, services, quality assurance, duplication of services, and efficiencies of the entities. The Educational Technology Council provides governance for both EduTech and the Center for Distance Education. The Educational Technology Council budget is \$1,121,472 for the 2017-19 biennium, which includes funding from general funds, special funds, and federal funds, is allocated as follows: \$432,000 for salaries and wages; \$88,000 for operating expenses; and \$600,000 for grants. EduTech's budget of \$9,752,767 for the biennium, which consists of general and special funds, is allocated as follows: \$5.9 million for salaries and wages; \$3.8 million for operating expenses; and \$35,000 for equipment costs.

EduTech services include providing support and training for PowerSchool users, etranscripts, e-rate filings and compliance, information technology security, awareness, training, and coordination, professional development for educators, information technology services and support, and professional learning and outreach. According to the testimony, EduTech assures the quality of the services provided through annual surveys and results, school visits, training evaluations, requests, and review of help desk tickets. Survey response rates show consistent customer satisfaction and continuously improving services. To create efficiencies, many EduTech services are provided at no or little cost to schools.

The Center for Distance Education's budget of \$7.7 million dollars for the 2017-19 biennium, which consists of general funds, special funds, and a Bush Foundation Community Innovation Grant, is allocated as follows: \$3.7 million for teacher salaries; \$1.6 million for support salaries; \$800,000 for curriculum development; \$669,000 for information technology infrastructure; and \$856,000 for operational expenses. The center provides distance education by identifying the needs of its students and parents, managing expectations of its students, establishing processes to meet expectations, assigning ownership of the processes, mapping the processes, establishing performance measures, continually improving and innovating, and receiving and providing feedback to stakeholders. The center, which delivers courses to all school districts in the state, has a course completion rate of 96 percent. The center has a customer satisfaction rating of 3.65 out of 4. The center, which delivers over 11,000 courses over the course of a biennium, offers 320 courses to students, including AP courses, advanced courses, dual-credit courses, technical courses, and core courses. The center reported it does not have duplication of services with other education service providers in the state.

### **North Dakota Boys and Girls Ranch**

The committee received information from representatives of the Dakota Boys and Girls Ranch regarding logistics and issues related to working with K-12 education entities. Dakota Boys and Girls Ranch, which is a residential treatment and educational center for children and their families, has treatment centers in Minot, Bismarck, and Fargo. Each of the three campuses have an onsite education center called Dakota Memorial School which serves children and young adults.

According to the testimony, the school staff work closely with the treatment staff to provide a fully integrated education and treatment environment. The school serves 100 residential and day program students daily. The average length of stay for residential students is 223 days. The school supports students with complex learning needs due to psychiatric, behavioral, and trauma issues.

The testimony indicated approximately 67 percent of students who enter Dakota Boys and Girls Ranch are one to two grade levels behind academically. Part of the school's strategy is to educate the sending schools so when a student transitions back to the sending school, the student can continue to progress without dealing with regression and setbacks. It was noted working with so many different sending school districts requires help and coordination from state-level education entities. According to the testimony, Dakota Boys and Girls Ranch depends on REAs for assistance with professional development for teachers. The regional education associations, which have different approaches to professional development, results in some disparity and lack of uniformity and consistency in the services provided to each of the three Dakota Boys and Girls Ranch locations. The sending school district pays tuition for a student who comes to Dakota Boys and Girls Ranch. If a student comes to Dakota Boys and Girls Ranch with special education needs, state special education funds can be utilized, but the amount of available funds can vary from district to district. It was noted the majority of funding for the Dakota Boys and Girls Ranch is donor based.

### **English Learner Topics**

The committee received information from a representative of DPI regarding funding, accountability, data, and outcomes of English learner programs. All school districts are required to have an English learner policy for providing alternative language services in compliance with NDCC Chapter 15.1-38. English language development standards and assessments in North Dakota have been created through a collaboration of states, WIDA, and the Center for Applied Linguistics. It was reported Spanish is consistently the most represented language in the state among English language learners.

A standard setting was completed for the English language proficiency assessment in the summer of 2016 which revised the proficiency levels, making the levels more rigorous, resulting in fewer students reaching attainment (exiting the program) in 2017. It was reported the results for 2018 improved, but not to the previous level before the changes were made. The Department of Public Instruction reported it is incorporating additional professional development to assist schools and districts in addressing this issue.

According to the testimony, the trajectory for an English learner is predicated on the level of support the individual receives. There is not adequate data to track and guarantee every English learner in every district is receiving the level of support required to maintain the individual's trajectory. The testimony noted DPI assists districts by providing technical assistance, holding regular English learner coordinator meetings to share information and best practices, and providing year-round professional development. It was noted North Dakota is doing quite well overall with English learners relative to other states, and is getting better every year. Rural areas of the state have more difficulties than the urban areas due primarily to a lack of resources. English learners have access to a majority of the other K-12 education entities providing services to non-English learners, such as career and technical education. It was reported there is good communication and collaboration exists between the entities and English learner programs.

The committee also received information from an English learner teacher. As English learner students become proficient, the testimony indicated, students can move into mainstream classes with non-English learner students. Depending on the level of proficiency in each subject, some students may be in English learner classes for some

subjects, and mainstream classes for others. It was noted if there are no other students in the school who speak the same language and can help each other, technology can be a helpful tool to help translate between student and teacher.

### **Special Education Topics**

The committee received information from a representative of DPI regarding special education units, funding sources, data, and collaboration efforts between special education units and K-12 education entities. The Individuals with Disabilities Education Act (IDEA) is a federal law with the major purpose of ensuring all children with disabilities have access to a free appropriate public education that emphasizes special education and related services designed to meet the unique needs of the children and prepare the children for further education, employment, and independent living. The role of the state special education office is to assure children and families of children with disabilities are receiving a free appropriate public education. The department reports it accomplishes this goal through general supervision, monitoring, and providing technical assistance. As of December 1, 2017, 15,175 children with disabilities were being served on an individualized education program (IEP), approximately 14 percent of the total public school enrollment. Students with specific learning disabilities are the largest disability category being served with the categories of students with speech impairment and non-categorical delay as the second and third largest. The department reported the trend data over the last 8 years indicates a steady increase in the number of students being served on IEPs with the largest increase in trend data of students being served on IEPs is attributable to the increase in the number of students diagnosed as being on the autism spectrum.

The federal government provides funding through two types of grants to states and territories under IDEA Part B, which then flow funds to local education agencies as subgrants. Every eligible state or territory receives an annual federal grant under IDEA, called a section 611 grant, to support special education and related services for children ages 3 through 21. All 50 states also receive section 619 grants, which are IDEA funds to support the education of children ages 3 through 5.

The North Dakota Century Code requires each special education unit to maintain an organizational plan on file with the Superintendent of Public Instruction. The organizational plan identifies the representation on the Special Education Unit Board and the general functioning rules of the board. The Special Education Unit Board also is required to prepare an annual plan on behalf of its participating school districts, regarding the provision of special education and related services. Many of the multi-district special education units include rural school districts. According to the testimony, each board is required to determine how it will distribute state and federal funds to each of the participating school districts within its unit. The Special Education Unit Board and its director are required to assure all children with disabilities residing in their unit are receiving a free appropriate public education.

The report indicated state funding is distributed to the school districts, while federal funding is distributed to the special education units. If the school district hires and pays the staff, the special education units contribute to help alleviate the costs. It was noted state law does not prevent an arrangement from occurring in which school districts and special education units contribute funding to each other to help pay for the cost of special education services and staff. It was reported staffing special education units can be challenging, especially in rural areas. The report indicated many districts and units are exploring telecommunication as a means of overcoming those challenges. It was noted there are not enough special education teaching students coming out of colleges to meet the demand.

The committee received information from a representative of special education units regarding outcomes, challenges, and emerging themes of special education units. Outcomes for special education units often are measured by DPI through federally guided indicators as well as performance indicators established through leadership within individual special education units. Performance outcomes may be created by the grant funding received through local, state, or federal grant opportunities. Each special education unit works with its local school districts to analyze student data to organize instructional supports that will create positive outcomes for students.

According to the testimony, the greatest challenge special education units and school districts face on an annual basis is finding high-quality, certified and noncertified staff to fill the vacant special education positions. A rapidly growing challenge facing school districts and special education units is the students with disabilities which require very intense and unique services, especially in the area of behavioral or mental health supports. The specialization necessary to meet the needs of the students places a high demand on staff. Medicaid and state reimbursement for high-cost students create financial challenges for schools. It was noted districts and special education units are faced with state-imposed limitations on the Medicaid services that can be claimed for reimbursement.

### **Adult Education Topics**

The committee received information from a representative of DPI regarding adult education topics. The department provides free programs to help individuals over the age of 16 obtain basic academic and educational skills to be productive postsecondary students, workers, family members, and citizens. Adult education provides a second opportunity for learners committed to improving academic skills and credentials. Services available in each adult learning

center include reading and writing; science; social studies; math; digital literacy skills; English language acquisition for adults who are unable to read, speak, or write English; workplace and career planning and readiness; and GED preparation and testing. Instruction is delivered classroom style, in small groups, and even one on one to meet student needs. Instruction also is designed for foreign-born adults who wish to become United States citizens.

It was reported, on a per capita basis, North Dakota has one of the lowest funding levels relative to other states for adult education. Despite the low funding, North Dakota continues to perform well in adult education. Federal funding is not based on the success of the program, but is based on need and North Dakota does not have the numbers to compete with states with much larger populations and a greater number of people with adult education needs. According to the testimony, in certain parts of the state adult education programs are unable to accept more students based on the level of funding. It was noted some adult education programs have wait lists.

The committee received information from a representative of Job Service North Dakota regarding issues and redundancies among adult education, vocational rehabilitation, Job Service North Dakota, the Department of Labor and Human Rights, and the Department of Commerce. As of May 2018, North Dakota had an unemployment rate of 2.6 percent and the national unemployment rate was 3.9 percent. North Dakota has the highest labor market participation rate of any state, meaning more North Dakotans are working relative to the entire population of the state than any other state. Job Service North Dakota reported it has over 14,000 job openings; however, because employers are not required to report openings to Job Service North Dakota, there likely are many more openings. The numbers indicated a workforce shortage in the state.

The Workforce Development Council reported it has developed five emerging themes related to employment shortages in the state. First, the state has a shortage in nursing and "health care tech" workers. Secondly, the state has a middle skills gap that could be addressed in part through adult education services. Thirdly, North Dakota has an opportunity to become a leader in job creation for the technology and cyber education sectors. Fourth, addressing populations that have barriers to employment is necessary. Based on the population in the state, sufficient workers are available to fill open positions primarily in the 16 to 19 year old age group and individuals reaching the age of retirement. The vast majority of individuals between those two groups are working already. When approached from a non-age-based perspective, individuals in tribal communities, individuals with disabilities, and new Americans are the demographics with higher unemployment rates which could be available to fill openings. The Workforce Development Council reported it has been exploring ways to engage these populations, enhance relationships, and help address the need to fill open positions. The fifth theme is the coordination of resources.

Testimony reported multiple programs are in place across several agencies related to workforce development which perform similar functions. The programs include the Department of Human Services vocational rehabilitation program, the Senior Community Service Employment Program, the Department of Commerce Workforce Division, and DPI adult education units. Each of these agencies and programs operate independently from one another. It was noted these agencies and programs are prime examples of areas the state may want to evaluate to reduce and consolidate resources in a central location, while improving experiences and helping individuals find employment.

### **Early Childhood Education**

The committee received information from a representative of the Department of Commerce regarding the department's role in allocating funds for the early childhood education program.

### **Innovative Education Processes and Teaching Methods**

The committee received information from representatives of schools in the state regarding the implementation of new innovative processes, teaching methods, and opportunities to create efficiencies in education through the use of innovative processes and teaching methods. The state's purpose for creating an Innovative Education Program was to allow schools to have individualized missions, goals, and objectives through a comprehensive plan that helps meet the needs of students. Participation in the Innovative Education Program is a two-step process. First, schools apply for the Innovative Education Program Planning Proposal. During this year-long planning journey, schools develop a comprehensive implementation plan and work with DPI to ensure the long-term viability of the proposal. Schools must explain the rationale and the comprehensive visioning, justify the reasoning for requesting the Innovative Education Program, and how the school plans to involve all stakeholders in the process. After the initial year of planning, the school may submit a comprehensive Innovative Education Implementation Application, which may be approved for up to 5 years.

### **School Reporting Efficiencies and Requirements**

The committee received information from a representative of the Education Technology Council regarding school reporting efficiencies. A directive in Section 28 of Senate Bill No. 2031 (2015) requires a committee, chaired by the Superintendent of Public Instruction to, be assembled to ". . . review statutory and regulatory reporting requirements imposed upon school districts, with a view toward eliminating reporting requirements that are duplicative or unnecessary

and streamlining the reporting process." The committee reviewed the reporting data collected by DPI, identified report efficiencies and improved the shared knowledge of elements required by federal and state law. It was noted the state has approximately 100 Century Code and Administrative Code provisions relating to education reporting requirements.

## **Statewide Strategic Vision on K-12 Education**

### **Greenway Strategy Group**

The committee received information from a representative of Greenway Strategy Group, an organization hired to facilitate and develop, through a steering committee, a statewide strategic K-12 education vision. The need to develop a statewide vision was based on the recommendation of the 2016 business model review for DPI. The recommendation was to develop a 5-year strategic plan for DPI using an inclusive and collaborative process. The goal was to define measurable student outcomes to attain, identify critical areas for improvement, and develop high-priority strategic initiatives with action plans and budgets. Upon completion of those tasks, the goal was to align resources and staff within the department toward the initiatives. The initial goal of the Greenway Strategy Group project was to review the internal processes of DPI and identify opportunities for streamlining and creating efficiencies. According to the testimony, the project was intended to focus solely on DPI; however, as results were received from various stakeholders, the fragmentation of the education system was statewide. It was noted stakeholders indicated all organizations involved in education could be better aligned.

According to the testimony, the project consisted of three distinct phases. During Phase 1, which occurred between June and September 2017, an organizational assessment and environmental scan was conducted, which included leadership overviews, stakeholder input, trends and issues, and identify priorities. Phase 2, conducted between September and October 2017, consisted of strategy development and initiatives. Phase 3, conducted between November 2017 and June 2018, consisted of creating action plans and developing review processes.

The testimony noted the state's education stakeholders indicated areas of strength include public support for education; strong positive relationships between individuals working in education; and positive results regarding graduation rates, test scores, and college enrollments. The input from stakeholders indicated areas for improvement include a sense of complacency due to adequate student test results, a need for transparency of data, a need for a statewide education focus, a fragmentation of services among education entities, a lack of flexible scheduling preventing students from taking all desired courses, lagging academic performance in Native American populations, behavioral health issues, and a disconnect between high school curriculum and university expectations.

The strategic vision steering committee included representatives of the Governor's office, DPI, school district superintendents, executive directors of nongovernmental education provider entities, the University System, the Educational Technology Council, CTE, state legislators, ESPB, and REAs.

The steering committee developed a strategic vision that all students in the state will graduate choice ready with the knowledge, skills, and disposition to be successful. To achieve the vision, the steering committee determined long-term outcomes that need to be achieved include increasing the number of students entering kindergarten who are prepared to learn, demonstrating grade level reading proficiency by the third grade, meeting expected learning gains each year, engaging in learning, graduate choice ready, and reducing the disparity in achievement for students in poverty and native American students. To improve on the outcomes, the steering committee determined that increased efforts needed to be focused on expanded quality prekindergarten, career exploration, behavioral health, quality educators, and flexible instructional models.

### **North Dakota Council of Educational Leaders**

The committee received information from a representative of the North Dakota Council of Educational Leaders regarding educational survey results and customer satisfaction. The purpose of the survey was to identify the services a school district uses outside of that school's district resources when administering K-12 education, and why those services were chosen. According to the testimony, 176 public and private school districts were asked to participate in the survey, and 131 responded. The committee discussed some of the unexpected results of the survey, such as the heavy usage and reliance on the REAs for outside services, the amount of online coursework being utilized, the need for expanded human resources services, and that DPI was not utilized as often as expected. The committee also noted the results indicated some duplication of services among entities in the state.

### **Educational Representatives from Maine**

Several education representatives from Maine provided testimony to the committee regarding statewide education initiatives in Maine, the restructuring of Maine's education system, and roles overseeing and leading the restructuring process. It was noted Maine and North Dakota are similar in population and economy. According to the testimony, Maine struggled with transitioning to a technology-based economy and keeping the best and brightest young people in the state. To modernize its education system to meet some of the challenges, the state started by working on standards, assessments, and the longitudinal data system. The work was intended to shift Maine to a "competency based" education

model, and away from a "seat time" model. Maine issued a school district consolidation mandate to reduce the number of districts in the state and utilize resources more efficiently and effectively.

Maine changed graduation requirements based on competency of state standards, passed an innovative schools bill that allowed schools to receive a waiver from state requirements in certain situations, and developed a statewide strategic plan for education to streamline goals and initiatives.

Proponents of education restructuring in Maine argued the state's educational process for high schools, which was invented in 1892, must be re-evaluated to determine if it serves the best interests of education and the students learning in the system.

According to the testimony, the district consolidation in Maine saved the state millions of dollars. The money saved was used to reinvest in and improve the education system. Maine removed age-based groups from the education system, and the performance of students improved. The testimony noted grouping all students of the same age together in the same class does not work because not all students learn and mature at the same rate. The money saved through the restructuring also was used to purchase laptops for all students in grades 6 through 12, which allowed learning to be transparent and allowed students to learn continually at their own pace. According to the testimony, Maine's graduation rates have increased dramatically on a competency- and performance-based system. Waivers can be requested for a number of things ingrained in the culture of the Maine education system, such as for attendance requirements if a student was learning outside the classroom. It was noted sometimes the best "experts" for teaching students topics in certain fields may not be college-educated certified teachers. The innovative schools bill and waiver process allows students to receive credit for learning outside the classroom from individuals who are experts in a field, but who may not have the proper teaching credentials.

The committee noted North Dakota may not be ready to switch to a competency-based system, but understanding how other states went through the process is beneficial.

### **Governor's Office**

The committee received information from a representative of the Governor's office regarding the innovative education task force and K-12 state agency efficiency work. The task force, which had more than 165 applicants, consists of legislators, teachers, superintendents, principals, school board members, business leaders, and parents from across the state. The ultimate goal of the task force is to determine what barriers are prohibiting school districts from defining and pursuing innovative education initiatives, and what can the state do to remove these barriers. The focus of the task force is on competency-based, personalized learning. Eventually the focus of the task force will be on assessments. It was noted the Governor hoped for at least 20 innovative education waiver applications as a result of Senate Bill No. 2186 (2017). The state has received \$95,000 in grant money from the Bush Foundation to support the work of the task force.

### **Cybersecurity Briefing**

The committee received information from a representative of ITD regarding education cybersecurity. The Information Technology Department has 11 full-time equivalent positions to defend against cybersecurity attacks. North Dakota, which is the second largest energy producer in the country, makes the state a large target for cybersecurity attacks. The Information Technology Department defends approximately 252,000 people on the STAGEnet network.

The Information Technology Department is developing a curriculum for cyber science and computer science teachers to help educate students and develop a cyber security workforce. It is necessary to have a standards-based curriculum to teach students which must be age-appropriate for students. According to the testimony, the goal is to train 700 teachers in the state with at least one teacher in each school comfortable being an advocate for computer science and cyber security. It was noted DPI is developing standards in computer science and cyber security.

## **BILL DRAFTS**

### **Strategic Vision on K-12 Education**

The committee considered a bill regarding the duties of the Superintendent of Public Instruction pertaining to a meeting of stakeholders regarding the statewide strategic vision on education. The bill requires the superintendent to hold an annual meeting of stakeholders to review and update the statewide K-12 strategic vision developed by the steering committee, and required the steering committee to prepare a collaborative report of the strategic plans aligned to the vision for the superintendent to report to the Legislative Management and standing committees. A representative of DPI indicated stakeholder meetings related to the statewide strategic vision would be held even without the statutory directive in the bill draft. It was noted the significance of the bill would be to require representatives of various entities to attend the meetings.

Committee members voiced concerns the bill did not address who would determine whether the strategic plans of an education entity are aligned to the statewide vision and what happens if the plans are not aligned.

The bill was supported by representatives of various education entities, including the Department of Career and Technical Education, the North Dakota School Boards Association, and the North Dakota Educational Technology Council.

The committee agreed having one collaborative report presented by the Superintendent of Public Instruction would be preferable to a report by each of the individual education entities that develops a plan aligned to the vision. Committee members also generally agreed, rather than requiring the superintendent to hold an annual meeting, the bill should be revised to require the superintendent to facilitate such a meeting.

### **Transferring Adult Education-Related Responsibilities to Job Service North Dakota**

The committee considered a bill draft that would have transferred adult education-related responsibilities from DPI to Job Service North Dakota. Testimony from the representative of Job Service North Dakota indicated this is an area of duplication for which redundancies could be eliminated and services streamlined.

Some committee members expressed concerns that while having state agencies collaborate to administer programs may be a good idea, collaboration is necessary regardless of which agency has authority over a program. Concerns were expressed about transferring adult education from DPI to Job Service North Dakota. Committee members also noted trying to consolidate every budget with a workforce training aspect into one agency could be tenuous. Information received by the committee indicated 29 states operate adult education in agencies similar to DPI.

A representative of the Department of Human Services testified having employment resources in one location would be beneficial. The present system may require an individual to go to the Department of Human Services, DPI, or Job Service North Dakota, or all three, depending on the situation. According to the testimony, improvements could be made to ensure unemployed individuals are trained with the right skill sets to fill vacancies. It was noted between Department of Human Services' vocational rehabilitation and Job Service North Dakota, there are at least 17 workforce training sites in the state.

### **Technical Corrections Regarding the Every Student Succeeds Act**

The committee considered a bill relating to technical corrections regarding the Every Student Succeeds Act. The bill draft changes several statutory references from the No Child Left Behind Act to the new Every Student Succeeds Act. The committee received no testimony in support of or opposition to the bill.

### **Recommendations and Conclusions**

The committee recommends [House Bill No. 1027](#) relating to technical corrections regarding the Every Student Succeeds Act.

The committee recommends [Senate Bill No. 2025](#) to require the Superintendent of Public Instruction to facilitate a meeting of stakeholders regarding the statewide vision on education, and to require a collaborative report regarding the strategic vision.

## **REPORTS**

The committee received a report from ESPB regarding electronic satisfaction survey results of all interactions with individuals seeking information or services from the board.

The committee also received reporting from the Superintendent of Public Instruction regarding:

- Requests from a school or school district for a waiver of any rule governing the accreditation of schools.
- Waivers applications under NDCC Section 15.1-06-08.1.
- The innovative education program, including the status of the implementation plan, a summary of any waived statutes or rules, and a review of evaluation date results.
- The compilation of test scores of a test aligned to the state content standards in reading and mathematics given annually to students in three grades statewide.