

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1326

2001 HOUSE EDUCATION

HB 1326

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1326

House Education Committee

☐ Conference Committee

Hearing Date 02/12/01

Tape Number	Side A	Side B	Meter #
#1		X	1122 to 5100
Committee Clerk Signature <i>Jessie Gilbert</i>			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunsakor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will open the hearing on HB1326.

Rep. Grande: *Introduced the bill*

Rep. Mueller: In regard to other professional boards, are you aware of any that don't require an active professional on it at this time?

Rep. Grande: We have three active members listed right here for this board.

Rep. Mueller: What we have here is three individuals who hold teaching licenses. That doesn't mean that they're in the classroom.

Rep. Grande: That would be up to the governor.

Rep. Hawken: There is never more than one consumer on many of the professional boards. The rest of them are all required to be licensed or components of that field.

Rep. Grande: With the law state board... BAR, they do have a consumer listed and so does the medical board.

Rep. Hawken: But they all have one.

Rep. Grande: Yes, one.

Rep. Hawken: This would be a major change, would it not?

Rep. Grande: Yes. The thinking behind this is to have a variety of types of education behind it. There aren't many variances in the types of electricians, but you do in education.

Rep. Hawken: I can see that, and I think the current board has variety. Those things already exist on that board. I'm questioning whether the rationale is to change that.

Rep. Grande: I think that with the direction and the decisions being taken in education right now, widening that so we can have input from various directions.

Rep. Thoreson: What kind of direction do you see this board taking then?

Rep. Grande: What I would see is that we would have input from the college level, the parents who currently have students in the system, people who have been through all the levels of education, people in the business world, and teachers that are currently working, in put into where do they see the needs of each for each of these students to go. What types of educational programs are available in ND. They could have a feel for what's there and what we can change and just kind of be able to state out, this is what we find in the current system, this is what we could be having and what direction we could go.

Rep. Thoreson: Could you review what that board does?

Rep. Grande: The board is currently working on certification processes with the teachers. If that board had a greater variety could have a better understanding of what types of teachers, why they're applying in state. Whereas, a teacher who is certified in MN k-12, yet when they come to ND, they can only have 7-12 or that there is no reciprocity.

Rep. Thoreson: You would anticipate in making some drastic changes regarding our standards?

Rep. Grande: I don't see drastic changes. I see a board that works together.

Rep. Nottestad: I think it's interesting that all of these professional boards that were spoken of, they may have one representative that's not necessarily... You're saying, with education, which would probably the most important aspect of all, can really go, virtually, to any group, and they would be the experts in education. I find it interesting that the educators are the least seemingly important.

Rep. Grande: I guess, I disagree, they hold three of the seats. You're appointments could be a legislative personnel... Which could be a fifth member. I'm not saying that, I think an education person whose been through the hoops, not through the methodology courses, but I think that there's more to education than taking a methods class.

Rep. Nottestad: As we look at the individuals with their advanced degrees, the lawyers, the doctors, and so on and so forth, wouldn't it be almost better that's someone right out of high school who still remembers what's going on with that. Most people with advanced degrees, certainly aren't going to be looking back on their elementary education as the reason why they have their doctors. I don't see a correlation here at all.

Rep. Grande: The ones with the advanced degrees, remember when it says medicine, it doesn't have to be a doctor, in the medical field. All those professions, if you look at their professional

standards, they have their stringent continuing education requirements so they are constantly still within the educational system in one form or another.

Rep. Nottestad: Are you saying, then, that those in education do not have continuing education?

Rep. Grande: There's many professional teachers in the profession that do continue education and do quite a bit of it, but it's not necessarily of the same area. This is more a variety field.

Rep. Solberg: What this bill would accomplish would be to dismantle the present structure of the board. Are you recommending that this board go in a totally different direction?

Rep. Grande: Not necessarily, but maybe a fresh perspective.

Rep. Hanson: Have you ever been on the athletic trainer board?

Rep. Grande: Yes.

Rep. Hanson: Do you think that their board ought to be made up of an electrician, a plumber and a veterinarian to get a different view?

Rep. Grande: Our board is very small and we had a very difficult time. I don't know if you necessarily have to do that, I think that in what I've seen, these are all people who are involved in the educational system.

Rep. Mueller: Given this board's structure that we have before us, was it not possible that not a single active teacher be on that board?

Rep. Grande: There's that possibility.

Rep. Hawken: When you're talking about a new direction, do you think that this still may be misdirected?

Rep. Grande: I wouldn't have a problem changing that advisory board either.

Chairman Kelsch: Anyone who wishes to appear in opposition to HB1326?

Janet Welk: (LESPB) *Please refer to written testimony*

Rep. Brusegaard: How many bills have we had in this committee dealing with alternative certifications standards?

Welk: We do not credential administrators, that's DPI. At this point, we've had three bills.

Rep. Meier: Currently, how long are the board members serving on this board?

Welk: They have a three year term, and they may only serve two terms.

Rep. Mueller: There may be some concerns of the progressiveness of the LESPB board currently.

Welk: Being president of ND at this point, it's not something that politically the board would look at. If we would become progressive, it would cost a lot of dollars, we could implement the three testings, which would cost many, many dollars. Only Ohio does it now. The present board does a nice job of looking at the realities, because they are a large variety of people.

Rep. Nelson: Do you see any value in any sectors that are defined that would bring expertise to your board, maybe in smaller increments?

Welk: No, I do not.

Rep. Nelson: There is one consumer member on many of these boards, and just for example, we would use a parent as a consumer in this case. You don't see any value in that?

Welk: At the present time we have 9 parents on our board, and we have the public school board's association.

Rep. Hawken: I think we've gathered that I don't think there's a question in what the board's doing, but in maybe how they get the information out to the public, and we would like that to be better. Perhaps a PTA representative whose strict role is that.

Welk: If that were to happen, I would like that to be in addition to the existing members.

Chairman Kelsch: Interesting to note how diverse the ESPB board is at this time. Has it always been like that?

Welk: By law, there has to be the certain members. Also, when the governor appoints the board, he always asks for recommendation from the constituent groups, and they make decisions based on what would be a good mix.

Chairman Kelsch: How about saying there needed to be one nationally board certified teacher, one elementary school teacher, one middle teacher, one secondary teacher, one vocational teacher, two school board administrators, one school board member, and one parent, so that the requirements were there.

Welk: I wouldn't have a problem with that. We don't have a lot of nationally board certified teachers in ND at the time.

Linda Edwards: (NDEA) *Please refer to written testimony*

Chairman Kelsch: Would you have any problems if we left the board the same way that it was and just added a parent?

Edwards: Not at all.

Rep. Brusegaard: In the research review, can you note if any of those states had legislative representation?

Edwards: I can get that to you.

Bev Nielson: (ND School Boards Association) We are in opposition to changing the composition of the makeup of the board.

Wayne Kutzer: (Director of Vocational and Technical Education) We do not support this bill.

Chairman Kelsch: We will close the hearing on HB1326.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1326a

House Education Committee

☐ Conference Committee

Hearing Date 02-14-01

Tape Number	Side A	Side B	Meter #
TAPE 1		x	01 to 2129
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman Kelsch: we will take up HB 1326.

Rep Brusegaard: We had a subcommittee yesterday on HB 1326. We have some amendments for the bill. I will move the amendments.

Rep Meier: Second.

DISCUSSION

Chairman Kelsch: Any further discussion on the amendments, we will try a voice vote on the amendments. We had better take a roll call vote. The motion passes with a vote of 10 YES, 4 NO and 1 ABSENT. We now have the amended bill before us.

Rep Brusegaard: I move a DO PASS as amended on HB 1326.

Rep Nelson: Second.

Chairman Kelsch: We have a DO PASS as amended on Hb 1326. Committee discussion.

DISCUSSION.

Page 2
House Education Committee
Bill/Resolution Number HB 1326
Hearing Date 02-14-01

Chairman Kelsch: The clerk will call the roll on a DO PASS as amended motion on HB 1326.

The motion passes with a vote of 10 YES, 4 NO and 1 ABSENT. Carrier Rep Brusegaard.

Date: 2/14/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1326

House House Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Amendment

Motion Made By Rep. Brusegaard Seconded By Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman-RaeAnn G. Kelsch	<input checked="" type="checkbox"/>		Rep. Howard Grumbo		<input checked="" type="checkbox"/>
V. Chairman-Thomas T. Brusegaard	<input checked="" type="checkbox"/>		Rep. Lyle Hanson		<input checked="" type="checkbox"/>
Rep. Larry Bellew	<input checked="" type="checkbox"/>		Rep. Bob Hunsakor	<input checked="" type="checkbox"/>	
Rep. C.B. Haas	<input checked="" type="checkbox"/>		Rep. Phillip Mueller	<input checked="" type="checkbox"/>	
Rep. Kathy Hawken	<input checked="" type="checkbox"/>		Rep. Dorvan Solberg		<input checked="" type="checkbox"/>
Rep. Dennis E. Johnson	<input checked="" type="checkbox"/>				
Rep. Lisa Meier	<input checked="" type="checkbox"/>				
Rep. Jon O. Nelson	<input checked="" type="checkbox"/>				
Rep. Darrell D. Nottestad					
Rep. Laurel Thoreson		<input checked="" type="checkbox"/>			

Total (Yes) 10 No 4

Absent 1

Floor Assignment 

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

Date: 2/14/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1326

House House Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. Brusegaard Seconded By Rep. Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman-RaeAnn G. Kelsch	✓		Rep. Howard Grumbo		✓
V. Chairman-Thomas T. Brusegaard	✓		Rep. Lyle Hanson		✓
Rep. Larry Bellew	✓		Rep. Bob Hunsakor	✓	
Rep. C.B. Haas	✓		Rep. Phillip Mueller	✓	
Rep. Kathy Hawken	✓		Rep. Dorvan Solberg		✓
Rep. Dennis E. Johnson	✓				
Rep. Lisa Meler	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad					
Rep. Laurel Thoreson		✓			

Total (Yes) 10 No 4

Absent 1

Floor Assignment Rep Brusegaard

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

REPORT OF STANDING COMMITTEE

HB 1326: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1326 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "Three" with "Five" and after "licenses" insert ", one of whom must be employed as an administrator, three of whom must be public school classroom teachers and one of whom must be employed by a nonpublic school"

Page 1, line 16, replace "One individual who holds a degree in law, medicine, or engineering" with "Two individuals who serve as school board members"

Page 1, line 17, replace "a business owner or manager;" with "the parent of a student"

Page 1, line 18, remove "d. Two individuals who are the parents of students"

Page 1, line 20, remove "e. One member of the legislative assembly;"

Page 1, line 21, replace "f" with "d"

Page 3, line 6, replace "Three" with "Five"

Page 3, line 7, after "licenses" insert ", one of whom must be employed as an administrator and one of whom must be employed by a nonpublic school"

Page 3, line 8, overstrike "One individual who" and replace "holds a degree in" with "Two individuals who serve as school board members"

Page 3, line 9, remove "law, medicine, or engineering"

Page 3, line 10, overstrike "a", remove "business owner or manager", and overstrike the semicolon

Page 3, line 11, overstrike "d. Two individuals who are" and student"

Page 3, line 12, remove the overstrike over "and"

Page 3, line 13, overstrike "e." and remove "One member of the legislative assembly; and"

Page 3, line 14, replace "f" with "d"

Renumber accordingly

2001 SENATE EDUCATION

HB 1326

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1326

Senate Education Committee

☐ Conference Committee

Hearing Date 03-14-01

Tape Number	Side A	Side B	Meter #
1	X		18.8 - end
1 (03-28-01)	x		0 - 5.8
1 (04-16-01)	x		0 - 21.8
Committee Clerk Signature <i>Sandra Johnson</i>			

Minutes: CHAIRMAN FREBORG called the hearing on HB 1326 which relates to the membership of the education standards and practices board.

Testimony in support of HB 1326:

REPRESENTATIVE BETTE GRANDE, District 41, spoke in support of the bill. This bill changes membership of the ESPB (Education Standards and Practices Board). She feels it will be more hospitable to the needs of schools. Current statute allows the new Governor to change or leave the membership of the board. However, there is a time limit on when the change has to be done, or the current membership will stay as is. SENATOR CHRISTENSON asked what the rationale is to eliminate the majority of the board being teachers. REP. GRANDE stated there was a feeling that some of the members, such as a parent, may be a teacher or not.

Testimony in opposition to H 1326:

REPRESENTATIVE KATHY HAWKIN, District 46, feels the current board is working well. If the committee can't leave the board as is, she would ask that a second administrator be added so

both elementary and secondary schools are represented. She feels the addition of a parent is fine, but the members of the committee are more than likely parents themselves.

JANET WELK, ESPB, read prepared testimony from Maryjane Martens. (see attached). She further answered questions from the committee. SENATOR KELSH asked if the local school districts call the ESPB with problems, what is the policy? She stated the many different options are given to the local districts, and they can then make a decision. She further stated that FAX machines, credit cards, and Internet have all helped expedite the processes. Last session, a 40 day provisional license was authorized. The law was changed last session which allows ESPB to license more freely. She explained certification and licensure. Last session the language was changed from certification to licensure to fall in line with what is happening nationally. The applicant has four years to meet all criteria for licensure. SENATOR COOK asked what major decisions the Board has made which have had an impact on ESPB. MS. WELK stated the Board makes all the rules and policies within the laws provided by the legislature. One decision they made is in lieu of student teaching, ESPB has started a pilot program through Valley City State where someone may do a two-year mentoring project. Another decision the Board has made is that starting July 1, 2002, they will start required PBST (basic skills test) as part of the licensure process. SENATOR COOK asked for a list of the major decisions made within the last year by ESPB. All the rules go through the Administrative Rules policy.

NANCY SAND, NDEA, would prefer the board to stay as originally set up. She distributed a chart showing the makeup of the old board and the proposed new board. (see attached). It further shows what it would take to keep a majority of practicing teachers on the board. SENATOR FALKOLL asked if the need for more teachers on the board are for voting purposes or for input. MS. SAND stated it would be for input. SENATOR KELSH asked if the governor's office has

made any appointments yet. She did not know. SENATOR KELSH asked if the board members come from lists made up by organizations or does the governor just appoint. MS. SAND stated that if the governor would ask for names, she would gladly provide them. According to the law, the governor has the discretion to appoint members.

DEB JENSEN, Asst. Dir. Of ESPB, stated the intent of the bill seems to be lost in the discussion. The Board determines whether teachers and administrators can practice and the schools of education are licensed. The teachers are most affected by the Board and children are indirectly affected. The Board's niche in the whole process is licensure.

Hearing no further testimony, the hearing on HB 1326 was closed.

03-28-01, Tape 1, Side A, 0 - 5.8

CHAIRMAN FREBORG called the committee to order. The roll was taken with all (7) members present.

SENATOR FLAKOLL moved a DO PASS. Seconded by SENATOR COOK.

SENATOR KELSH feels this is a big change and takes the control of the board away from teachers by changing the makeup of the board.

Roll Call Vote: 4 YES. 3 NO. 0 Absent. Motion Carried.

Carrier: SENATOR FLAKOLL

04-16-01, Tape 1, Side A, 0 - 21.8

CHAIRMAN FREBORG called the committee to order. Roll Call was taken with (6) members present and one member absent (Christenson).

SENATOR FLAKOLL moved to reconsider the actions on HB 1326. Seconded by

SENATOR WANZEK. Roll Call Vote: 6 YES. 0 NO. 1 Absent. Motion Carried.

SENATOR FLAKOLL moved the amendments (10350.0202). Seconded by SENATOR COOK.

SENATOR FLAKOLL explained the amendments restrict the amount an individual can be fined by ESPB to \$250 per incident. In the past there have been some fairly large fines, such as \$1000 to a teacher, and that seems excessive to him in reference to what the teacher makes. Also sometimes the school board has to pay the fines, and this seems excessive.

SENATOR KELSH knows that some fines were because of delays that could not be helped.

However, if there are intentional abuses, such as not getting licensure, then he wonders if a \$250 fine is going to make any difference.

SENATOR FLAKOLL stated that in comparison to other fines for worse violations, such as a misdemeanor, it is excessive. It may be better to appropriate dollars for the ESPB and then the fines would go to the general fund, rather than staying in the agency. If an agency is allowed to levy fines and retain them in the agency, it may raise a flag to some people. He also stated that an individual could be fined for the same type of abuse on more than one occasion. He feels a \$1000 fine would be too much in some instances.

SENATOR KELSH feels there is a need to protect the licensure policy. He feels if someone is not doing what they should, they need to be fined. He feels it is the responsibility of the school board to make the person aware of the rules and policy that is in place.

Roll Call Vote on adopting the amendment (10350.0202). 4 YES. 2 NO. 1 Absent.

Amendment (10350.0202) adopted.

**SENATOR FLAKOLL moved to adopt the amendment (10350.0204). Seconded by
SENATOR WANZEK.**

This amendment adds a school board member to the ESPB Board bringing the membership to ten people.(see attached sheet showing current board makeup and the new board makeup).

SENATOR O'CONNELL asked if the Board is paid. SENATOR FLAKOLL replied he is not sure, but he thinks they are and it comes from the money that the ESPB Board receives.

SENATOR KELSH asked what action would be taken if there is a tie on the board. SENATOR FLAKOLL stated a tie vote is a failed vote. Discussion on how many teachers will be on the Board. SENATOR KELSH feels the amendments do improve the bill.

ROLL CALL VOTE: 5 YES. 1 NO. 1 Absent. AMENDMENT (10350.0204)ADOPTED.

**SENATOR FLAKOLL moved a DO PASS AS AMENDED. Seconded by SENATOR
WANZEK.**

Roll Call Vote: 4 YES. 2 NO. 1 Absent. Motion Carried.

Carrier: SENATOR FLAKOLL

Date: _____
Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1326

Senate	Education	Committee
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☐ Subcommittee on _____
or _____

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DP

Motion Made By Sen. Flakoll Seconded By Sen. Cook

[illegible]

Total (Yes) 4 No 3

Absent

Floor Assignment Sen. Takoll

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

REPORT OF STANDING COMMITTEE (410)
March 28, 2001 11:36 a.m.

Module No: SR-54-6948
Carrier: Flakoll
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1326, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends
DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1326
was placed on the Fourteenth order on the calendar.

Date: 5
Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1326

Senate	Education	Committee
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☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken move to reconsider HB1326

Motion Made By Sen. Flahall Seconded By Sen. Wenzel

[illegible]

Total (Yes) 6 No 0

Absent

Floor Assignment

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

April 2, 2001

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1326

Page 1, line 1, replace "section" with "sections 15-36-11.1 and"

Page 1, line 2, after "15.1-13-02" insert ", subsection 3 of section 15.1-13-17,"

Page 1, line 4, after "board" insert "and the assessment of fines"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. If House Bill No. 1045 does not become effective, section 15-36-11.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-36-11.1. Exception to certificate requirement. An individual without a valid certificate who is teaching under contract with a school may teach and be employed to teach if approved by the education standards and practices board. The education standards and practices board shall establish by rule the terms and conditions of approval. The terms and conditions may include the payment of fines a fine to the board in an amount not exceeding two hundred fifty dollars per incident, enrollment in and completion of continuing education courses, and a deadline for filing a completed application. Approval to teach and be employed to teach without a valid North Dakota certificate may only be granted if the individual has previously held a valid North Dakota certificate, currently holds a valid teaching certificate or license in another jurisdiction, or has filed a completed application with the board."

Page 3, after line 16, insert:

"SECTION 4. AMENDMENT. Subsection 3 of section 15.1-13-17 of the North Dakota Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

3. The board shall adopt rules establishing the terms and conditions under which an individual may be approved to teach, as provided for in this section. The terms and conditions may include the payment of a fine to the board in an amount not exceeding two hundred fifty dollars per incident, enrollment in and completion of continuing education courses, and submission of a completed application for licensure by a date certain."

Renumber accordingly

Date: 4
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1326

Senate	Education	Committee
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☐ Subcommittee on _____
or _____

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken	<u>move to adopt amend 10350.020.2</u>
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Motion Made By Sen. Flakall Seconded By Sen. Cook

[illegible]

Total (Yes) 4 No 2

Absent 1

Floor Assignment

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

April 12, 2001

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1326

Page 1, line 11, overstrike "nine" and insert immediately thereafter "ten"

Page 1, line 12, remove the overstrike over "~~four classroom teachers from public schools, one classroom~~"

Page 1, line 13, remove the overstrike over "~~teacher from a private school~~", after "~~one~~" insert "two", remove the overstrike over "~~school board~~", after "~~member~~" insert "members", and remove the overstrike over "~~two school~~"

Page 1, line 14, remove the overstrike over "~~administrators~~," and remove the underscored colon

Page 1, remove lines 15 through 19

Page 1, line 20, remove "high school in this state," and remove the overstrike over "~~one~~"

Page 1, line 21, remove "d. One"

Page 2, line 1, overstrike "five" and insert immediately thereafter "six"

Page 2, line 2, remove the overstrike over "~~The administrator's professional~~"

Page 2, remove the overstrike over line 3

Page 2, line 4, remove the overstrike over "~~education standards and practices board, the~~", after "~~one~~" insert "two", remove the overstrike over "~~school board~~", after "~~member~~" insert "members", and remove the overstrike over "~~who~~"

Page 2, line 5, after "~~member~~" insert "are members" and remove the overstrike over "~~of the education standards and practices board, and two teacher~~"

Page 2, line 6, remove the overstrike over "~~members who are members of and are~~"

Page 3, line 6, remove the overstrike over "~~Four~~", remove "Five", remove the overstrike over "~~are public school classroom teachers~~", and remove "hold teaching"

Page 3, remove line 7

Page 3, line 8, remove "whom must be employed by a nonpublic school"

Page 3, line 9, remove the overstrike over "~~One individual who is a nonpublic school classroom teacher~~" and remove "Two individuals"

Page 3, line 10, remove "who serve as school board members"

Page 3, line 11, overstrike "One individual" and insert immediately thereafter "Two individuals", overstrike "is", after "a" insert "are", remove the overstrike over "~~school board~~", after "~~member~~" insert "members", and remove the overstrike over the semicolon

Page 3, line 12, remove the overstrike over "~~d. Two individuals who are administrators~~" and remove "the parent of a student enrolled in an"

Page 3, line 13, remove "elementary or high school in this state"

Page 3, line 14, remove the overstrike over "~~e.~~" and remove "d."

Page 3, line 20, remove the overstrike over "~~must consist of the two~~" and remove "consists of five"

Page 3, line 21, remove the overstrike over "~~administrators, the~~" and insert immediately thereafter "two", remove the overstrike over the first "~~board~~", after "a" insert "members who are", remove the overstrike over "~~school board~~", after "member" insert "members", and remove the overstrike over "~~, and two board~~"

Page 3, remove the overstrike over line 22

Page 3, line 23, remove "selected"

Renumber accordingly

Date: 7/1
Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1326

Senate Education Committee

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number

Action Taken move amend. 103.50. 0204

Motion Made By Sen. Flahol Seconded By Sen. Wanzek

[illegible]

Total (Yes) 5 No 1

Absent

Floor Assignment

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

Date: 4/

Roll Call Vote #: 4

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1326

Senate	Education	Committee
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☐ Subcommittee on _____
or _____

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DPA

Motion Made By Ann Flakoll Seconded By Ann Wanyuk

[illegible]

Total (Yes) 4 No 2

Absent 1

Floor Assignment See - Flerkoff

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

REPORT OF STANDING COMMITTEE

HB 1326, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1326 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 15-36-11.1 and"

Page 1, line 2, after "15.1-13-02" insert ", subsection 3 of section 15.1-13-17,"

Page 1, line 4, after "board" insert "and the assessment of fines"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. If House Bill No. 1045 does not become effective, section 15-36-11.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-36-11.1. Exception to certificate requirement. An individual without a valid certificate who is teaching under contract with a school may teach and be employed to teach if approved by the education standards and practices board. The education standards and practices board shall establish by rule the terms and conditions of approval. The terms and conditions may include the payment of fines a fine to the board in an amount not exceeding two hundred fifty dollars per incident, enrollment in and completion of continuing education courses, and a deadline for filing a completed application. Approval to teach and be employed to teach without a valid North Dakota certificate may only be granted if the individual has previously held a valid North Dakota certificate, currently holds a valid teaching certificate or license in another jurisdiction, or has filed a completed application with the board."

Page 1, line 11, overstrike "nine" and insert immediately thereafter "ten"

Page 1, line 12, remove the overstrike over "~~four classroom teachers from public schools, one classroom~~"

Page 1, line 13, remove the overstrike over "~~teacher from a private school,~~", after "~~one~~" insert "two", remove the overstrike over "~~school board~~", after "~~member~~" insert "members", and remove the overstrike over "~~, two school~~"

Page 1, line 14, remove the overstrike over "~~administrators,~~" and remove the underscored colon

Page 1, remove lines 15 through 19

Page 1, line 20, remove "high school in this state;" and remove the overstrike over "~~one~~"

Page 1, line 21, remove "d. One"

Page 2, line 1, overstrike "five" and insert immediately thereafter "six"

Page 2, line 2, remove the overstrike over "~~The administrator's professional~~"

Page 2, remove the overstrike over line 3

Page 2, line 4, remove the overstrike over "~~education standards and practices board, the,~~", after "~~one~~" insert "two", remove the overstrike over "~~school board~~", after "~~member~~" insert "members", and remove the overstrike over "~~who~~"

Page 2, line 5, after "~~member~~" Insert "are members" and remove the overstrike over "~~of the education standards and practices board, and two teacher~~"

Page 2, line 6, remove the overstrike over "~~members who are members of and are~~"

Page 3, line 6, remove the overstrike over "~~Four~~", remove "~~Five~~", remove the overstrike over "~~are public school classroom teachers~~", and remove "~~hold teaching~~"

Page 3, remove line 7

Page 3, line 8, remove "whom must be employed by a nonpublic school"

Page 3, line 9, remove the overstrike over "~~One individual who is a nonpublic school classroom teacher~~" and remove "Two individuals"

Page 3, line 10, remove "who serve as school board members"

Page 3, line 11, overstrike "One individual" and Insert immediately thereafter "Two individuals", overstrike "is", after "a" Insert "are", remove the overstrike over "~~school board~~", after "~~member~~" Insert "members", and remove the overstrike over the semicolon

Page 3, line 12, remove the overstrike over "~~d. Two individuals who are administrators~~" and remove "the parent of a student enrolled in an"

Page 3, line 13, remove "elementary or high school in this state"

Page 3, line 14, remove the overstrike over "~~e.~~" and remove "d."

Page 3, after line 16, Insert:

"SECTION 4. AMENDMENT. Subsection 3 of section 15.1-13-17 of the North Dakota Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

3. The board shall adopt rules establishing the terms and conditions under which an individual may be approved to teach, as provided for in this section. The terms and conditions may include the payment of a fine to the board in an amount not exceeding two hundred fifty dollars per incident, enrollment in and completion of continuing education courses, and submission of a completed application for licensure by a date certain."

Page 3, line 20, remove the overstrike over "~~must consist of the two~~" and remove "consists of five"

Page 3, line 21, remove the overstrike over "~~administrators, the~~" and Insert immediately thereafter "two", remove the overstrike over the first "~~board~~", after "a" Insert "members who are", remove the overstrike over "~~school board~~", after "~~member~~" Insert "members", and remove the overstrike over "~~, and two board~~"

Page 3, remove the overstrike over line 22

Page 3, line 23, remove "selected"

Renumber accordingly

2001 TESTIMONY

HB 1326

Testimony for HB 1326
House Education
Membership of Education Standards and Practices Board
By Linda Edwards, Director of Professional Development
North Dakota Education Association

Madame Chairman and members of the committee, for the record, my name is Linda Edwards, Director of Professional Development for the North Dakota Education Association.

I am speaking in opposition of HB 1326. The makeup of the Education Standards and Practices Board is a critical matter in relationship to its responsibilities. Teaching is a profession. The standards for professional ethics, rules, procedures pertaining to licensure, teacher education program approval, and professional development of educators should be monitored by a board of educational professionals who have professional teaching experience.

Observing the meetings of the board for the past year and a half I have listened to conversations and decision making that have dealt with such topics as:

- ◆ establishing and maintaining standards for entry and advancement levels;
- ◆ screening credential applications carefully and efficiently;
- ◆ issuing, renewing, revoking, suspending, and reinstating licenses;
- ◆ investigating critical issues regarding the performance and state of the education profession;
- ◆ establishing standards for the issuance and renewal of licenses, credentials;
- ◆ determining the scope and authorization of licensure to ensure competence in teaching and establishing sanctions for the misuse of license and the misassignment of license holders;
- ◆ collecting, compiling, and disseminating information regarding professional development, mentoring programs, and exemplary practices in supporting and assessing teachers;

- ♦ establishing alternative methods for entry into the teaching profession;
- ♦ adopting a framework and general standards for the accreditation of teacher preparation programs and aligning that framework to INSTAC and NBPTS standards;
- ♦ appointing and training classroom teachers, school administrators, representatives of the public, and public higher education representatives to standards committees; these committees are authorized to recommend to the board standards relating to; examinations, performance assessments, program accreditation, and licensing.
- ♦ reviewing requests from school districts, private schools, post-secondary institutions, and individual applicants for waivers of licensure requirements; and
- ♦ administering reciprocity agreements with other states.

The issues are complex and require an understanding of the professionalism of education. In a research review of fifteen states with independent standards boards (California, Georgia, Hawaii, Indiana, Iowa, Kentucky, Minnesota, Nevada, North Carolina, Oklahoma, Oregon, Texas, West Virginia, Wyoming, and North Dakota) the composition of the boards in all fifteen states had an educator majority. Only one state (Indiana) had a representative from business. One state (Georgia) had a representative from the private sector.

An established and recognized means exists to accomplish in holistic way the improvement of teaching as a profession. That means is a standards board that is comprised of a majority of practitioners engaged in the education enterprise.

I urge a do not pass of HB 1326. Thank you for your attention to this matter.



Education Standards and Practices Board

600 East Boulevard Avenue

Bismarck, ND 58505-0080

(701) 328-2264

Fax #328-2815

www.state.nd.us/espb

"Assuring highly qualified professional educators for North Dakota students"

TESTIMONY ON HB 1326

By

Janet Welk

Good morning, Madam Chair and Members of the House Education Committee. For the record, I am Janet Welk, Executive Director of the Education Standards and Practices Board and wish to testify in opposition of HB 1326.

North Dakota has been a leader in the field of education for many years. Beginning in 1875 prior to North Dakota becoming a state, certification was required for every teacher in every classroom. At that time, the Territorial Superintendent of Schools issued the certificates. In 1973, the Superintendent of Public Instruction began consulting with the teachers' professional practices commission to determine the criteria for teacher certification. In 1973 when the teachers' professional practices commission was established, the governor appointed the members based on nominations from ND Education Association, ND School Board Association, ND school administrators, and State Board for Public Education. In 1993, the Education Standards and Practices Board was established. The present board, appointed by the governor as defined by law, consists of a school board member, a non-public school educator, two administrators, a teacher educator, and four classroom teachers. On the present Education Standards and Practice Board, we have nine parents, parents of educators in North Dakota, two doctors, a nationally board certified teacher, elementary, middle school, secondary, and vocational educator; two farmers, a business

manager, a major, and a newly elected consolidated school board member from the northern part of the state.

The Education Standards and Practices Board was established in 1993 to provide a mechanism for the educational community to govern and regulate itself as does the other professional organizations in North Dakota. This is evidenced by the many Governor appointed boards and commissions in the State. Each of the Governor's boards is comprised of members representing their profession beginning with the abstractor's board of examiners to the worker's compensation board. The ESPB is the established and recognized means to accomplish in a holistic way the improvement of teaching as a profession for the students of North Dakota.

As established by law, the Board's duties include the supervision of licensure of teachers, setting standards for and approving teacher preparation programs, seeking the advice of teachers, administrators, school board members, teacher education professors, and other interested citizens in developing, updating, adopting, and enforcing codes or standards of ethics, conduct, professional performance, and professional practice, making recommendations for the inservice education of individuals engaged in the profession of teaching, appointing an executive director and authorizing the employment of personnel. The Education Standards and Practices Board's powers include the adoption of rules, contracting with other states for the reciprocal approval of teacher preparation programs, apply for and receiving federal funds, and performing any duty related to the improvement of instruction through teacher education, professional development and continuing education programs.

The field of education is constantly changing and requires the educational leadership that the Education Standards and Practices Board as currently established is able to provide. The field of education deserves the same respect and dignity as given the other professions in North Dakota. The

Education Standards and Practices Board respectfully asks for a Do Not Pass on HB 1326.

Thank you for the opportunity to testify and I would be happy to answer any questions at this time.

Welk, Janet L.

From: Maryjane Martens [mmaryjane@uswest.net]
Sent: Tuesday, March 13, 2001 5:33 PM
To: Welk, Janet L.
Subject: HB 1326

March 14, 2001

Chairman Freborg and Members of the Senate Education Committee:
State Capitol
Bismarck, ND 58505

Dear Senate Education Committee:

I write to urge you to defeat HB 1326.

The ESPB was created with the intent that this self funding board be made up of peers to oversee the processes of licensure, program approval of Education Systems at the Higher Education level and professional development. It is funded by the licensure fees of teachers and administrators who hold a North Dakota license.

The current membership of the board reflects the interested parties of those functions. I have concerns about changing the make up of the board, particularly in eliminating one of the administrative positions as well as that of a teacher. I believe it is essential to have the input of both secondary and elementary administrators. Their input is unique to the climate and needs of those school levels. It also allows them to have peer evaluation in the case of hearings and due process. To function as a professional board, the expertise of the second administrator and the regional representation of teachers is necessary. The board presently has teachers from both smaller school districts and large, as well as a representative from non-public education.

This is a board that requires a working knowledge beyond that of having attended school. Board members have a great deal of outside reading and communication required of them to act responsibly to their peers and the students they serve. The public is represented by a school board member on ESPB as well.

When this board was in the advisory capacity as the TPPC it was not uncommon for the lack of a quorum to prohibit business being acted on. This board takes their responsibilities seriously and understands that attendance and diligence is required to benefit their peers and public concerns.

I again urge you to defeat HB 1326.

Thank you for your consideration,

Maryjane Martens
Agassiz Middle School Teacher

3/14/01

from Nancy Dand
NDEA

EDUCATION STANDARDS AND PRACTICES BOARD

<u>Current ESPB</u>		<u>Amended ESPB</u>
4	Public School Teachers	3
1	Non Public School Teacher	1
1	School Board Member	2
2	Administrators	1
1	College of Education	1
	Parent	1
9	Total	9
5/9	Practicing Teachers / Board	4/9

Retain Practicing Classroom Teacher Majority

Add 1 Parent to Current Board	
1	Parent
1	Teacher
11	Total
6/11	Practicing Teachers / Board

Retain Practicing Classroom Teacher Majority

Add 2 Classroom Teachers to Amended Board	
	Teachers
	2
	Total
	11
	Practicing Teachers / Board
	6/11

HB 1326 Composition of Education Standards and Practices Board.

From: Sen. Flakoll per amendment title 10350.0204

<u>Current ESPB</u>		<u>Amended ESPB</u>	
4	Public School Teachers	4	
1	Non Public School Teachers	1	
1	School Board Member		2
2	Administrators	2	
1	College of Education	1	
9	<i>TOTAL</i>	10	

Minimum number of people with teaching certificates is 8 of 10

The Superintendent of Public Instruction or Superintendent's designee serves as a nonvoting ex officio member.