

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

136 /

2001 HOUSE EDUCATION

HB 1361

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1361

House Education Committee

☐ Conference Committee

Hearing Date 01/29/01

Tape Number	Side A	Side B	Meter #
#1	X		1647 to 6100
#1		X	1 to 680
Committee Clerk Signature <i>Dina 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 now open the hearing on HB1361.

Rep. Grumbo: (District 27) Turn over to page 2 on your bill, and there are three areas that we are concerned with, and we'd like to compare to the bill: #1 deals with 12 hours of discretionary time. That means that you, as a superintendent, can determine, in your own judgment, with certain latitude and certain bounds that you have to stay within, to be able to use 12 hours of discretion, the second one, there are only two things we're going to use discretionary hours for, and that is in-service and for early dismissal or early let our in order to use these particular hours, and the last one deals with the school board presented by the superintendent will go over the discretionary hours and the school board will determine, then, whether they should be sent on to

the state, and the superintendent of public instruction, then, will determine what those discretionary hours are and whether they're acceptable or not. Now, the thing that I want to do is, the SE administrators wanted a bill drawn up to have a little more clarity to what we have before us, and I think this bill does that, and the other thing I want you to be aware of, when we talk about calendars in a school day, your school administrators have to determine, not at the end of the year, but they find that this calendar sent in will determine whether you do have the extra hours or minutes in your schedule.

Rep. Thoreson: This particular bill deals with in service or adding in service to what you could use those days for, and the one you're taking out has nothing to do with in services, is that correct?

Rep. Grumbo: Yes, that is correct.

Rep. Thoreson: The direction of this bill is different than the direction of the bill you're changing?

Rep. Grumbo: Definitely.

Rep. Hunsaker: On the first page, the last two lines, it says, 'at least six hours for a high school student, during which time, the students are required to be in attendance for the purpose of receiving curricular instruction'. In many schools, from twelve to twelve forty-five is lunch hour, the kids are not receiving curricular instruction, is that forty-five minutes counted as part of the six hours?

Rep. Grumbo: The thing about the schedule is, as you know, is we're not tied into any particular time as far as lunch is concerned. We have continuous subject matter that's being taught, and you

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will come down and eat at a specified time. It's actually like a twenty minute break and then time is added at the end of the day as far as continuous calendar.

Rep. Hunsaker: So, then from nine to three would satisfy the six hour requirement even though we might have an hour of meeting and whatever happens during the lunch hour?

Rep. Grumbo: No, it would not be counted, so as far as time is concerned, we have continuous classes going on, and then the fact that you're coming down for a twenty minute time break from eating, but no we're not counting that at all, no.

Richard Ott: (ND Council of Educational Leaders) We do support this bill.

Rep. Thoreson: Do you feel that we should be taking two days away from curricular instruction for in service, is that a priority with your organization?

Ott: I think that the main thrust of the council is that we'd like to give the latitude and flexibility to the individual superintendents.

Rep. Mueller: I'm going to refer back to Rep. D. Johnson's effort of two years ago. One of the criteria in that effort was extra time, the thirty minutes, I think most schools have in excess of the six hour day, but my question has to do with your knowledge with that. Would you say that's correct, that most schools have in excess of a six hour day, currently?

Ott: It would simply be empirical knowledge on my part, but I would say so.

Rep. Nelson: Two years ago, when the other section that's being struck was put into code, it was more the problem of weather related school closings or delayed closings or openings, and this issue of in service was discussed at great length, and it was a conscious effort of that legislative session to not include that, and it appears to me that not only you want clarification on how to this, but you're bringing that issue back. I think we spoke very clearly on that issue two years ago that we want classroom not taken away for these two days, and when we're talking about flexibility, how flexible to you interpret this section to include?

Ott: I'm not trying to pickle out of something. This is not our bill, there are people here who could answer this question better.

Rep. Haas: If you were, hypothetically, a superintendent in a local school district, and this were in effect, when and how would you see those twelve hours being used for in service?

Ott: Again, can I defer to the superintendents who are here to testify?

Bruce Schumacher: (Superintendent) I do agree that our current bill is not a bad bill. It's a much better than the old system, and it does allow us many things that we need, and I don't think it needs major revisions, but I ask that these changes be made for two reasons. First of all, for the

good of the students. When I began teaching as my first year as a teacher, the principal I had at the time told me that you can do almost anything in a school if you can prove that it was done for the good of the students, and I don't know that I've ever received better advice, and the second reason, it would be very good for the schools to have more local control over the day to day decision making process. As far as the students are concerned, I'd like to say, in answer to some of the questions, but I think that the major concern that we have is in the area of weather related dismissals, because that becomes a major concern for us, especially in ND. I would like to have the freedom to make a call on a day to day basis and throughout the day. It could be very good in the morning and very bad in the afternoon and vice versa. I feel restricted with the current system, and I think it does not necessarily benefit the students. As far as in service, local needs differ a great deal. From my point of view, I don't feel that in service is quite as important as student safety. There are other things in the in service, too, there's a great deal demanded of education now, and very often, I do believe we have to have in school time, I think we have to have students in classes. I don't think that there's a teacher or administrator out there that doesn't believe that. However, we also have a great deal of information that must be gotten to the teachers. They are not going to get it in their undergraduate work, they're going to have to learn in the field as they go along. Technology is a constantly changing thing, and there's very often a need for short services, an hour, two ours. Why would I prefer to have more discretionary time? To be honest, it's not hard to call off a day of school. If the weather is bad, you call off school, and it is not difficult to make up a day of school. It is, however, difficult to make up an hour. We have the latitude in our current law to extend our school day, we can start earlier, we can run later, we can go on Saturdays, we can make up the hours. If I add it onto the end of the

day, I don't think that I can argue as an educator that a great deal of constructive learning is happening during that half hour added to the end of the day. Furthermore, if we start late, we've missed first period, but if we add it on to the end of the day, we're adding onto seventh period. Down in the SE, we have tremendous cooperation among schools. We belong to a vocational coop, a special education coop, we are an I-TV consortium with ten other schools, and we can add hours and we can have the students sitting there, but if they miss their I-TV class, that class will not be going on at 3:00, so they will sit there for a half hour. If they're vocational students, they come back at three, if we go until four, they will sit there for a half hour. Time alone, does not necessarily mean teaching.

Rep. Mueller: The old language in the bill that is currently law, speaks to justification for days that are lost to storms, and doesn't talk about in service work. Do you see any value in tying together the new language with that, I think in the old bill, we're talking about a half hour. I think most schools have that extra thirty minutes, tying back into the new language, do you see that as desirable? In order to get, with the old law, we are tying in, the time for storm days to have a longer than six hour classroom obligation at the school. This new language does not do that, it does not tie in that extra thirty minutes. Is it desirable that it might?

Schumacher: My feeling is no. What I like about the current law is it's really quite simple, and what I like about the proposed changes is they're really quite simple. As far as the time, the answer to an earlier question, the noon hour doesn't count, and virtually all of the schools are running over six hours, whether they're running exactly six and a half, that becomes one of those things that is an easy concept, but can be difficult to do, for instance, with our I-TV schools, we have ten schools, two vocational centers, the college of science on the common schedule. In



other words, when we write our calendar and figure our daily schedule, we have to accommodate the eccentricities of all of those schools.

Rep. Haas: If you know, at the beginning of the school year, that this twelve hours, was your contingency time for your bad weather, when would you schedule the portion of the twelve hours that you intended to use for in service?

Schumacher: That's a good question, because part of the reason for this is to give us some latitude for the weather things. If I were to schedule six hours of in service and then we had eight hours of storm dismissal, I'm back to where I was. I'm not sure if I would include those in service hours in this. We do have an in service program now. The in service I see coming out of this are the shorter term in services.

Rep. Haas: Essentially, what you're telling me then, is you'd save these twelve days until we got through the winter season, and any portion that was left, you might use your in service in April or may when there is less chance or no chance of having to have more time for weather related absences?

Schumacher: I wouldn't do that, but I can't vouch for others. I would schedule some in service time, but I'm not sure I would schedule the full six hours.

Rep. D. Johnson: How long is your calendar now? Is it over six hours?

Schumacher: I believe ours is six hours and twenty-six minutes.

Rep. Hanson: You live close to MN and SD, do they any regulation similar to this?

Schumacher: They have totally different systems. In SD, if the school brings in all of the students and teachers and starts school and immediately dismisses, they can count the day, but if they come late, they have to make up the time.

Rep. Thoreson: You talk about making up this half an hour at the end of the day. Do you have the same schedule every day, or do you have a different time schedule if you know you're going to have to make up time at the end of the day?

Do you add time onto each class period?

Shumacher: We do not have anything like that in place. If we were to make up time, on a half hour basis, I would visit with my faculty, and let them have a lot of input into, how can we best use that time so we are getting as much teaching as possible, but I have to go back to that we are in an I-TV coop and a vocational coop, and we may be the school that missed and the others didn't, so even though we might change our schedule. If I add five minutes on each of my classes, the students taking I-TV classes will not be able to follow that because that schedule is set.

Rep. Nelson: You had two years to work with this particular system. How long are your class periods?

Schumacher: The high school class periods are fifty minutes, with the exception of fifth period, which is sixty-six minutes.

Rep. Nelson: With that, in emphasis, where you've used this weather dismissal portion. How did you implement it?

Schumacher: This is my third year and I haven't had to do it yet. My first year, we missed a day and a half of school, which we made up one and a half days of school.

Rep. Nelson: The situation I'm talking about, when this was put into practice, we were talking weather dismissals, because that's the issue that superintendents were having a problem with. I would guess that there are several ways of doing this. You could change your schedule, have a

different class period at the time that you're making up, or whatever class it was, you could make up that class, you do it in blocks, but I think there's flexibility in there now, and when we're talking about more flexibility, we get away from that with the weather related situations, because this is what it's all about when we add in service to it. In my opinion, this is just including something that somebody didn't get last time that wanted it. This is watering what this portion of the Century Code was intended for, which was weather related, and I think we're getting away with this when we include in service. Would you agree?

Schumacher: I certainly do agree with what you just said. Back to the earlier question. I would anticipate if we missed no more time than we have: taking a half a day of one of our storm days to make it up. I just hope you realize, in our situation, we can make up time, but I maintain that there may not be real learning involved.

Gary Engelbretson: (Superintendent of Killdeer public schools) Killdeer's school day is 360 minutes. Six hours. We have no additional time built into the schedule. Killdeer's school district is 842 square miles. We transport somewhere between %60 and %65 of our students, which means that we have students traveling significant distances. This daily schedule was put in long before I came to Killdeer and it was in acceptance of the population of the Killdeer school district, and basically what happens is, we have parents who transport children to the buses to keep the routes short. Consequently, our day is limited, because our kids are traveling a good deal of time before and after school. We would like to have the twelve hours flexible in the case of weather, because when we're operating a transportation system in that size of a district, we need as much flexibility as we can. Now, we're in the process of spending money to have our

curriculum to continue to be developed. Not that we would use a lot of time for in service opportunities, etc. If this bill was approved, but it would give us some additional flexibility.

Bev Nielson: (ND School Board's Association) We support this bill and have a resolution to that affect that passed our delegate assembly, and I won't answer questions about specific districts, because every district has their own, but I am going to speak about the philosophy before the law was changed last session, and what this particular bill speaks to. Before the bill was passed, our school board scheduled in three to four early dismissals, where we could do in service with our staff. What they used was a compressed schedule, so every class met. Then, what would happen, we would have those days scheduled, and if we ended up with weather related issues in the second semester, the in service hours the second semester then maybe were canceled. I do think that a compressed schedule does not rob children of valuable education time, when it's used, maybe three times a year. I think that when this bill came up last session, a large part of it was because Sen. Freborg had particular knowledge where schools were taking early dismissals to go to the basketball game. What happened then, because there were some abuses, was that we lost that flexibility to schedule those three or four compressed days in our calendar for in services.

Joe Westby: (NDEA) Our issue is mostly the staff development, and we feel that it's very critical for schools to maintain the quality of instructional program that they need to maintain, and to keep teachers up with all of the changes that are going on, not only with technology, but in the curricular areas. It becomes very difficult for a school district to provide the necessary kinds of staff development programs that they should have to keep instruction at the top of its form.

Rep. Thoreson: Is your organization in favor of extending the school year to try to get time in there for in service, as opposed to taking it away from scheduled days?

Westby: I don't know that we have officially taken an organizational position on that. We've had conversation, and most of those believe more days in the calendar would be something that would be worth considering, for extended self development time for teachers.

Dean Bard: (LDSOS) \*Please refer to #4 in the brochure\*

Rep. Thoreson: Do you think that it's more important to provide that in service to teachers or to take those two days away from the students, as far as instructional time.?

Bard: I guess it would depend on how the other days were going to be provided and what effect it would have on the school district's programs. In service time is valuable and it needs to be accomplished and if that requires some time to be taken away from contact hours, I guess so be it, it should probably be accomplished, but my association has no position on that however.

Chairman Kelsch: Anyone who wishes to appear in opposition to HB1361?

Anita Decker: (Assistant Director of the School Approval and Accreditation unit of DPI)

\*Please refer to written testimony\*

Rep. Nelson: Your statement that ND's 173 contact pupil days is the shortest. What is common place?

Decker: I believe that the range is generally somewhere close to where we are up to 215-220, and I don't know the exact average, but most states have more than we do.

Rep. Nelson: How about states like SD, MO, and MN?

Decker: I don't have that information, but I can provide it for you.

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Chairman Kelsch: Why aren't schools using the money? Do they know about it? What's the process?

Decker: I believe they do know about it. It's attached to nearly every federal program, and not dealing directly with federal programming, I'm not sure why it's not being used.

Chairman Kelsch: We will now close the hearing on HB1361.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1361

House Education Committee

☐ Conference Committee

Hearing Date 1/31/01

Tape Number	Side A	Side B	Meter #
3	X		1066-2025
Committee Clerk Signature <i>Robin L. Small</i>			

Minutes:

REP. R. KELSCH called the committee to order, with all members present except

REP. SOLBERG.

ACTION:

REP. GRUMBO states to the committee that two years ago there was a lot of trouble with this piece of legislation. The southeast superintendents and administrators go through this, but I also know that I don't want to lose any thing either that has been gained. I don't want to push this further, and yet I know what REP. JOHNSON has done. I really don't know what position that places me in, in regard to this bill. REP. R. KELSCH then comments that if there is a motion for a do not pass, we will let you vote no. REP. GRUMBO replies with an okay. REP. R. KELSCH states that he can certainly take his stand, since he introduced the bill. I understand your feelings and what you tried to do for that area, but it isn't really workable.

General discussion.

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REP. BRUSEGAARD then motions for DO NOT PASS, seconded by REP. NELSON. The roll call vote is then taken with 11 YES, 3 NO and 1 ABSENT AND NOT VOTING. The motion carries. The CARRIER of the bill is REP. D. JOHNSON.

HB 1361: DO NOT PASS 11-3

CARRIER: REP. D. JOHNSON



Date: 1/31/01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1361

House House Education Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

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 Meier	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				

Total (Yes) 11 *Click here to type Yes Vote* No 3 *Click here to type No Vote*

Absent 1

Floor Assignment *Click here to type Floor Assignment* Rep. D. Johnson

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

**REPORT OF STANDING COMMITTEE (410)**  
January 31, 2001 5:04 p.m.

**Module No:** HR-17-2052  
**Carrier:** D. Johnson  
**Insert LC:** . **Title:** .

**REPORT OF STANDING COMMITTEE**

**HB 1361: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS**  
(11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1361 was placed on the  
Eleventh order on the calendar.

2001 TESTIMONY

HB 1361

TESTIMONY ON HOUSE BILL 1361  
HOUSE EDUCATION COMMITTEE

January 29, 2001  
Department of Public Instruction

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Chairwoman Kelsch and members of the committee:

My name is Anita Decker. I am assistant director of the School Approval and Accreditation Unit of the Department of Public Instruction.

North Dakota's 173 pupil-teacher contact day requirement is among the shortest such schedules in the nation. Our concern with this bill is that it erodes time in the classroom. The 12 hours outlined in this bill as "discretionary hours" are deducted from the 173 days of instruction currently in law. We are opposed to any reduction of pupil-teacher contact time.

Professional development is definitely a key component of a forward-looking, quality-conscious school district. With increased emphasis on accountability in education, educators need a greater repertoire of teaching strategies to assure that they reach all children. Professional development is not an event; it is a process. Professional development focuses on delivering targeted student learning; a "potpourri of good practices" is no longer adequate. It should be consciously and carefully planned as part of each school year.

We believe, however, that this bill will relegate professional development to "what's left over" after a winter of potentially serious weather problems. At best, under this plan, professional development would be done in the spring, if any time were left. Conceivably, in some years, there would be no time for professional development. You should consider, as an alternative, adding an additional foundation aid day for professional development to the current 180 days.

In any case, we do not believe that students should receive less education than the current 173 days now required.