

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1465

2001 HOUSE EDUCATION

HB 1465

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1465

House Education Committee

☐ Conference Committee

Hearing Date 01/29/01

Tape Number	Side A	Side B	Meter #
#2	X		1085 to 4706
Committee Clerk Signature <i>Dana Gilbertson</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 HB1465.

Rep. Froelich: (District 35) I hope this bill will help schools in this state struggling with a teacher shortage and those that are having difficulty supplying teachers. All children are special. I realize that this is not a perfect bill, it needs to be amended. I present this bill to you as a vehicle to help students in schools in North Dakota.

Kathy Froelich: (Faculty member of Sitting Bull College) *Please refer to written testimony*

Rep. Johnson: After signing onto this bill, this non categorical, does it get to be too encompassing?

Froelich: The bill is really broad, and if you look at the article, most of the states have specialized areas, visual disabilities, hearing impairment, physical disabilities, some of those areas would not be able to fit under that multi categorical, there are some that could fit together, for example, learning disabilities, mentally handicapped, emotional disabilities, those are some that could be put together.

Chairman Kelsch: Anyone wish to appear in opposition to HB1465?

Bob Ruten: (Director of Special Education for DPI) *Please refer to written testimony*

Rep. Hawken: That's what the proposed amendment was, taking out the visionary, physical therapy, and probably speech, and if this bill would be amended in that bill in that way, would that follow along with what you're planning to do anyway?

Ruten: If the proposed bill were significantly amended to follow in what we are advocating in terms of the education strategist credential, it would be very acceptable. I might point out, too, the current bill that's before you in its language is inclusive of sever disabilities, multiple disabilities, gifted and talented. It does omit several of the disability categories that we currently serve however that wasn't in the bill: students with traumatic brain injury, and one other one that escapes me as well.

Rep. Haas: How certain are you that you're going to be able to implement this new credential in a timely fashion, would it be in place by the fall of 2001, or is this going to require additional course work by those people who are currently in the field, in one of these categories, get the strategist credential. Where do you see that timeline going?

Ruten: In actuality, the state and the department are behind the current practices at UND. In fact, they've been waiting for us to come forward with the credential, because they currently have

a category of students ready to hit the ground with this, and they want that credential. What we need to do, now, is either through the legislative process, if you amend this in such a fashion that it incorporates the educational strategist credential, or the administrator rules process. If you get through either of these options, it would be great. It shouldn't be too timely.

Rep. Haas: OK, there are students currently at UND, but what about schools in the state that are struggling in finding all of the individual categories right now, and as far as retraining or professional development for those people in order to reach the same level of credentialing?

Rutten: If this credential were to become reality, it is optional, so the retraining that would be necessary, that would be on a voluntary basis. What we have been currently doing on a regional basis is trying to provide additional training in low incidence disability areas, specifically autism, and that was the other categories that was omitted from the current language in the bill, but through those types of processes, what we wanted to provide for regional specialist to help multi-school districts with the low incidence disabilities such as deafness, vision impairment, autism, traumatic brain injury.

Rep. Haas: Where would the regional specialists be located? Within the special ed. unit?

Rutten: With our current structure, that would be the most logical way to do those. Some of the specialists are available through the ND school for the deaf on a regional basis, also through ND vision services, but we did make available, regional low-incidence grants, for regional special educational cooperatives, who work together to look and identify areas of need and then to address training, resource materials.

Becky Salvesson: (Special education teacher and professor at University of Mary) *Please refer to written testimony*

Rep. Mueller: It would appear that what you supported and what Mr. Ruten spoke about, begins to speak to the issues in this bill, and maybe we're way too broad, are there other disabilities that we could put together and have a credential for an individual who would maybe deal with more than one area, and if so, what might those areas be?

Salveson: I really think the language proposed with the general strategist would meet those needs. I think we're talking about high incidence, low-impact. A number of mild disabilities, there are quite a few students with that level of mild disabilities, I think that cross-categorical in the mild area, of mental retardation, learning disabilities and emotional disturbance would go a long ways to meeting the needs. I would be very hesitant, however, to generalize that any further, for instance with a person with traumatic brain injury. Although the person may have some of the characteristics with someone who has mental retardation, you certainly have another set of needs all together. I taught non-categorical in the state of WA for five years, and the quality that was offered to the students, particularly in the rural districts really suffered, because you didn't want to pay for more than the law expected you to provide, and if you had a degree that's too broad, I don't think that the parent's or the children's needs would be met.

Carlotta McCleary: (Regional parent coordinator for the ND Federation Of Families For Children's Mental Health) *Please refer to written testimony*

Max Laird: (President of the ND Education Association) I have tremendous respect for Bob Ruten and his work with special education and his work of his advisory committees in attempting to address the issue of this generalist strategy. Moving all the way to a non-categorical credential may be further than we want to go in the state of ND, for the purpose of delivery of quality services. In the 1997 session, there was legislation proposed in this area

that was defeated. In 1999, an amendment was placed on a piece of legislation, for the purposes of creating a system, whereby, before this type of credential would move forward, that the department was required to have it reviewed by a committee. I believe that this simply reflects the importance that was placed, by those in the special education community around the issue of making sure that the children were impacted with the highest quality services that they may. I got an e-mail, and there was one that commented on, even to the extent of the possibility of additional lawsuits, relative to quality service delivery by special education districts and units relative to children, because of the possibilities that the case loads could get to high, or the service delivery models might, in fact, be extended beyond the ability of the staff to serve. I do believe that Bob and his folks are proceeded with undue caution and care, particularly looking at the needs of the students in the utmost and their student achievements. I would encourage you to very carefully consider any amendments you might make to this legislation, but I think that the rules and the credentialing process will resolve the issue, without this legislation.

Barbara Tangesdal: (ND Association of the Education of Young Children) We're opposed to this bill, for the part that says the early childhood special education piece. We do not believe people who have been trained in working with children in higher grades will have the understanding of what it takes to work with our youngest children, and so this was so generalist, we are opposed to it. We might, with what DPI is proposing, just to know that the needs of young children may not be met with people who are trained for high school, junior high and other kinds of educators.

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

Rep. Brusegaard: What kind of progress is being made on the educational strategist credential and will it be in place for the 2001 school year?

Welk: I'd have to work with Mr. Ritten on that. We can do our roles and do the programming and work with him, and it would be possible.

Rep. Brusegaard: Will this new credential solve both goals of preserving at least a level of quality that our children need and also have opportunities for school districts to cut costs and buy teachers?

Welk: I'm not sure if it will cut costs. I believe that we will have to pay our teachers for them to come into ND and stay in ND, so I don't think that it's going to be a cut cost. Issue with regard to actually hiring, yet they may have to hire only few people, but they're going to have to pay the person that they get.

Chairman Kelseh: We will close the hearing on HB1465.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1465 A

House Education Committee

☐ Conference Committee

Hearing Date 01/30/01

Tape Number	Side A	Side B	Meter #
#2		X	600 to 1162
Committee Clerk Signature <i>Jana Gilbertson</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: Let us take up HB1465.

Rep. Haas: I move the amendments.

Rep. Brusegaard: Second.

Rep. Haas: I move a Do Pass As Amended.

Rep. Mueller: Second.

Chairman Kelsch: Committee discussion.

The Motion of DO PASS AS AMENDED passes with 15 Yay 0 Nay 0 Absent.

Floor assignment: Rep. D. Johnson

FISCAL NOTE

Requested by Legislative Council

02/02/2001

Bill/Resolution No.:

Amendment to: HB 1465

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Bob Rutten	Agency:	Public Instruction
Phone Number:	328-2277	Date Prepared:	02/02/2001

FISCAL NOTE

Requested by Legislative Council
01/23/2001

Bill/Resolution No.: HB 1465

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Under the Individuals with Disabilities Education Act (IDEA) the North Dakota Department of Public Instruction is responsible for ensuring that appropriately trained and qualified persons work with students who have disabilities in the schools of our state. It appears that the proposed bill would have no estimable fiscal impact on the DPI. However, if HB 1465 becomes law presumably the institutions of higher education in our state that prepare special educators would need to revise the courses and programs that they offer. This proposed noncategorical special education credential would presumably require faculty members to be appropriately trained in a larger number of disability categories. Currently the three institutions of higher education in North Dakota that prepare special education teachers (Minot State University, University of North Dakota, and University of Mary) do not each have faculty members to appropriately train teachers in all the disability categories outlined in this bill. The fiscal impact on these three schools to prepare teachers in a noncategorical manner is difficult to estimate at this time. One North Dakota professor expressed the opinion that all three institutions of higher education would have to double the number the faculty members that they currently have.

3. State fiscal effect detail. *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Bob Rutter	Agency:	Public Instruction
Phone Number:	328-2277	Date Prepared:	01/25/2001

Date: 1/30/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1465

House House Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number 106010101

Action Taken Do Pass As Amended

Motion Made By Rep. Haas Seconded By Rep. Mueller

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) 15 Click here to type Yes Vote No 0 Click here to type No Vote

Absent 0

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

HB 1465: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1465 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 15-47 of the North Dakota Century Code or in the alternative to create and enact two new sections to chapter 15.1-18 of the North Dakota Century Code, relating to the special education strategist credential."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. If House Bill No. 1045 does not become effective, a new section to chapter 15-47 of the North Dakota Century Code is created and enacted as follows:

Special education strategist credential. In addition to any other credential, the superintendent of public instruction shall implement a special education strategist credential, effective August 1, 2001. Any individual who obtains a special education strategist credential and meets all other teacher licensure requirements imposed by statute may provide special education services in the areas of mental retardation, emotional disturbance, and learning disabilities.

SECTION 2. If House Bill No. 1045 does not become effective, a new section to chapter 15-47 of the North Dakota Century Code is created and enacted as follows:

Provisional special education strategist credential. Beginning August 1, 2001, upon application the superintendent of public instruction shall issue a provisional special education strategist credential to any individual who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and who holds a credential applicable to the areas of mental retardation, emotional disturbance, or learning disabilities. The provisional credential must be made available to the individual for the lesser of three years or the period of time required by the individual to complete the requirements for a special education strategist credential.

SECTION 3. A new section to chapter 15.1-18 of the North Dakota Century Code is created and enacted as follows:

Special education strategist credential. In addition to any other credential, the superintendent of public instruction shall implement a special education strategist credential, effective August 1, 2001. Any individual who obtains a special education strategist credential and meets all other teacher licensure requirements imposed by statute may provide special education services in the areas of mental retardation, emotional disturbance, and learning disabilities.

SECTION 4. A new section to chapter 15.1-18 of the North Dakota Century Code is created and enacted as follows:

Provisional special education strategist credential. Beginning August 1, 2001, upon application the superintendent of public instruction shall issue a provisional special education strategist credential to any individual who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and who holds a credential applicable to the areas of mental retardation, emotional disturbance, or learning disabilities. The provisional credential must be made available to the individual for the lesser of three years or the

REPORT OF STANDING COMMITTEE (410)
January 31, 2001 8:36 a.m.

Module No: HR-17-1982
Carrier: D. Johnson
Insert LC: 10601.0101 Title: .0200

period of time required by the individual to complete the requirements for a special education strategist credential."

Renumber accordingly

2001 SENATE EDUCATION

HB 1465

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1465

Senate Education Committee

☐ Conference Committee

Hearing Date 03-14-01

Tape Number	Side A	Side B	Meter #
1		x	2.7 - 40.3
1 (03-20-01)	x		16.0 - end
1 (03-20-01)		x	0 - 5.0
Committee Clerk Signature <i>Denden Johnson</i>			

Minutes: CHAIRMAN FREBORG opened the hearing on HB 1465 which relates to the education strategist credential.

Testimony in support of HB 1465:

REPRESENTATIVE FROELICH, District 35, presented testimony in support of HB 1465. (see attached)

REPRESENTATIVE D. JOHNSON, District 12, stated his support for the bill. He feels the rural schools will benefit from this legislation.

REPRESENTATIVE KATHY HAWKIN, District 36, asks the committee to support this bill.

This bill has brought all parties together who have an interest in this issue, special education.

This is a vehicle to help in smaller districts for serving the needs of special education children.

UND already has started the curriculum for this credential and this legislation accompanies it

perfectly. SENATOR COOK asked if this would make a teacher able to teach all children with

special needs. REP. HAWKIN said specifically, probably not. This would give the teacher the

base background and the additional training to be able to serve the needs of the children. She further stated that Representative Kelsch supports this legislation. The superintendent of DPI is involved with the non-certification of the credential and ESPB is involved in certification. Anyone going into this program would have to have the certification before obtaining the credential.

KATHY FREOLICH, faculty member at Sitting Bull college, spoke in support of the bill. (see attached). She also presented an article from the Council for Exceptional Children (see attached). There are up to ten categories in special education and North Dakota has three institutions that offer a major in this area. There are thirteen disability categories by the Federal Government.

BOB RUTTEN, Director of Special Education for DPI, presented testimony. (see attached). He explained how an IEP (individual education program) is arrived at with a person having several different problems. They are evaluated by several professionals and, along with the parents or guardians, a decision is made on disability and the route to follow to educate the student. Currently 13,612 students are served through special education in North Dakota. This is 11.5% of the overall student population. The two largest categories are: 1. Special language impairment, 2. Specific learning disabilities. MR. RUTTEN stated the categories of specific learning disability, emotional disturbance, and mental retardation are considered comparatively mild disabilities. These are the categories this legislation would allow a teacher to work with. MR. RUTTEN stated that early childhood special education in North Dakota has a fairly broad cross categorical approach. It was recognized that North Dakota needed to provide early childhood special educators with a fairly good understanding of the various disability categories. Nationally there are 6.1 million students receiving Special Education services. As of this current

school year, this reflects a 3% increase nationwide. Despite declining enrollment, special needs are a growing problem in North Dakota. There is an increased awareness by the public, there is better parental awareness, and the stigma to special needs is decreased now. The impact on mainstream children seems to be mostly a positive experience by studies that have been done nationally.

Those with a neutral position on HB 1465:

NANCY SAND, NDEA stated that when asking her members about the engrossed bill, the concern was with mandating this credential later on.

DEB JENSEN, ESPB, stated they have been working with BOB RUTTEN, DPI, and other educators and institutions. Special Education credentials are add-ons to licensure. They have also been looking at this legislation in relation to the standards for exceptional children.

Hearing no further testimony, the hearing on HB 1465 was closed.

3-20-01, Tape 1, Side A, 16.0 - end, Side B, 0 - 5.0

SENATOR CHRISTENSON presented an amendments for the committee to consider. She stated the engrossed House bill meets a comfort level for all concerned levels. Her amendment adds another credential, a "mental retardation" credential. It also changes "shall" to "may" throughout the whole engrossed bill. It also alludes to "specific" learning disabilities. This is for a credential for a teacher to teach and deal more broadly with those who are mentally retarded, emotionally disturbed or has learning disabilities. This would help eliminate the need for several teachers in the area of mental retardation. Changing "shall" to "may" made this seem less mandatory and makes it a more permissive piece of legislation. SENATOR O'CONNELL asked how much more education would be needed to obtain this credential. SENATOR CHRISTENSON stated UND has a program with the core curriculum already developed and this

would mean just a couple more courses. She feels it would be broad-based. Severe cases would require different types of special programs. SENATOR COOK asked if every school district would still have control whether to have a teacher with this credential on staff. SENATOR CHRISTENSON feels the local district would still maintain control. She stated the severe disabilities would not be dealt with by these individuals, the strategists. Severe cases require special circumstances. This is addressing the mainstreaming concept of public schools and fits well with that. SENATOR COOK asked about the Mental Retardation Credential. Don't we have that now and are we creating another credential. SENATOR CHRISTENSON stated ND has this credential, but it had been inadvertently left out in the rewrite (HB 1045) and if that does not pass it needs to be in this bill. SENATOR COOK wondered about the words "shall" and "may" as to the Superintendent of Public Instruction in Section 5. SENATOR CHRISTENSON assumes discussion has taken place on this issue and feels all are comfortable with this language. She stated she is totally against lowering standards and does not feel this is doing that. SENATOR COOK stated by changing "shall" to "may" the argument is moved to the Superintendent of Public Instruction rather than the lawmakers. She stated this credential will give a teacher more depth and more meaning in teaching those in this area. She feels there is an emerging support going toward a strategist. This does not require teachers to go back to school. The credential is available if a school district or local teacher wants it. SENATOR FREBORG stated he has a hard time with changing "shall" to "may" because this would require DPI to allow the districts to take up the option to create the credential and if the districts want it, it is there. If a specific teacher wants it, it is there also. SENATOR KELSH stated that from testimony, he thinks it would allow one person to do the work of two or more.

SENATOR CHRISTENSON moved to adopt the amendment. Seconded by **SENATOR KELSH**. Discussion. **SENATOR KELSH** also wonders about changing the "shall" to "may". Is there a fear with the people who have the credential now, a fear of DPI or what.

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

SENATOR COOK moved to adopt the amendment but removing "replace 'shall' with 'may'" on four lines and changing "may" to "shall" in the Mental retardation credential paragraph. **SENATOR COOK** would like to see other credentials in code also. **ANITA THOMAS**, Legislative Council, answered questions. There is no reference to credentials in statute. If this credential is put into statute, then it may give notice to put others in. **SENATOR KELSH** wondered if it would hurt to put credentials in code. **MS. THOMAS** stated that to address all concerns, it can be put in code, sunset it, then it would go in the administrative rules or session laws. **SENATOR COOK** added to the amendment that "it will have an expiration date of June 30, 2003". Seconded by **SENATOR FLAKOLL**.

Roll Call Vote: 7 YES. 0 NO. 0 Absent. Amendment Adopted.

SENATOR CHRISTENSON moved a DO PASS as Amended. Seconded by **SENATOR COOK**. **Roll Call Vote: 7 YES. 0 NO. 0 Absent. Motion Carried.**

Carrier: SENATOR CHRISTENSON

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1465

Page 1, line 1, replace "two" with "three"

Page 1, line 2, replace "two" with "three"

Page 1, line 3, replace the second "the" with "a" and after "credential" insert "and a mental retardation credential"

~~Page 1, line 8, replace "shall" with "may"~~

Page 1, line 11, after "and" insert "specific"

~~Page 1, line 16, replace "shall" with "may"~~

Page 1, line 19, after "or" insert "specific"

Page 1, after line 22, insert:

"SECTION 3. If House Bill No. 1045 does not become effective, a new section to chapter 15-47 of the North Dakota Century Code is created and enacted as follows:

Mental retardation credential. In addition to any other credential, the superintendent of public instruction ~~may~~ implement a mental retardation credential, effective August 1, 2001. Any individual who obtains a mental retardation credential and meets all other teacher licensure requirements imposed by statute may provide special education services in the area of mental retardation."

~~Page 2, line 2, replace "shall" with "may"~~

Page 2, line 5, after "and" insert "specific"

~~Page 2, line 10, replace "shall" with "may"~~

Page 2, line 13, after "or" insert "specific"

Page 2, after line 16, insert:

"SECTION 6. A new section to chapter 15.1-18 of the North Dakota Century Code is created and enacted as follows:

Mental retardation credential. In addition to any other credential, the superintendent of public instruction ~~may~~ implement a mental retardation credential, effective August 1, 2001. Any individual who obtains a mental retardation credential and meets all other teacher licensure requirements imposed by statute may provide special education services in the area of mental retardation."

Renumber accordingly

Insert sec. 3 August 1, 2003

Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1465

Senate	Education	Committee
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☐ Subcommittee on _____
or _____

☐ Conference Committee

Legislative Council Amendment Number

Action Taken Adopt. Amendment 10601-0.201

Motion Made By Sen. Christensen Seconded By Sen. Kelso

[illegible]

Total (Yes) 2 No 4

Absent 1

Floor Assignment

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

failed

Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1465

Senate	Education	Committee
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☐ Subcommittee on _____
or _____

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt amend to change 1000000

Motion Made By Sen. Cook Seconded By Sen. Flakoll

[illegible]

Total (Yes) 24 No 0

Absent

Floor Assignment

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

Date: 3
Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1465

Senate	Education	Committee
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☐ Subcommittee on _____
or _____

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Done

Motion Made By Sen. Christensen Seconded By Sen. Cook

[illegible]

Total (Yes) 7 No 0

Absent

Floor Assignment Sen Krishnam

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

REPORT OF STANDING COMMITTEE

HB 1465, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1465 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" Insert "to provide for a mental retardation credential;"

Page 1, line 3, after "credential" insert "; and to provide an expiration date"

Page 1, line 11, after "and" insert "specific"

Page 1, line 19, after "or" insert "specific"

Page 2, line 5, after "and" insert "specific"

Page 2, line 13, after "or" insert "specific"

Page 2, after line 16, insert:

"SECTION 5. MENTAL RETARDATION CREDENTIAL. In addition to any other credential, the superintendent of public instruction may implement a mental retardation credential effective August 1, 2001. Any individual who obtains a mental retardation credential and meets all other teacher licensure requirements imposed by statute may provide special education services in the area of mental retardation.

SECTION 6. EXPIRATION DATE. Section 5 of this Act is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

2001 TESTIMONY

HB 1465

TESTIMONIAL ON HOUSE BILL 1465

PREPARED BY KATHRYN FROELICH

JANUARY 29, 2001

My name is Kathy Froelich, I am a faculty member at Sitting Bull College on the Standing Rock Reservation. For the past seven years we have been able to offer a four year double major Elementary/Special Education degree, through an articulation agreement with a South Dakota four year institution. Our students will graduate with an 1-8 certification in elementary education, in South Dakota they will have a certification k-12 Special Education. Presently these student receive a South Dakota certification, upon receiving their certification they then apply for North Dakota certification. In North Dakota they will receive 1-8 elementary certification and receive certification in one area of Special Education, EMR.

I am here today to testify to the need in our state to provide a non-categorical special education certification. As the recent article states "should a special education teacher specialize in a particular disability or should he or she serve as a generalist, one who knows a little about a wide range of disabilities? Due to the ever growing diversity present in most of our schools the trend seems to favor a "generalist" or non-categorical" licensure of special education teachers. For those fortunate school districts who's budgets allow for additional specialists in each area the categorical licensure is an option. But for the many rural schools who's budget are already stretched by funding pressures it is a hardship, many of our rural schools must then cooperate with other schools in the district and hire one person who holds the necessary credentials. This person must travel many miles to prepare educational plans for students and use para-professional staff to follow the individual education plans made for each student. With the non-categorical certification teachers could hold a credential that would enable them to work with several types of disabilities with in their schools.

Currently more than 45 states have some form of multicategorical framework. This trend is an indication of the movement to less labeling of students and the need to train all of our teachers to be able to work with all types of students. Rarely does one student have only one type of disability therefore it boils down to training all of our teachers to possess the strategies that work with all students. IDEA (Individuals with Disabilities Education Act) reforms and movement toward inclusion we need to be able to attract teachers to our school that possess many types of knowledge.

Teachers transferring to ND who hold special education credentials from other states are required to take additional course work in order to fulfill the categorical requirements. In a state where 47% of our new graduates leave the state, where in our rural schools 80% of our teachers commute, where salaries are the lowest in the nation we need to assess how well we are meeting the needs of our children.

Early childhood providers would also benefit from a non-categorical status, they work with our children at the most critical time in their development. The additional training in working with many types of disabilities will help us to be proactive and identify those children who many be at risk of becoming a part of an ever growing system. SBC has recently applied to the Office of Special Education programs to train early childhood providers with the special

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education training needed to serve our children. These providers would also be able to receive the non-categorical training needed to serve there communities.

Last year at the Office of Special Education Personnel Preparation Conference in Washington DC, Dr. Corrigan of the University of Texas emphasized "the need for regular education to become more special and special education to become more regular"

Our students at SBC have both the regular education training along side the special education training. I feel confident that they will be advocates for all of their students, teachers and parents. For too long regular education teachers have blamed special education for lack of assistance and special education teachers have blamed regular education teachers for lack of training.



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HB 14165

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The Debate: Multicategorical vs. Categorical Licensure

Should a special education teacher specialize in a particular disability or should he or she serve as a generalist, one who knows a little about a wide range of disabilities? This question is being debated not only by individuals seeking a degree in special education but also by school districts and states. At this time, the trend toward the "generalist" seems to be winning favor as more and more states are turning to multicategorical licensure of special education teachers. That is, rather than have licenses or certifications for each specific area of disability (learning disabilities, mental retardation, physical disabilities), the state combines several disability categories into one certificate, such as "mild/moderate disabilities."

However, the debate is far from over. Questions abound as to whether or not one

type of licensure better meets the needs of students with disabilities, how the categories should be broken down, and which license will best prepare special education teachers to teach in today's classrooms.

The issue is one that deserves serious consideration by special education teachers, school systems, and states/provinces. The license a special education teacher earns not only affects the quality of education students with disabilities will receive and the type of students a teacher will work with — or is prepared to work with — it will also impact the teacher's employability.

School districts and states need to look at license type as they assess the needs of their special education population, funding and

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What Does CEC's Proposed Governance Restructuring Mean to You?

At the CEC Annual Convention & Expo in Vancouver, B.C., this April, CEC will decide whether or not to change its current governance structure. While this subject may seem far removed from the general membership, in fact, it is not. Under the proposed restructuring, CEC will be able to better meet the needs of its members both professionally and within the organization. The proposed governance structure enables CEC to learn and use member input when advocating for federal policy and local legislation, involve members when developing CEC positions, and give members a direct vote for their leadership.

To help you better understand the restructuring and how it will work, CEC President Bill Bogdan and Chair of the Governmental Relations Committee Pam Gillet developed the following questions and answers on the restructuring.

Why does CEC feel it needs to change its governance structure?

To maintain and strengthen its position as the leading association on special education, CEC needs to be able to respond quickly to issues in the field. Our current governance

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resources, and ability to attract highly qualified teachers.

"The issue of multicategorical versus categorical certification is one that deserves serious study," said Nancy D. Safer, CEC's executive director.

The Trend toward Multicategorical Certification

Currently, more than 45 states have some form of multicategorical framework to credential special education teachers, according to the *NASDTEC Manual, 1998-1999*, from the National Association of State Directors of Teacher Education and Certification. However, some states continue to offer categorical licensures as well. For example, Virginia has categorical licensure for learning disabilities, mental retardation, emotionally disturbed, hearing impaired, and visually impaired, as well as one license for "severely/profoundly disabled" that combines several disability categories.

While the license titles and the categories of students included in the multicategorical frameworks differ, the trend has been toward two major licensing categories: special education teachers of students with mild/moderate disabilities and special education teachers of students of severe/profound disabilities.

The Pros

While special education experts present many arguments favoring multicategorical licensure, perhaps the most compelling is that the majority of special education teachers now work in settings that include students with a variety of disabilities. Indeed, finding a class of students who have just one disability type is rare.

"The reality is we are working with many more diverse kids," said Doug Cheney, professor at the University of Washington and member of CEC Chapter #28. "When you look at special education case loads, one teacher might have students with several different disabilities."

Some special educators also argue that looking at students with disabilities through a multicategorical lens al-

lows teachers to focus on what each child needs rather than on his or her disability. Massachusetts is one state that places students in special education based on the amount of services they need rather than their disability. In these situations, where classes may have students with learning disabilities, communication disorders, and mental retardation, teachers base their instructional strategies on each child's individual needs. Plus, the multicategorical approach has the added benefit of doing away with labels, according to Paul Zinni, Title I director for Taunton, Mass., professor at Bridgewater State College, and member of CEC Chapter #143.

"The child's disability category is not the issue," added Rachelle Bruno, professor at Northern Kentucky University and member of CEC Chapter #174. "The issue is, 'Does the child need to be in a pull-out or resource program where everyone is working on language arts?' It doesn't matter what the child's categorical label is."

In addition, many special educators agree that multicategorical licensure works because special education teachers use the same or similar techniques when teaching students with mild to moderate disabilities (most often, students with learning disabilities, mental retardation, and emotional/behavioral problems). In a survey reported in *Teacher Education and Special Education*, v 12, n 1, a majority of special education teachers, special education coordinators, superintendents, and and teacher educators said that teachers usually use the same methods with these groups of students. All four groups further agreed that the characteristics of students with mild learning disabilities, mild emotional disturbance, and educable mental retardation overlap.

Teachers who have multicategorical licensure also are often seen as an asset to school districts. Those teachers who have a foundation in many types of disabilities can teach students with various disabilities, as well as serve in classes that serve students with differing special needs. They can also talk to an IEP team about all the different

areas in which a child may need services and pull together goals and objectives for the child, says Cheney. These factors also increase a special education teacher's employability.

The Cons

Though the field of special education may be turning to multicategorical licensure, many special educators fear the trend may prevent students with disabilities from receiving appropriate educational instruction. While special education teachers who graduate with a multicategorical license have a breadth of knowledge about disabilities, they often do not have the depth they need for some categories, says Cheney. For example, special education teachers working with students with emotional disturbance should know a number of competencies in social and emotional development, as well as knowledge of counseling, crisis intervention, physical/aggressive behavior, and interagency coordination — many of which would not be covered in multicategorical licensure programs, he explained.

Other special educators contend that it is impossible for one individual to learn all he or she needs to know about any particular disability in a 4-5 year multicategorical program.

"How can a teacher be trained to teach all the different disabilities and understand them?" asked Gale Naquin, project director at the University of New Orleans and Louisiana CEC Federation president. "They don't do that in the medical field. Special education teachers are generalists and we have no specialists."

Some special educators further argue that embracing multicategorical licensure is a step backwards at a time when knowledge of the various disabilities and instructional strategies is exploding. New research is refining what we know about each disability category, dispensing a plethora of knowledge about which instructional techniques are most effective for particular disabilities, and providing guidance as to methodologies for reading, writing,

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and math instruction. However, much of this knowledge is lost in a multicategorical licensure program, where courses provide only a foundation of knowledge about particular disabilities.

"We are entering a time when the field is becoming less specific and specialized when other professions are finding the need to develop subspecialties because of the explosion of knowledge," said William Healey, professor at the University of Nevada, Las Vegas and member of CPC Chapter #406.

The problem is further exacerbated by the fact that states that offer only multicategorical licensure may create voids in special education knowledge and instruction. In the best scenario, multicategorically licensed teachers can turn to a specialist if they need assistance dealing with a particular type of disability. However, if teacher education schools are not preparing individuals as experts in specific disability categories, schools — and teachers — have no one who can help should the need arise, according to Cheney. Even in states that offer both categorical and multicategorical licensure, the availability of a specialist in a disability category often depends on a school district's wealth.

Multicategorical licensure can further harm educational quality because it promotes placing inexperienced teachers in difficult teaching situations, according to Healey.

"They (schools) take teachers who complete the special education generalist program and have the least experience and place them in a resource room with the highest number of various disabilities," Healey added. "That's where we need teachers with the most knowledge. This needs to be turned around."

Special educators also fault the movement toward multicategorical licensure, because it overlooks certain categories of disabilities. For example, emotional disturbance, learning disability, mental retardation, and speech disorders are often categorized as mild disabilities. Not only does this approach ignore the fact that students can have severe emotional disturbance, a severe learning disability, or severe

speech disorders, it also fails to prepare teachers to work with students who have severe disabilities in these areas, according to Healey.

Another argument against multicategorical licensure is that it allows educators to avoid looking for the cause of a student's disability, information that is critical to providing appropriate educational instruction.

Other Considerations

Even those who favor multicategorical licensure recommend some changes to better meet the needs of students with disabilities. They are:

- Include the age of the student in categories, as the developmental, emotional, and social needs of a child in pre-school or elementary school differ vastly from those in middle or high school.
- Break disability categories into mild, moderate, and severe.
- Include more courses in each category in special education teacher multicategorical programs.
- Teachers who receive a multicategorical licensure should realize this is only a foundation. They will need to gain additional expertise in specific disability categories to serve the children they teach.

What Is CEC Doing?

To respond to the movement toward multicategorical licensure, CEC recently added a multicategorical framework to its knowledge and skills standards. CEC developed the new framework using its already validated knowledge and skill standards as a foundation. This framework assures that special education teachers have been taught the skills they need to work with their students, regardless of the type of special education program they graduate from.

In addition, CEC's new framework has attracted the attention of states that are revising their licensing standards.

To obtain a copy of *What Every Special Educator Needs to Know: The International Standards for the Preparation and Certification of Special Education Teachers*, call 888/CEC-SPED. ■

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tional, ethnic and multicultural, and division members.

Nominations

Will there be a "nominations from the floor" process?

CEC currently follows a "petitions" process that will remain in effect under the new governance structure.

How can suggestions for candidates be submitted to the Nominations Committee?

The list of vacancies for the BOLD positions of president elect or members-at-large will appear in the September or October edition of one of CEC's publications, as well as the name and address of the Nominations Committee Chair and the deadline for submission. Units and individual members may suggest candidates to the Nominations Committee. In addition, Nominations Committee members will actively seek out individuals to become candidates.

Elections

How will CEC members get to know the candidates running for office?

A multifaceted approach will be used to publicize the candidates for the CEC elections. The approach may include publishing nominees' biographical information in CEC publications, on CEC's Web page, and through various candidate forums. During the RA at the CEC Annual Convention & Expo, candidates will present campaign speeches. Candidates' biographical information also will be available at the convention.

Who is eligible to vote?

Eligible voting members include regular, student, life, retired regular, retired life, and international members who have paid their membership dues.

Further information regarding the CEC governance restructuring, including additional Q & A's will be available on the CEC Web site, www.cec.sped.org. ■

TESTIMONY ON HB 1465
HOUSE EDUCATION COMMITTEE
January 29, 2001
Department of Public Instruction

Madam Chairman and members of the committee:

My name is Bob Rutten and I am the Director of Special Education for the Department of Public Instruction. I can be reached at 328-2277.

In its current language the Department is unable to support HB 1465 calling for a noncategorical special education credential. The Department is painfully aware of the challenges of trying to recruit and retain special educators for all of the schools in our state, especially for those schools in rural and remote areas. For the past year I've been a member of the Quality Schools for the 21st Century Committee chaired by former Lt. Governor, Rosemarie Myrdal. Throughout the deliberations of this group representative of educators across the state the unifying principle that kept us working was a commitment to quality education for the students of North Dakota. A distinguishing characteristic of the committee was the recognition that "just good enough" isn't good enough. My greatest concern with HB 1465 is that quality of educational services will be sacrificed as a result of a quick fix for a more systemic problem.

For students with disabilities, their parents, the school personnel who serve them, and policymakers I wish that "one size fits all" in teacher preparation would really work. Someday we may enjoy that dream. However, a bedrock premise of special education is that each student with a disability is a unique learner with unique needs. As such, they require educators who truly understand the unique characteristics of the disability that each student has. As a person who devoted

over 20 years to the education of children who are deaf, I can guarantee you that I still don't have a complete understanding of that single disability category. I certainly never truly learned all that I felt I needed to know in order to be the best teacher I could possibly be for the students I served.

For properly prepared educators the truth is that most areas of special education require highly specialized teacher training programs. The necessary skills for teachers of students who are deaf are very different from those teachers who work with students who are blind. One must be proficient in auditory training, linguistics, lipreading, and sign language. The other must be skilled in Braille instruction and orientation and mobility training for students with visual impairments. The training in articulation and phonetics for a speech-language pathologist is substantially different from a teacher who works with students whose primary disability is emotional disturbance. The coursework required to be a skillful early childhood special education teacher is considerably different from the coursework for a teacher who works with high school students who have specific learning disabilities. The skills necessary to appropriately educate children with these very different disabilities require more training for teachers than a passing glance at the various disabilities in an undergraduate survey class.

The Department of Public Instruction facilitates a committee specifically focused on a comprehensive system of personnel development (CSPD). This committee is inclusive of parents, general and special educators and administrators, university professors, and state agency representatives. When the state CSPD committee became aware of the intent of HB 1465 it chose to communicate to the Department its reservations regarding a noncategorical special education credential. In addition to the concerns I have previously expressed, the CSPD committee pointed out that this proposed credential would require additional classes and instruction by universities and would make training longer

and more expensive for prospective teachers, thereby deterring them from entering the field.

Despite the concerns with a single noncategorical credential, however, the Department and the state Individuals with Disabilities Education Act (IDEA) Advisory Committee do support a new proposed special education credential that would make it possible for one special education teacher to work with students who have emotional disturbance, mental retardation, or a specific learning disability. Last summer the state IDEA Advisory Committee moved to seek approval for a course-based special education strategist credential. The mild and/or moderate disability categories of specific learning disabilities (SLD), emotional disturbance and mental retardation have some coursework in common, such as:

- Education of the exceptional child;
- Introduction and methods of teaching for specific learning disabilities;
- Corrective reading;
- Behavior management; and
- Educational psychology.

A teacher who had the proposed *Educational Strategist* credential would be a very versatile and helpful employee for a school because of the increased range of students she/he could serve. At the present time, the University of North Dakota offers a graduate level teacher training program that incorporates coursework required to earn the educational strategist degree. It was anticipated that the Department would draft administrative rules to add the educational strategist credential soon after the Legislature adjourned. Over these past months, the department has been meeting with representatives from the Education Standards and Practices Board, North Dakota Education Association, and North Dakota Institutions of Higher Education to discuss implementation of the *Educational*

Strategist credential. We also plan to meet with representatives from the North Dakota Council of Educational Leaders and the North Dakota School Boards Association soon.

From the Department's perspective and from the significant input our office has received from many persons deeply concerned about the education of students with disabilities in North Dakota, I ask you to proceed cautiously with this bill and to give thoughtful consideration to the proposals put forward by our state advisory committees.

Becky Salvesson

To: North Dakota House Education Committee
From: Faculty members from the three North Dakota institutions of higher education
that prepare special educators -

Lynn Chalmers and Steve Street / University of North Dakota
Liz Steer and Joan Bonsness / Minot State University
Becky Salvesson and Ramona Klein / University of Mary

Re: House Bill 1465

Date: 1/29/01

The above listed faculty understand the difficulty and expense of preparing, recruiting, and retaining special education teachers under the categorical preparation and credentialing system currently used in the state of North Dakota; however we strongly disagree with the intent of HB 1465. This bill proposes that a teacher with a noncategorical credential would be able to serve all (or nearly all) special education students. The needs of students with the disabilities listed are so varied that no one teacher could serve those needs adequately no matter what level of preparation he or she had.

If one special education teacher were to teach students with all the disabilities listed in the bill, he or she would need to be competent in teaching students who have mild to severe disabilities in mental retardation, learning disabilities and emotional disturbance. That teacher would also need to be prepared in methods for teaching students with low vision. He/she would need expertise in braille and mobility, in sign language or other alternative language systems, in all areas of speech and language disability, and in all curricular and teaching strategies for students who are gifted and talented. In addition, this teacher would need to be able to serve students with physical disabilities; he/she would need to know all aspects of this programming from wheelchair maintenance to assistive technology to tracheotomy care. And the teacher would need to have preparation in early childhood education. This is comparable to having a secondary education teacher teach every area of the secondary curriculum - from Latin to physical education to computer technology. This expectation is unrealistic, and will not serve the children, the teachers, or the school districts.

Under the current licensing and accreditation standards, in order to be adequately prepared, a UND student would need the following to meet the intent of HB 1465 (these are minimum estimates):

- Two bachelors degrees (general education and communication disorders) - 6 years
 - Graduate coursework in LD, ED, MR - approx 1 1/2 years
 - Graduate coursework in vision - 1 year
 - Master's degree in Speech / Language Pathology - 2 years
 - Graduate coursework in Gifted and Talented - 1 year
 - Graduate coursework in Early Childhood Special Education - 1 year
- Total - 12+ years at UND. Then the student would have to transfer to Moorhead State University to complete courses of study in severe multiple disabilities and deaf education

We conclude with this analogy. In many cases it is appropriate to visit a general practitioner to get our medical needs met, but in cases of special need, we want a medical specialist. It would be dangerous to expect a doctor to serve as a cardiologist for a person with a severe heart condition from 8:00 to 9:00, then to serve as a podiatrist for a person with circulatory failure due to diabetes from 9:00 to 10:00, from 11:00 to noon, the doctor might serve as a obstetrician and oversee a complicated delivery, and so goes the doctor's day. In medicine, we expect specialized preparation and service delivery. In education, we need to expect the same, based upon the needs of our consumers - children and families. HB 1465 would compromise this preparation and service delivery.

Thank you for attending to our testimony.

TESTIMONY BEFORE THE HOUSE EDUCATION COMMITTEE
REGARDING HB 1465
JANUARY 29, 2001

Chairman Kelsch and Members of the Committee:

My name is Carlotta McCleary, I am a regional parent coordinator for the ND Federation Of Families For Children's Mental Health. I am also the parent of two children who are receiving special education.

I am here to testify in opposition to House Bill No. 1465. The Federation Of Families is concerned that our children have educators who have the appropriate qualifications to meet children's unique learning needs. Each one of these special education categories requires an extensive amount of training and experience to meet the needs of the students. We wonder how one special educator will be able to have the knowledge to serve all of the children in these various categories. We are talking about quite a wide range of needs. It is hard for us to believe that a special educator with a credential in blindness and visual impairment would then be able to transfer those skills to work with a child with an emotional disorder and still meet that child's needs. Where is the training and the experience?

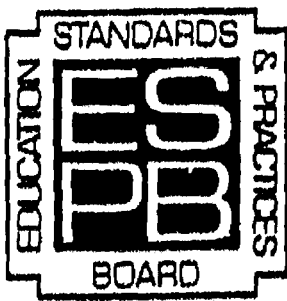
We have seen plans that would train special education teachers to work with students who have moderate disabilities in mental retardation, emotional disorders and learning disabilities. These teachers would have a generalist credential. This is something we could support because teachers are trained and it is looking at the needs of the students. If the students had more significant needs the specialists are still available to meet their needs.

We need qualified teachers in the area of special education. Children only have access to education when teachers really understand their unique learning needs. We should always keep the needs of the children as a priority.

Thank you for your time.

Carlotta McCleary
ND Federation Of Families
PO Box 3061
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Bismarck, ND 58505-0080

(701) 328-2264

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"Assuring highly qualified professional educators for North Dakota students"

Testimony on HB 1465

By

Janet Welk

January 29, 2001

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 would like to testify in opposition of HB 1465.

As you are aware, North Dakota is a major/minor state and the special education credentials comply with that law. Presently, we offer licenses in mental retardation and early childhood special education. The other special education areas are covered under the Department of Public Instruction's credentials. When an applicant receives a license in mental retardation, this means that person has completed a minimum of 30 semester hours of mental retardation coursework, has completed the necessary student teaching and has a minimum of 2.50 grade point average. As the special educator completes additional coursework in other fields of special education, they receive other credentials. At the present time in North Dakota, we only have approved programs in the categorical areas of special education. We do not have any noncategorical teacher education programs. This bill would mean new teacher education programs.

If this bill is passed, it will drastically lower the standards for North Dakota students. Rural North Dakota students deserve the same quality of education as all other students. When we lower or water down the standards for the credential, we affect students for the rest of their lives.

In 1983, my oldest son was completing the second grade in Grafton. His teacher, Mrs. Lorenzen asked for a parent teacher meeting and told us that Dominik could not read and felt he should be assessed by the Grafton speech pathologist. Dominik at that time went through extensive special education testing. He was later diagnosed with central auditory dysfunction. He repeated the second grade, learned to read, graduated from Bismarck High School, spent three years active duty in the Navy, graduated from Ridgewater College, is presently an insurance claims adjuster for American Family making \$33,000 a year in Minnesota. In my biased opinion as his mother, a happy ending to a very traumatic couple of weeks in 1983. Because Dominik had the opportunity to be assessed by the necessary specialists, he is a different person today. If Dominik would not have been properly diagnosed, all research shows, he could have easily become a behavior problem, socially promoted, probably drop out of school, later in trouble with the court system, and not the tax paying citizen he is today.

All of our students in North Dakota deserve the same quality educational system that previous students have had. They deserve the bright futures and happy ending. I would be happy to answer any questions at this time.

TESTIMONY ON HB 1465
SENATE EDUCATION COMMITTEE
March 14, 2001
Department of Public Instruction

Mister Chairman and members of the committee:

My name is Bob Rutten and I am the Director of Special Education for the Department of Public Instruction. I can be reached at 328-2277. I am here to speak in favor of Engrossed House Bill No. 1465. This bill would create a new special education credential.

This bill comes to your committee after the House Education Committee made significant revisions. The original bill was not sponsored or supported by the Department of Public Instruction. The original bill required the superintendent of public instruction to implement a credential that would have allowed a teacher to provide special education in multiple disability categories including mental retardation, emotional disturbance, learning disabilities, deafness or hearing impairment, blindness or visual impairment, physical disability, severe multiple disabilities, speech-language pathology, and early childhood special education. It would also have allowed the same teacher to provide special education services to students who are gifted and talented.

In the Department's original testimony on this bill, concern was voiced about this "one size fits all" approach to teacher preparation. A bedrock premise of special education is that each student with a disability is a unique learner with unique needs. As such, they require educators who truly understand the unique characteristics of the disability that each student has. For properly prepared educators, the fact is that most areas of special education require highly

specialized teacher training programs.

Despite the Department's concerns with a single noncategorical credential, for several years we have been working towards the development of a new cross-categorical credential that we discussed with the House Education Committee. This credential is known as a special education strategist credential, and is the focus of the significantly altered bill that is before you this morning. The House Education Committee gave us much encouragement for this new credential and made it possible for amended HB 1465 to proceed so successfully in the House of Representatives.

Our office receives guidance from the North Dakota Individuals with Disabilities Education Act (IDEA) Advisory Committee. This stakeholder group consists of parents of children with disabilities, special education administrators and special education teachers, general education administrators and general education teachers, persons with disabilities, and personnel from several state agencies. Last summer the state IDEA Advisory Committee moved to seek approval for a course-based special education strategist credential. This credential would make it possible for one special education teacher to work with students who have emotional disturbance, mental retardation, or a specific learning disability. The mild and/or moderate disability categories of specific learning disability (SLD), emotional disturbance (ED) and mental retardation (MR) have some coursework in common, such as:

- Education of the exceptional child;
- Methods of teaching for specific learning disabilities;
- Assessment;
- Behavior management; and
- Developmental psychology.

A teacher who had the proposed special education strategist credential would be a very versatile and helpful employee for a school because of the increased range of students she/he could serve. If this credential becomes an option, teachers completing the requirements would be particularly employable and valued by the rural and smaller schools of our state. The special education strategist credential would lessen the travel time for many itinerant teachers. If teachers are only trained in one area of special education, they often have to travel to several small schools to teach small numbers of students. At the present time, the University of North Dakota has in place a teacher-training program that would include the coursework required to earn the special education strategist credential.

You will note that the engrossed bill contains several amendments. The amendments requested by the Department of Public Instruction with the assistance of Senator Christenson would accomplish three things:

1. Make it clear that the special education strategist is NOT a mandatory credential, only an option for those teachers wishing to pursue it;
2. Make the terminology for *specific learning disabilities* consistent within the North Dakota Century Code; and
3. Allow the Department of Public Instruction to issue credentials in mental retardation to those teachers who meet all other teacher licensure requirements and who successfully complete coursework that qualifies them to teach students who are identified as having mental retardation.

From the Department's perspective and from the significant input our office has received from many persons deeply concerned about the education of students with disabilities in North Dakota, passage of this bill would be a very positive step.

Testimony
Presented by Representative Rodney Froelich
March 14, 2001

Mr. Chairman and Committee Members:

My name is Rod Froelich. I represent District 35.

House Bill 1465 deals specifically with Special Education Needs. I am not an expert in this field, and there are others here with much more knowledge than I.

Some people will testify that this bill lowers our state's requirements. I would disagree. The requirements we have today are restricting both the schools and students. We have many small and large schools that can not meet those requirements because of limited resources and lack of specialized staff.

Mr. Chairman and Committee Members, I firmly believe all children are special. If you have questions, I would defer them to those following, who have greater knowledge than I.

TESTIMONIAL ON HOUSE BILL 1465

PREPARED BY KATHRYN FROELICH

March 14, 2001

My name is Kathy Froelich, I am a faculty member at Sitting Bull College on the Standing Rock Reservation. I received both my undergraduate and graduate degrees from the University of North Dakota. I have 15 years of teaching experience at the elementary level and seven years of experience at the Higher Education level. As the Education Department Chair and the current project director for an Office of Special Education Personnel Preparation grant, I have had the opportunity to meet with colleagues nation wide; learn about the newest educational research and demonstrated practices as they relate to students with disabilities; and become current on education and special education policy. I am currently participating in a study group which brings together researchers from minority institutions to develop a collaborative comprehensive research agenda for culturally and linguistically diverse students with disabilities.

For the past seven years Sitting Bull College has offered a four year double major Elementary/Special Education degree and endorsement program through an articulation agreement with a South Dakota University. Our students graduate with a 1-8 certification in elementary education and a K-12 certification in Special Education. In addition to the methodology courses and special education courses they must complete 15 weeks of student teaching in each area. Presently these student receive their certification from South Dakota, upon receiving their certification they must then apply for North Dakota certification. In North Dakota they receive 1-8 elementary certification and receive certification in one Special Education area, EMR.

I am here today to testify to the need in our state to provide a non-categorical special education certification. As the recent article states "should a special education teacher specialize in a particular disability or should he or she serve as a generalist, one who knows a little about a wide range of disabilities? Due to the ever growing diversity present in most of our schools the trend seems to favor a "generalist" or non-categorical" licensure of special education teachers. For those fortunate school districts who's budgets allow for additional specialists in each area the categorical licensure is an option. But for the many rural schools who's budget are already stretched by funding pressures it is a hardship. Many of our rural schools must then cooperate with other schools in the district and hire one person who holds the necessary credentials. This person must travel many miles to prepare educational plans for students and use paraprofessional staff to follow the individual education plans made for each student. With the non-categorical certification teachers could hold a credential that would enable them to work with several types of disabilities with in their schools.

Currently more than 45 states have some form of multicategorical framework. This trend is an indication of the movement to less labeling of students and the need to train all of our teachers to be able to work with all types of students. Rarely does one student have only one type of disability therefore it boils down to training all of our teachers to possess the strategies that work with all students. IDEA (Individuals with Disabilities Education Act) reform require that

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we move toward a more inclusive learning environment, therefore we need to be able to attract teachers to our schools that possess many types of knowledge.

Teachers transferring to ND who hold special education credentials from other states are required to take additional course work in order to fulfill the categorical requirements. In a state where 47% of our new graduates leave the state, where in our rural schools 80% of our teachers commute, where salaries are the lowest in the nation we need to assess how well we are meeting the needs of our children.

Last year at the Office of Special Education Personnel Preparation Conference in Washington DC, Dr. Corrigan of the University of Texas emphasized "the need for regular education to become more special and special education to become more regular". He also stated that while we are stressing school reform across the nation we must not forget that reform in one part of the system without reform in the other will fail.

Our students at SBC have both the regular education training along side the special education training. I feel confident that they will be advocates for all of their students, teachers and parents. For too long regular education teachers have blamed special education for lack of assistance and special education teachers have blamed regular education teachers for lack of training.

(up to ten categories)