

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2036

2001 SENATE EDUCATION

SB 2036

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2036

Senate Education Committee

☐ Conference Committee

Hearing Date 01-24-01

Tape Number	Side A	Side B	Meter #
1		x	42.7 - end
2	x		0 - 46.7
2 (01-31-01)	x		46.5 - end
2 (01-31-01)		x	0 - 15.0
Committee Clerk Signature <i>Andrea Johnson</i>			

Minutes: CHAIRMAN FREBORG called the hearing on SB 2036 relating to the adoption of state academic content standards for schools, and to the approval of schools.

**Testimony in support of SB 2036.**

ANITA THOMAS, Legislative Council, explained each section of the bill.

SENATOR O'CONNELL asked if there was any opposition in the interim committee. MS.

THOMAS stated there was much discussion by the interim committee..

GREG GALLAGHER, Education Improvement Team Leader, DPI, testified in support of the bill. (see attached). He stated this bill is the product of an 18 month study.

SENATOR KELSH asked if assessments were going to be required only of Title I students or all students. MR. GALLAGHER stated it would apply to all students. SENATOR O'CONNELL asked what the repealer does. The repealers come from the proposals from the interim committee's study on Title 15 and how to restructure. SENATOR FLAKOLL asked what the difference in fiscal notes is for SB 2149 and SB 2036. He stated that SB 2036 incorporates some

elements (arts, technology and world languages) that the local district would address and thus the larger fiscal note. Question was asked if Federal Funds are available. Districts receive Federal Funds that are specifically directed to activities akin to what we are talking about in SB 2036 and SB 2149. In the last 5 years, the state has received (9% goes to local districts) \$8 million for GOALS 2000, which has been directed toward the improvement of curriculum across the state. In the last 5 years, ND has received about \$8 million in Title 6 Funds for innovative instructional purposes which are intended to move toward standards-based education practices. In the last 5 years, ND has received \$8 million in Title 2 Funds that are special development funds outright. In the last year the state has received the equivalent of a million dollars in professional development funds through the Class Size Reduction Act and this amount will increase over the next several years. In Title 1, there are a whole array of funds offered to local school districts to do works that are standards-based. In answer to SENATOR KELSH, MR GALLAGHER stated the authority of the Superintendent to set content standards is state law. DPI can develop content standards and make them available to local districts. SB2149 and SB 2036 states that the legislature believes that local school districts should move toward having a world view about what their content is about and that is what Standards is all about.

LINDA EDWARDS, Director of Professional Development, NDEA, presented testimony. (see attached). She believes curriculum, standards and assessments should be aligned. The trend of the past has been to teach strictly from the text book. She feels some teachers have a fear of what "standards" is and a fear that it might cause some change. SENATOR CHRISTENSON explained, "standards" are what a student should know and be able to do.

**Testimony in opposition to SB 2036.**

JIM HOFMAN, SANS, (see attached testimony for SB 2149) wants local school to be able to have input on standards and does not want the department to make the approved standards mandatory to non-public schools.

TONY WEILER, SANS, presented testimony (see attached). SENATOR KELSH asked if the opposition is to the cost of implementing the standards or the content of the standards. MR. WEILER stated they have opposition to both. They are opposed to who is setting standards, not the standards themselves, as long as they can be flexible and the district can decide.

WILLIAM SCHUH presented testimony (see attached).

STEVE BRANNAN, SANS, Superintendent at St. Mary's HS, Bismarck, stated DPI's guidelines for nonpublic schools are very helpful to use in putting together their curriculum. He doesn't question the standards but struggles with the mandate for nonpublic schools. SENATOR KELSH asked him if he would opt to remove nonpublic schools from the bill or would he rather the committee kill the bill. He stated he would opt to remove nonpublic schools from the bill.

SUZIE SUND opposes this bill because the local school won't be able to set standards without repercussion or loss of funds.

Written testimony presented from CHARLES DeREMÉR, Superintendent For Instructional Services for the Fargo Public Schools.

There being no further testimony, the hearing was closed on SB 2036.

The committee stood adjourned.

01-31-01, Tape 2, Side A, 46.5 - end, Side B, 0 --15.0

Discussion SB 2036. GREG GALLAGHER, DPI, stated this bill does not jeopardize Title I money. This takes some flexibility from the local districts which now are free to choose how

Page 4

Senate Education Committee  
Bill/Resolution Number SB 2036  
Hearing Date ~~01-24-04~~

131-01

they move toward content standards. SENATOR CHRISTENSON feels this is a great boost, nothing to fear. She likes the fact that local schools still have control but are to adopt standards and core curriculum, and assessments and benchmarks. If the local districts don't act now in determining their own needs, someone or something will decide for them. SENATOR COOK stated that mandates are not wanted by local districts. SENATOR KELSH stated that this bill states either the local district adopt the states' standards or develop their own, subject to approval. More discussion.

**SENATOR COOK moved a DO NOT PASS. Seconded by SENATOR WANZEK.**

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

**Carrier: SENATOR WANZEK**

**FISCAL NOTE**  
Requested by Legislative Council  
12/14/2000

Bill/Resolution No.: SB 2036

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	\$30,000	\$0	\$90,000
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	\$320,000	\$0	\$0	\$1,120,000

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

SB 2036 proposes to establish state content standards, to require the adoption of local content standards, and to require the alignment of state standards to local curriculum. The proposed legislation would enact the following provisions:

- Content standards are to be developed by the state and set at benchmark grades 4, 8, and 12.
- Content standards would be phased in over a span of two successive school years, beginning with 2002, until all of the following disciplines were fully implemented: English language arts, mathematics, science, social studies, health, the arts, physical education, world languages, and technology.
- State content standards in every discipline would be continuously updated every five years to remain current with accepted practices.
- Local districts and nonpublic schools would either adopt the state content standards or develop alternative content standards that meet or exceed the rigor of the state standards, as validated by the state superintendent of public instruction.
- Local districts and nonpublic schools would align their curriculum to the approved content standards for

each discipline. This alignment process would be phased in over a span of three school years, beginning in 2002.

*A. Logistical and budgetary impacts to the state.*

Within SB 2036, a requirement is placed on the state superintendent to develop state content standards at benchmark grades 4, 8, and 12, in nine discipline areas. These standards are to be updated on a five-year cycle.

*Content standards development costs.*

The Department of Public Instruction has developed detailed protocols concerning the development and continual revision of state content standards. Given the product and timeline requirements of SB 2036, the Department of Public Instruction will meet all product deadlines as stipulated. The Department's product protocols will accommodate any future scheduled updates. Scheduled revisions to current standards will begin in 2001-2002.

All products have been produced with the use of federal Goals 2000 and Title VI funds. The use of federal funding to revise future updates to the state content standards is contingent on the pending reauthorization of the Elementary and Secondary Education Act. In the event that future federal funding is inadequate, any future updating of state standards would need to shift to state funding. It is estimated, based on well-established practices, that the cost of updating each discipline will approximate \$30,000. An estimated breakdown of development costs to be incurred by the state is provided below.

**State Impact to Develop State Content Standards, Benchmark Grades 4, 8, 12**  
**2002-2003**

ELA-Revision-\$30,000

Math-Complete-0

Science-Complete-0

Soc Studies-Complete-0

**2003-2004**

Health-Complete-0

Arts-Complete-0

Phy Ed-Complete-0



World Languages-Complete-0

Math-Revision-\$30,000

**2004-2005**

Science-Revision-\$30,000

Health-Revision-\$30,000

*B. Logistical and budgetary impacts to local districts and nonpublic schools.*

Within SB 2036 a requirement is placed on local districts and nonpublic schools to (1) adopt or adapt the state content standards and (2) to align local curriculum to the approved standards.

In establishing estimates to local districts and nonpublic schools, a clear understanding of the proposal's stated requirements is required.

*1. Adopting state content standards.*

SB 2036 states that local districts and nonpublic schools can minimally adopt the state's content standards at benchmark grades 4, 8, 12. Since the state assumes the full cost and responsibility for developing state content standards at grades 4, 8, and 12, a local district or nonpublic school need assume no cost in adopting state content standards. A district or nonpublic school need only enact through a formal resolution of its school board the adoption of the state's content standards to be in compliance with this provision. It is assumed, however, that the district will incur minimal costs associated with reviewing, publishing, and distributing the standards. These costs are currently absorbed by districts as they regularly review their curriculum guides. The estimated financial impact per local district or nonpublic school, however, for the actual development of the content standards is \$ 0, local funds.

*2. Developing alternate academic content standards.*

SB 2036 allows local districts or nonpublic schools, at their voluntary discretion, to develop alternate content standards that meet or exceed the rigor of the state's content standards as determined by the state superintendent. Any such standards must minimally address the benchmark grades 4, 8, and 12.

The costs incurred by a district to develop alternate content standards can vary considerably, depending on the scope of grade levels within the project and the depth of research undertaken by the district. A review of historical, local Goals 2000 curriculum development grants indicates that a local district can spend between \$5,000 and \$40,000 to develop alternate content standards per discipline. Although, it must be noted, higher-priced projects cover expanded k-12 grades and incorporate additional curricular alignment and

extensive professional development into the costs of such projects.

ESEA and Goals 2000 funding have been available to local districts and consortia for the past six years and has afforded many districts the opportunity to develop their own comparable content standards and curriculum alignment. Within SB 2036, any such projects are strictly voluntary with costs to be incurred by the district or nonpublic school that seeks such an option. Federal funds are readily available to local districts and nonpublic schools through various professional development and curriculum development programs.

If a district were to develop its own alternate content standards at a minimal benchmark level using various outside documents for validation, it may, based on historical documentation, anticipate a cost of \$5,000. This cost would only cover the alternate content standards and not curriculum alignment. However, since an alternate standard is not required by SB 2036, it would not be an appropriate state cost. Therefore, the estimated, required, financial impact to local districts and nonpublic schools regarding alternate content standards, is \$ 0, local funds.

### *3. Aligning curriculum to content standards.*

SB 2036 provides that the state superintendent require local districts or nonpublic schools to align their curriculum to approved content standards at the benchmark grades 4, 8, and 12. The process of aligning curriculum to approved standards is to be phased in over the course of three school years.

Because content standards, by their nature, are high-level content guides, they cannot stand alone as a legitimate curricular tool ready for classroom use. Content standards, instead, serve as a foundation upon which any curriculum is built. And it is expected that any such alignment process will cost money. Any alignment activity must minimally address the benchmark grades 4, 8, and 12. To align additional grades beyond the benchmark is strictly voluntary.

The costs incurred by a district to align curriculum to standards can vary considerably, depending on the scope of the project's grade levels and the depth of research undertaken by the district. As itemized above regarding standards development, a review of historical, local Goals 2000 curriculum development grants indicates that local district can spend between \$5,000 and \$40,000 to align curriculum to standards per discipline. Although, it must be noted, higher-priced projects cover expanded k-12 grades and incorporate extensive professional development into the costs of such projects.

ESEA and Goals 2000 funding have been available to local districts and consortia for the past six years and have afforded many districts with the opportunity to align curriculum to standards. Federal funds are readily available to local districts and nonpublic schools through various professional development and curriculum development programs.

Based on historical grant documentation and a budget survey of three districts engaged in extensive

curriculum alignment, the establishment of content standards, and the alignment of curriculum to standards combined at grades 4, 8, and 12 would cost districts or consortia approximately \$5,000 per discipline to conduct. A \$5,000 estimate is considered liberal to accomplish the minimal requirements of SB 2036. The chart below offers an overview of the estimated costs per year per district/consortium to be in compliance with SB 2036. It must be noted, that many schools conduct curriculum development and professional development within consortia. It is reasonable to assume, based on historical practice, that the vast majority of districts would develop curriculum alignment within a consortium.

#### **Local District/Consortium Impact for Curriculum Alignment At Benchmark Grades 4, 8, 12**

##### **2003-2003**

ELA-\$5,000

Math-\$5,000

##### **2003-2004**

Science-\$5,000

Soc Studies-\$5,000

##### **2004-2005**

Health-\$5,000

Arts-\$5,000

Phy Ed-\$5,000

Technology-\$5,000

World Languages-\$5,000

Based on the table above, a district/consortium that would conduct its own curriculum alignment would incur a cost of approximately \$45,000 to accomplish the requirements of SB 2036 over a three-year span. It is estimated, based on previous curriculum development activity, that approximately 20 districts might participate in independent curriculum development activities and the remaining districts might participate within approximately 40 curriculum development consortia. Therefore, if each district or consortium pursued its own independent curriculum alignment activities, 65 district/consortium centers combined would generate separate curriculum alignment activities at an estimated cost of \$325,000 per discipline.

Three mitigating factors will lessen any such development costs that might be absorbed by the state's general fund. First, several districts and consortia (e.g., Grand Forks, Bismarck, Wahpeton) have invested

considerable financial and human resources, with the aid of federal grants, to generate grade-specific, k-12, content standards and aligned curricula in most disciplines. These products have undergone considerable validity reviews and are being made available to any interested districts or consortia, free of charge. Such free exchanges of products have greatly reduced development costs to districts. Even if a district were to develop its own curriculum alignment, it would do so at a reduced cost. Given the requirements of SB 2036, it is conceivable and permissible for a district to adopt the aligned curriculum of another district or consortium at no cost. Therefore, if a district were to adopt another district's curriculum alignment, it is possible for a district to meet the full requirements of SB 2036 for \$0.

Second, many districts have already invested into and completed their curriculum alignment activities. Although the Department of Public Instruction has not collected curriculum alignment data thus far, anecdotal reports from the field indicate increased alignment activity within the past three years. Curriculum development is an ongoing, historical activity of districts. It is something that simply must be done to be in compliance with state accreditation rules. As districts have rotated through their curriculum development work, they have done so increasingly with an eye on the state's content standards. If SB 2036 were to be enacted, by 2002 most districts will have begun some degree of alignment using federal funding and the collegial assistance of other districts or consortia.

Third, districts and consortia have accessed federal ESEA and Goals 2000 funding which has been dedicated largely to standards-related activities. Since 1994, the state's local districts have received approximately \$7,000,000 in Goals 2000 funding; \$7,000,000 in Title II Professional Development funding; \$8,000,000 in Title VI: Innovative Instruction funding; and an allowable portion of the Title VI: Class-Size Reduction funding, which now totals \$11,700,000. Although the reauthorization of ESEA is pending in Congress and its specifics are yet to be determined, there is every indication that federal funding for such professional activities will continue at comparable levels.

It is reasonable to assume for estimation purposes that by the year 2002, given the increasing number of curriculum alignment products available free to districts, approximately 50% of districts will meet the requirements of curriculum alignment. Those districts that do not comply by 2002 can adopt other districts' standards-aligned curriculum or develop their own. If the legislature were to underwrite such activities through the general fund, it is estimated that it would cost \$160,000 to fund 32 curriculum development efforts per discipline. Listed below is a chart that summarizes possible statewide costs within such a scenario.

**Statewide Impact for Curriculum Alignment 32 District/Consortia Projects  
2002-2003**

**ELA-\$160,000**

**Math-\$160,000**

**Total Cost-\$320,000**

#### **2003-2004**

Science-\$160,000

Soc Studies-\$160,000

Total Cost-\$320,000

#### **2004-2005**

Health-\$160,000

Arts-\$160,000

Phy Ed-\$160,000

Technology-\$160,000

World Languages-\$160,000

Total Cost-\$800,000

It may be advisable to lessen any strains to local districts by stretching the implementation phase over four years versus the proposed three years. This may place world languages and technology in the fourth year. Introducing two disciplines per year on a district's curriculum agenda is an achievable task; four is not.

#### ***4. Sustained, supportive professional development costs.***

The focus of SB 2036 lies in adopting local content standards and aligning curriculum to these standards. The preceding testimony outlines anticipated costs associated with this process, resulting in proficient compliance with the law. Inherent in any such endeavor is the cost of sustainable, long-term professional development. Because Proposal I entails activities required to establish compliance with the law, my testimony will not address the long-term professional development costs. Professional development costs, by their very nature, span many years in order to incorporate educational best practices into instructional and administrative activities. Sustaining professional development is also a fundamental reason that Congress appropriates millions of dollars annually to North Dakota schools. Federal ESEA, IDEA, and Goals 2000 funding is solely dedicated to these supplemental education improvement activities. If Proposal I were to be enacted there will exist a pool of federal funds for local schools to access in order to pursue ongoing professional development. What will be required of local schools is that they reprioritize activities in order to accomplish this aim.

This section has overviewed anticipated logistical and budgetary impacts related to SB 2036

· All funds expended are identified as federal curriculum or professional development funds.

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.*

<b>Name:</b>	Greg Gallagher	<b>Agency:</b>	Public Instruction
<b>Phone Number:</b>	328-1838	<b>Date Prepared:</b>	01/08/2001

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

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2036**

Senate	Education	Committee
--------	-----------	-----------

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

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

Action Taken Do Not Pass

Motion Made By Sen. Cook Seconded By Sen. Warrick

[illegible]

Total (Yes) 4 No 3

**Absent** 0

Floor Assignment Sen. Wanzel

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

**REPORT OF STANDING COMMITTEE (410)**  
January 31, 2001 4:47 p.m.

**Module No: SR-17-2047**  
**Carrier: Wanzek**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2036: Education Committee (Sen. Freborg, Chairman) recommends DO NOT PASS**  
**(4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2036 was placed on the**  
**Eleventh order on the calendar.**



2001 TESTIMONY

SB 2036

**TESTIMONY ON SB 2036  
SENATE EDUCATION COMMITTEE**

**January 24, 2001**

**By Greg Gallagher, Education Improvement Team Leader  
Department of Public Instruction  
328-1838**

Mr. Chairman and Members of the Senate Education Committee:

I am Greg Gallagher, Education Improvement Team Leader within the Department of Public Instruction. I am here to speak in favor of SB 2036 and to offer amendments that address the scope of covered subject areas and the implementation schedule.

The Department of Public Instruction commends the interim Education Finance Committee for their fine work in drafting SB 2036. The Department supports the provisions of SB 2036, including its inclusion of content standards as a provision of approval, its requirement that the state and schools adopt or adapt content standards for identified core subject areas, and its requirement that schools align their curriculum to these content standards within these identified core subject areas.

The Department supports the framework of SB 2036; furthermore, the Department wishes to strengthen the viability of the bill by offering several amendments. These amendments are intended to better position the bill within the context of the state's body of laws. The amendments proposed by the Department deal with the following areas: the scope of subject areas developed within SB 2036, the scheduling of implementation, and wording of the approval section. The Department has submitted its own version of SB 2036 in the form of SB 2149. The amendments offered herein reflect the provisions developed within SB 2149. It is the Department's hope to bring SB 2036 and SB 2149 together into a single bill that builds on their mutual strengths.

*(1) The core subject areas to be taught in schools defined.*

The Department believes it is best to reconcile the intent of SB 2036 with current law, regarding the identification of core subject areas in terms of content standards. NDCC 15-38-07 (15.1-21 within HB 1045) defines the current subject areas to be taught within schools. The Department offers language to position content standards within the

structure of ND 15-38-07 (15.1-21 within HB 1045). Please refer to the end of this testimony for all amendments. Given the intent of SB 2036 to place these provisions as conditions of approval, it is most appropriate to incorporate these sections within 15.1-06-06 as defined by its title.

(2) *Requirement that the state adopt content standards for core subject areas.*

Section 1 of SB 2036 requires the State Superintendent to develop and distribute content standards for each core subject. The Department of Public Instruction has already met this requirement with the development of content standards over the past five years. The Department is likewise poised to maintain a five-year revision schedule for all subject areas. All content standards are developed by North Dakota teachers according to strict protocols. The Department's fiscal note outlines the anticipated costs associated with this activity.

*Remove  
Arts, world  
languages,  
tech.*

The Department recommends amending SB 2036 regarding the number of core subjects. The Department recommends dropping any reference to the arts, world languages, or technology as core subjects. The Department acknowledges the important role of each of these subject areas; however, given the identified list of core subjects within the Title 15 rewrite, the Department does not believe it is in the state's best interest to advance too quickly to expand this list in law. It is better to work within the current list, establish a culture of content standards, consolidate gains, and then consider possible expansions.

North Dakota has developed content standards for the arts and is currently developing content standards in world languages and technology. These standards are/will be available to schools for inclusion into their curriculum. It must be noted that most schools currently do not have curricula that cover the expansiveness of the state content standards in the arts, world languages, or technology. The Department believes that it would be an excessive requirement to place the expansiveness of these standards on schools at this time. SB 2036 makes a more comprehensive list. The Department's version, SB 2149 is more limited. Based on this assessment, the Department recommends removing content standards in the arts, world languages, and technology from any list of core subjects.

- (3) *Requirement that schools adopt or adapt content standards for these subject areas.*

Section 2 of SB 2036 requires schools to adopt or adapt content standards for all core subjects. This process spans two years: (1) within 2002-2003 schools must adopt or adapt standards in mathematics, English language arts, science, and social studies; (2) within 2003-2004 schools must adopt or adapt standards in health, physical education, the arts, world languages, and technology. Adoption of the state standards may be conducted through a simple school board resolution. As stated above, the Department recommends eliminating any references to the arts, world languages, or technology to be consistent with the current scope of offerings. Additionally, the Department recommends moving the adoption of content standards for year one to 2001-2002 and for year two to 2002-2003. Since state content standards already exist and since it may take only a resolution of the school board to adopt the standards, districts can begin immediately with some form of standards on the books. Districts could still continue to develop their own standards at a pace that is acceptable to them; however, they would at least have standards in place and standards to reference.

- (4) *Requirement that schools align their curriculum to the school's content standards within these subject areas.*

Section 3 of SB 2036 requires schools to adopt or adapt curriculum that is aligned to the state standards in each of the core subject areas. This process spans three years: (1) within 2002-2003 school must adopt or adapt aligned curricula in mathematics and English language arts; (2) within 2003-2004 schools must adopt or adapt aligned curricula in science and social studies; (3) within 2004-2005 schools must adopt or adapt aligned curricula in health, the arts, world languages, technology, and physical education. All curricula are determined by the local school district or school. Schools may adopt curricula that were designed by other districts or schools, so long as they are aligned to the state content standards. Many districts and schools cooperate with other districts in the development of curricula currently. As stated above, the Department recommends eliminating any references to the arts, world languages, or technology to be consistent with the current scope of offerings.

- (5) *Approved school defined in terms of compliance with the content standards provision and the school calendar provision.*

Section 4 of SB 2036 amends the state's current approval statute by referencing teacher licensure and compliance with the content standards and curriculum requirements. These are both important amendments to be retained. The Department recommends two additional amendments to this approval section. First, the Department recommends deleting the current language regarding subjects to be taught. With the reference now placed on the newly amended subjects section (new Section 1 to SB 2036) and its supporting content standards language (newly amended Sections 2-5), this is now adequately addressed. Second, the Department recommends including language related to school calendar (15.1-06-04). School calendar is an essential element of approval. Reporting a school calendar is a requirement of schools now; therefore, listing calendar within approval simply clarifies the law.

Over the course of the past five years, hundreds of North Dakota teachers and administrators have participated in the drafting of the state's academic content standards. Additionally, many more teachers have participated in the alignment of their local district's curriculum to these state content standards. Standards have helped to drive the content of professional development statewide, with each year showing a higher level of teacher engagement in the standards. Standards have become the foundation to the state's future assessment activity. Standards will emerge increasingly as the reference point for the state's accreditation system.

Despite all these advancements regarding state standards, North Dakota law remains silent regarding any reference to standards as our state's definition of a minimal, quality education. SB 2036 moves the state's operative definition of a quality education away from the mere listing of non-defined subject areas into the dynamic, field-driven definition of a subject in terms of its critical content. Standards are defined by the state's teachers as the expected foundation of a comparable, quality education within North Dakota. SB 2036 offers a vehicle for the legislature, the state's school board, to support such work and to define quality education in terms of standards. Standards, by their nature, as a product of state-wide professional deliberation, offer the best means to

identify what comparability of educational opportunity truly means in North Dakota. Because standards remain updated on a predefined schedule, standards will remain ever fresh to new developments. Because standards offer a common forum for professional development, standards become a tangible means to advance the quality of instruction within North Dakota.

The Department of Public Instruction supports the work of the Interim Education Finance Committee, and its resulting legislation. The Department, nevertheless, offers these amendments and SB 2149 as additional supports that will allow the state's schools to move toward standards-based education on solid ground. The Department welcomes further discussions to integrate the best elements of SB 2036 with SB 2149. Any effort to do so will assure good legislation impacting our state's students.

Mr. Chairman, this completes my testimony. I am available to answer any questions from the Committee.

#### **Proposed Amendments to SB 2036**

Page 1, line 3: after "schools" insert "; and to repeal sections 15-38-07, 15-38-08, 15-38-09, 15-38-10, 15-38-11, and 15-38-12 of the North Dakota Century Code, relating to required school curricula."

Page 1, line 6: insert

**SECTION 1. Required academic content standards in all schools.** To be approved by the superintendent of public instruction, each public and nonpublic school shall adopt or develop curricula aligned to the state academic content standards for all core subject areas applicable to grades four, eight, and twelve. The superintendent of public instruction shall ensure that students receive education in the core subject areas of:

1. English language arts, including reading, writing, speaking, and listening.
2. Mathematics.

3. Social studies, including the Constitution of the United States and United States history, geography, and government.
4. Science, including agriculture.
5. Physical education.
6. Health, including physiology, hygiene, disease control, and the nature and effects of alcohol, tobacco, and narcotics."

Page 1, line 6: after "SECTION" strike "1" and replace with "2".

Page 1, line 11: after "SECTION" strike "2" and replace with "3"

Page 1, line 13: strike "2002-03" and replace with "2001-2002"

Page 1, line 23: strike "2003-04" and replace with "2002-03"

Page 2, line 2: after "health" insert "and"

Page 2, line 2: strike "the arts", "world"

Page 2, line 3: strike "languages, and technology"

Page 2, line 5: after "health" insert "and"

Page 2, line 5: strike "the arts"

Page 2, line 3: strike "world languages, and technology"

Page 2, line 9: after "SECTION" strike "3" and replace with "4"

Page 2, line 22: after "health" insert "and"

Page 2, line 22: strike "the arts", "world"

Page 2, line 23: strike "languages, and technology"

Page 3, line 4: strike "2. The students are offered all subjects required by law; and"

Page 3, line 5: strike "3" and replace with "2".

Page 3, line 7: strike "4" and replace with "3".

Page 3, line 8: insert "4. The school is in compliance with section 15.1-06-04 regarding school calendar length."

Page 3, line 9: insert

"SECTION 6. REPEAL. Sections 15-38-07, 15-38-08, 15-38-09, 15-38-10, 15-38-11, 15-38-12 of the North Dakota Century Code are repealed."

**Testimony for SB 2036**  
**Senate Education Committee**  
**State Academic Standards**  
**By Linda Edwards, Director of Professional Development**  
**North Dakota Education Association**

Standards and curriculum alignment have recently assumed a prominent role in the lives of teachers, administrators, and policymakers. Standards-based education helps provide a well-articulated curriculum that shifts the emphasis to student achievement. Standards define the knowledge and skills students should acquire.

Curriculum alignment is really a combination of processes, steps, and decisions that lie at both the heart of standards-based reform and the professionalism of teaching. These processes may ultimately determine the success or failure of standards-based education and are critically important for teachers to understand.

The trend toward setting standards is evident nationwide. Three years ago, when the nation's governors and business leaders joined the President at the Education Summit, only 14 states had standards specifying what students should know will have adopted some form of standards. now 49 looking at standards.

Standards can work. They can lead to improved student learning. If a number of conditions can be met. First, the standards must reflect the wisdom of parents and classroom teachers. Secondly, the curricula we teach must be aligned with the new standards. Thirdly, teachers must be provided the professional development needed to incorporate the new standards into the teaching practice. Fourthly, we all must insist that no single high-stakes test can measure the academic progress of any student—that multiple indicators must be employed.

Finally, and most importantly, we must pursue higher academic standards with our eyes wide open. The objective of the standards movement is to successfully educate all children. We must match our revolutionary intentions with interventions to ensure that all students succeed.





Public school is the place where hope becomes capacity. A student with a high school diploma should be able to go directly into the world of work, and participate fully in his or her job and community. And the high school graduate who goes on to college should be capable of doing college-level work without any remedial education.

Now the great challenge is for the schools to make a real difference in every child's life.

January 24, 2001

Honorable Chairman and Members of the Senate Education Committee:

My name is Jim Hofman; I am the immediate past president of the State Association of Nonpublic Schools, serve on its executive committee and am also Superintendent of Shiloh Christian School located here in Bismarck. I rise before you this morning to stand in opposition to SB2149, a bill to provide for "curricular aligned to content standards in all schools."

As the past president of SANS, I represent approximately 40 schools spread across our great state which represent an enrollment of approximately 7,500 pupils in grades K-12. These schools are as diverse as the communities and the founding fathers they represent. They include both independent Christian schools, schools that are controlled by the parents who send their children to them, and parochial schools, which are owned and supported by various church denominations. All of us, however, share in common a vision of excellence in education and support the parents' right to choose the education their children receive. The vast majority of the parents who are represented in these schools are not fleeing from or standing in opposition of the local government-supported school; but rather, come out of a heart conviction, searching for a school where the values that are taught in their homes and in their churches are more clearly reflected in the schools. We all believe in the diversity that needs to exist within this enterprise called education.

On behalf of both the State Association of Nonpublic Schools and Shiloh Christian, I wish to state our serious opposition to the change in the standards for approval, especially as they relate to nonpublic schools. As you are aware, in the past all nonpublic schools in the state of North Dakota needed to meet four standards for approval, namely:


- 1) All teachers shall be legally certified in accordance with Chapter 15-36 of the North Dakota Century Code.
- 2) The subjects offered are in accordance with Section 15-38-07 of the North Dakota Century Code.
- 3) The school term shall be 180-day term along with the other provisions of Section 15-45-33 of the North Dakota Century Code.
- 4) The school shall comply with all municipal and state health, fire, and safety laws and regulations.

We believe that SB2149 adds a significant and onerous burden to those criteria. We agree that the State Department of Public Instruction should control which courses and subjects are offered in the schools in the State of North Dakota; however, we vigorously object to the Department of Public Instruction, and specifically the Superintendent of Public Instruction, dictating the content of the courses. One of the privileges of having an independent or private school, is the privilege, for example, of choosing which selections of English literature are going to be studied in a English course. Also, to determine in science how we are going to handle the discussion of the origins of the world. We could go on and on in terms of the potential for significant differences between the content of courses taught in nonpublic schools versus the content standards adopted by the Superintendent of Public Instruction.

We would, therefore, urge you to remove the academic requirement standards language that would include nonpublic schools. The history of nonpublic education in the state of North Dakota is a history, we believe, of great success. The academic standards that we have meet or exceed those that are held in the government supported arena. We believe that to require us to teach the content that a superintendent from a completely unrelated entity dictates would significantly infringe upon the freedom we have to teach the curriculum content adopted by our local school boards.

Thank you for your attention to my remarks and for your consideration of this significant change in the standards for approval of nonpublic schools in the State of North Dakota.

Respectfully submitted,



James W. Hofman

January 24, 2001

**SENATE EDUCATION COMMITTEE**  
**SB 2036**

**CHAIRMAN FREBORG AND MEMBERS OF THE COMMITTEE:**

My name is Tony Weiler. I am appearing today on behalf of the State Association of Non-Public Schools (SANS). We are in opposition to this bill because it could require our schools to develop cirrucula in accordance with standards that would be costly to implement and may not be compatible with the core values we teach.

Currently, all non-public schools must be approved, and some are accredited. A mandate of standards would not be beneficial to our schools that already adopt their own cirricula to meet certain standards imposed by the state.

I urge a DO NOT PASS recommendation. If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

Written Testimony Presented to the Senate Education Committee  
(of the 57th Legislative Assembly / on January 24, 2001)  
**Concerning Senate Bill 2036**

by  
William M. Schuh  
Private Citizen

Chairman Freborg and honorable members of the Senate Education Committee. I ask you to recommend a do not pass vote on Senate Bill 2036.

**Analysis of Content**

Under SB 2036, SECTION 2 all public and private schools are required to adopt content standards for Grade 4, 8, and 12 mathematics, English, language arts, science and social studies by 2002-03, and content standards for health and physical education by the 2004-05 school year, as a criterion of approval. School Districts must fully comply or face loss of approval. With the exception of one year of grace in the compliance schedule, this bill is nearly identical in power grant and in effect to SB 2149.

This bill is heavy handed in mandating not only disaccreditation, but withdrawal of approval and will result in unnecessary micromanagement and possibly loss of local control over some public and private schools that are currently providing fine education for their students.

**Some Concerns Are:**

1. SB 2036 enables micromanagement of the district, right down to the classroom  
This bill departs from previous department authority and practice to enforce a broad curriculum framework and substitutes a rigid and detailed set of "standards". It offers little flexibility for board or teacher adaptation to local needs and the educational goals of local communities.

2. There are no pressing problems in North Dakota primary and secondary education that will be solved by enforcement of these standards.

(a) North Dakota's schools have, and have always had content standards. These have been promulgated by teaching societies, such as the American Council of Teachers of Mathematics (SEE NCTM APPENDUM) and others, and by accrediting bodies like North Central Accreditation. Standards have been embedded within the very structure of most text books.

(b) North Dakota's school districts are not failing in their mission to teach. They are successful on both a national and international scale. They are also reasonably uniform within the state. See the attached summary sheet "EDUCATIONAL CULTURE OF NORTH DAKOTA" ← *attached 502149*  
Disempowerment of local districts is not warranted.

3. The option of "alternative standards" offered to the districts in SECTION 2 is unclear. Alternative standards must be "equally or more rigorous" than the proposed standards. What does "more rigorous" mean? More of the same? The interpretation is entirely in the hands of the Superintendent. In some cases, particularly the English standards, standards have been criticized as inadequately stressing literacy in favor of pop culture and media studies. What if a school wishes to adopt some courses based on great literature? The national History Standards have been criticized as anti-western. Would this have to be followed? If you cannot adopt other "content", there is really little flexibility at the local level. There is no guarantee that federal or state determined content is always best.

4. Does the requirement in SECTION 1 that the Superintendent "revise the standards every five years" oblige the districts to follow a similar schedule?

(a) Legitimate content of math, science, history, English, etc. does not change that fast. Textbooks are usually changed on a seven to ten year cycle. How will the two-year time limit affect textbook and material attrition schedules? Compliance with this could be very expensive.

(b) Excessively tight review schedules would drain local teacher and administrative resources. The focus becomes one of meeting state requirements rather than the educational needs of the students in the classrooms. The top on down focus is wasteful and inappropriate.

5. Standards that may be acceptable now, may be laced with fads or nonsense in five or ten years. The standards are an ongoing process. Already the education reform movement has been rife with fads, including excessive use of group oriented techniques, group grading, portfolios, and inappropriate invasions of the emotional and affective domains of students and families. Many failed experiments have been promulgated by states and eventually rejected by local boards. There is a need to maintain room for parent, teacher, administrative, and board leverage. We need a fire wall on the local level.

6. The proposed content standards are top on down. A federally controlled and constantly altered enforcement of course content may later become a centrally controlled enforcement of political correctness. At worst, it could some day degenerate into a system of propaganda. Again, we need the fire wall on both a state and local level. There must be a balance of authority.

7. SB 2036 represents a coercive enforcement of the National Goals and Standards under the Goals 2000 Educate America Act. Under NDCC 15-29-08.5 North Dakota school district participation in all facets of the Goals 2000 Educate America Act is to be "Voluntary", and that means free from coercion. Clearly, coercion under threat of removal of APPROVAL, that is the dismantling of the school's authority to teach, is not voluntary.

8. "Approval" criterion includes both public and private schools. It leaves no room for alternative philosophies or methods of education, and will destroy any true parental choice. The very mission of private schools must include some control over course content.

9. Such rigid requirements for approval make one wonder what will be required for accreditation?

Let the Superintendent of Public Instruction adopt and promulgate the standards as voluntary guidelines for curriculum development. Let the Superintendent assist districts in adopting them when needed. But leave the power to make reasonable adjustments in the hands of local districts. Leave the final approval of content to local parents, teachers, administrators and elected boards.

***Fifty-seventh Legislative Assembly  
North Dakota Legislature  
Senate Education Committee  
Senate Bills 2036 and 2149***

Members of the Committee,

I am Charles DeRemer, Assistant Superintendent for Instructional Services for the Fargo Public Schools. While I support Bills 2036 and 2149 in principle, I also have some reservations about the bills as they are now written.

Since these bills are not significantly different, with the exception of the adoption of the core content standards, I will address my comments in general to both bills. The proposed adoption dates in either bill is acceptable to us, although the proposed adoption date of the content standards in Bill 2149 seem more reasonable.

I support these bills for two reasons. First, the research on effective schools is very clear in finding that schools that have a well-defined and understood curriculum are more effective. That is, if teachers know what they teach, children know what they should learn, and parents know what is expected of their children, students will benefit with greater achievement.

My second reason for supporting these bills is an efficiency factor. Rather than having all 230+ districts creating their own documents that will probably be similar anyway, and at a considerable cost to the district, why not have it done once on behalf of all the districts. Since each bill allows for each district to create their own standards, the loss of local control is not an issue. In addition, the State has developed curricula for schools for many decades. These curricula have been useful to those districts that did not have the monetary or human resources to develop these on their own.

I do have two reservations about the bills. Neither of them addresses the issue of assessment. This is a vital component. While it is important for districts to clearly define their curriculum, it is more important for districts to have the resources to evaluate how well their students are learning. The assessment provides this important component. Here again, most districts, including our own, do not have the resources to adequately develop these assessments. Adequate assessments can cost up to a million dollars per curricular area. This is one of the areas where the State could be very helpful to the local districts by saving us money and time.

Thank you for your consideration of this testimony. I would welcome any questions that you may have.

Sincerely,



Charles DeRemer  
Assistant Superintendent for Instruction  
Fargo Public Schools  
415 North 4<sup>th</sup> Street  
Fargo, ND 58102

E-mail: [deremch@gw.fargo.k12.nd.us](mailto:deremch@gw.fargo.k12.nd.us)  
Phone: (701)446-1011  
Fax: (701)446-1200