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10/2/03
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2003 HOUSE EDUCATION

HB 1156

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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1156

House Education Committee

☐ Conference Committee

Hearing Date January 20, 2003

Tape Number	Side A	Side B	Meter #
1	x		160-3157
Committee Clerk Signature <i>Linda Guenther</i>			

Minutes:

Chairman Kelsch opened the hearing on HB 1156.

Rep Bellew, District 38, Minot, ND. See Attached Testimony

Rep. Hunsakor : Visiting with my constituents is the main reason for this is that they are still at the lake and vacationing.

Rep. Herbel Do you have any problem with taking the control away form the local school districts?

Rep. Bellew: I'm not prepared to answer that.

Rep. Jon Nelson We have heard this before. It is dangerous to legislate school opening, but the high school activities association begins their fall sports training schedule in early August. After their 10 practices, they can have a game and that's when school starts. And like you said it is hot in Aug. and Sept. But on the flip side, it can be hot in May also. Local control dictated when they want to start. Isn't that dangerous to take away from local districts?

Bellew: I don't have an answer for that.

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Dorena Holbrook
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Rep. Meler Do you know if these two constituents had went to the local school board to visit about this issue.

Bellew: No I do not.

Rep. Williams Many of centers have vocational centers connected to them, for example NDSSSS, all of the schools get together, they come up with the common start date.

Rep. Mueller Are you aware of any school districts already doing this.

Bellew: To my knowledge I'm not aware of any.

Patty Lewis, ND Hospitality Association.

(676) The assoc. is in support of this bill. The whole issue that the month of June is a very unpredictable month to vacation for families, July becomes more predictable and by August you are into all the athletics. You really only give families one month to vacation. If you don't vacation, then you don't get one. Has a big impact on the hotel industry, restaurant, camping, recreation. I don't have exact numbers, and I apologize that Tourism department would have them.

Rep. Jon Nelson Someone form Tourism had made a comment that 1 day in June is worth xx and 1 day in Aug. is worth x. The economic activity is so much greater in Aug. Do you track the impact on the state?

Lewis: Tourism Department may have that information.

Sandy Clark, ND Farm Bureau

We do have policy regarding HB 1156, most ranchers and farmers are still very busy during this time. Starting after Labor day, would keep the children home to help. Athletics schedules often control what schools can start and not as much local control because of all the activities.

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Rep. Hawken: Not all the crops are out of the field by August, so then we just wouldn't have school. If we were going to be concerned about all these things.

Clark: There is usually more concern about the wheat crop off before frost.

OPPOSITION

Bev Nielsen: ND School Boards Association

We could just play the tape from past sessions on this bill. But I would like to take the opportunity to comment on some other issues. NCLB will put additional accountability on the local school districts. We feel it is even more important that educational decisions be made for educational reasons. Not Tourism and Agricultural. I didn't hear any educational reasons for starting school later. But if it is for temp. then the law should say when the temp drops below a certain degree for at least one week. If is because of child labor issues then maybe it would say after the crops are in. Students are ready to be done in May and after being off for several months in the summer, are ready to come back.. Let the local community negotiate their own calendars.

Mary Wahl, ND Council of Educational Leaders.

In sessions since 1997, addressing this issue, by the sound of it you have revisited this issue several times since then. Because of the frequency of the bill that is presented to you addressing this issue, you may conclude that where there is smoke there is fire. May be there is a need. You might conclude the majority of the school patrons around the state do indeed what to start school after Labor Day. And that their wishes are being ignored by local school boards. And if you conclude that you might just think we need to do something as a Legislature. So that school will start after labor Day.

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School boards have traditionally had the responsibility to establish the school calendar. This can be used simply as a local control issue. But it is much more than that. There is good reason for allowing local school boards control over their school calendars. Different calendars, including different starting dates, work better for different schools and sometimes for different parts of the state. Local school boards best understand the local peoples needs.

School boards are responsible and responsive to the start date of the school calendar.

(1900) Rep. Sitte Do you know the earliest date anyone has started?

Wall: The 3rd week of August

Chairman Kelsch Mandan started one year on the 15/16 of August.

Closed hearing on HB 1156

(2033) Rep. Herbel Motioned to DO NOT PASS, Vice Chair Johnson second the motion.

Discussion:

Rep. Sitte Mandan started early one year and since then moved it back. What if schools start no earlier than Monday prior to Labor day.

Chairman Kelsch : Rep. Hanson would you like to tell us about your usual amendment.

Rep. Hanson : Fargo has something if the labor day is late and you start before, and when labor day is early you start after the holiday. But that is a loosing cause.

Rep. Haas Economic change for the state, maybe we should support this bill if there is a good reason. I would support the passage of this bill.

Rep. Hawken: There is no law saying that schools cant start after the holiday. Fargo does.

Perhaps we are looking at this backwards, we should be worrying about when schools start, but

Deanna Hall
Operator's Signature

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maybe the fact schools should go all year, because we may be more concerned about if the kids are learning anything and be more concerned about how many days they have off.

Rep. Jon Nelson (2400) although I do agree with Rep. Haas that that could be a reason, but what Rep. Hawken just said is good reason. Give local control.

Rep. Mueller Unfortunately kids are not as active in farming as they used to be. Start/end date is a wash.

(2766) Rep. Norland Communities have strong feelings about their calendars, and they are made 3 years in advance. Leave it where it is at.

Rep. Hunsaker In many schools they do their semester break at Christmas time so that they don't have to come back and study and then test.

Roll taken, DO NOT PASS, 12-2-0

Carrier of the bill- Rep. Hawken.

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Dennis G. Ball
Operator's Signature

12/2/03
Date

Date: 1/20/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House HOUSE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number HB 1156

Action Taken Do Not Pass

Motion Made By Herbel Seconded By Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch		✓			
Rep. Johnson	✓				
Rep. Nelson	✓				
Rep. Haas		✓			
Rep. Hawken	✓				
Rep. Herbel	✓				
Rep. Meier	✓				
Rep. Norland	✓				
Rep. Sitte	✓				
Rep. Hanson	✓				
Rep. Hunskor	✓				
Rep. Mueller	✓				
Rep. Solberg	✓				
Rep. Williams	✓				

Total (Yes) 12 No 2

Absent 0

Floor Assignment Hawken

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

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Dorena Goldbach
Operator's Signature

1/21/03
Date

REPORT OF STANDING COMMITTEE (410)
January 21, 2003 7:23 a.m.

Module No: HR-11-0803
Carrier: Hawken
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1156: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS
(12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1156 was placed on the
Eleventh order on the calendar.

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Dan Hall
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10/2/03
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2003 TESTIMONY

HB 1156

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Dannan G. Ballant
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10/2/03
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**TESTIMONY FOR HB 1156
BY
REP. LARRY BELLEW
DISTRICT 38
MINOT, ND**

**Madam Chairman and members of the House Education
Committee, thank you for the opportunity afforded me to introduce a bill
that has been here before.**

**The bill before you will establish a school starting date of the first
Tuesday following Labor Day. It will make the school starting date
uniform throughout the state.**

**I am introducing this bill on behalf of two constituents in my
district. One is a school teacher and the other on is a parent. Both of
their reasons are the same, school starting in mid August is just too hot
for the students and the classroom teachers. They believe it is not
conducive for good learning for the children. This is the sole reason that
I introduced this bill.**

**We all know that there are many other benefits if this bill is
enacted into law. I hope there are others here to testify to this. Thank
you.**

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Operator's Signature

Larry Bellew

10/2/03
Date

The Department of Public Instruction issues the following credentials:

67-11-01	Driver Education Instructor's Credential	license plus credit hours***
67-11-02	Elementary Principal's Credential	license plus masters/credit hours**
67-11-03	Reading Credentials [Repealed]	
67-11-03.1	Reading and Mathematics Credentials	
67-11-04	North Dakota Library Media Credentials	license plus credit hours
67-11-05	School Counselor Credentials	license plus credit hours* ***
67-11-06	Secondary Principal's Credentials	license plus masters/credit hours** **
67-11-07	Superintendent's Credential	license plus masters/credit hours*
67-11-08	Special Education Director's Credential	license plus masters
67-11-09	Early Childhood Special Education Teacher Credential	license plus credit hours
67-11-10	Emotional Disturbance Teacher Credential	license plus credit hours
67-11-11	Gifted and Talented Teacher Credential	license plus credit hours
67-11-12	Physical Disabilities Teacher Credential	license plus credit hours
67-11-13	Specific Learning Disabilities Teacher Credential	license plus credit hours
67-11-16	Special Education Strategist Credential	license plus credit hours

*
**

The highest level credential requires a masters degree. Lower levels require credit hours in specific coursework. All credentials are based on the individual's having a teaching license before being awarded the credential except for a statutory exception in school counseling. NDCC 15.1-13-23 provides that a person having a graduate degree from a school counseling program, with coursework and an internship in school counseling but no teaching license, may have up to seven years to complete requirements for a teaching license. This individual works with the ESPB to earn the teaching license. There is currently no graduate program nor an undergraduate minor in North Dakota for individuals wishing a drivers' education credential. All hours earned toward this credential are undergraduate hours. Librarians may take undergraduate hours or graduate hours to earn the credential. There is no graduate program in library media in the state.

Our administrative rules reference program approval standards adopted by the ESPB because ESPB approves education-related university programs. The rules reference the August 1, 2002, rules adoption by the ESPB and would require a new rules process to make our rules current every time ESPB makes a change in program standards.

A sample of the language used consistently throughout the Department's rules on credentials: **67-11-07-01. Credentials required.** For purposes of school accreditation, a school may employ as a superintendent only a person who holds a superintendent's provisional or professional credential issued by the department. The department may issue a credential under this chapter to an individual who has graduated from a program that meets the program standards approved by the department for superintendents as described in the North Dakota teacher education program approval standards 2000 with 2002 revisions adopted by the education standards and practices board effective August 1, 2002.

Prepared for the House Education Committee at the request of Representative C. B. Haas
Anita K. Decker, Director, School Approval and Accreditation, DPI
328-1718

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Operator's Signature *Dorena Hall*

10/2/03
Date

NORTH DAKOTA CENTURY CODE AUTHORITY

A person must hold a valid North Dakota license issued by the North Dakota Education Standards and Practices Board in order to be permitted or employed to teach in any public school in this state. No teacher is entitled to receive any compensation for the time the teacher teaches in a public school without a license to teach which lawfully is issued and in force in the county in which the school is taught. Prior to receiving a salary for the first month taught in a school district, a teacher must exhibit the teacher's license to the business manager of the school district (NDCC 15-36-11 and NDCC 15-36-12). Non-public schools must employ licensed teachers to be approved and in compliance with compulsory attendance laws.

LICENSURE LEVEL

Level I indicates that the individual still has educational or employment requirements to meet before receiving the regular Level II license, or that they are not currently maintaining contracted employment. (Further explanation is provided under titles of licensure.) *Note: Life certificates will appear as a Level I since they do not report their status thru renewals.

Level II indicates that the individual has met all of the basic requirements for a regular North Dakota Educators' Professional License. Full text of the rules and standards are available from the office of the Education Standards and Practices Board (ESPB).

Level III indicates that the individual has earned advanced degrees beyond the bachelors level (masters, specialist, or doctoral), or National Board for Professional Teaching Standards (NBPTS) advanced licensure.

TITLES OF LICENSURE

Provisional (forty-day, renewable) licensure is issued to individuals who have met the requirements for one of the types of North Dakota licensure which follow, and have cleared the North Dakota Bureau of Criminal Investigation background check for criminal records, but have not yet cleared the FBI background check for criminal records.

Initial (two-year entrance) licensure is issued to new graduates and out-of-state applicants who meet all of the requirements for regular licensure except having successfully taught in a contracted position for 18 months (full-time equivalent) in North Dakota.

Two-year/substitute Those who do not complete their 18 months of contracted teaching in North Dakota K-12 during the period of the initial license continue to renew on the two-year cycle until they have accrued that time. Those who are not under contract, but only substitute teaching, also renew on this two-year cycle.

Regular (five-year) licensure is issued to individuals who have met all of the requirements for a North Dakota Educators' Professional License and have successfully taught 18 months (full-time equivalent) in the state of North Dakota. Individuals must be teaching under contract in North Dakota K-12 at least thirty days of the five-year period and fulfill all reeducation requirements (see below) to continue renewing in the five-year cycle.

Interim (one-year emergency) licensure is issued in documented shortage areas only and indicates that the individual has a content area degree, but is still working to complete additional work in educational pedagogy (see reeducation requirements).

Interim substitute (one-year emergency) licenses can also be issued to individuals with content area degrees when documented shortages of substitutes exist.

Interim Reciprocal (two-year, renewable once) licensure is issued to individuals who hold a valid license from another state, but need to complete additional requirements to meet North Dakota standards and rules of licensure.

Re-entry (two-year) licensure is issued to individuals who have been out of teaching for more than five years, or to out-of-state applicants who have not completed at least four semester-hours of reeducation credit within the past five years (see re-entry reeducation requirements).

Probationary (two-year) licensure is issued to individuals who have failed to complete reeducation requirements required of regular licensure (see reeducation requirements).

ENDORSEMENTS AND RESTRICTIONS

Endorsements indicate additional reeducation requirements earned by the individual in addition to their transcribed majors and minors. North Dakota offers grade level endorsements in Kindergarten, elementary, middle level, and secondary; and content specific endorsements in bilingual/ESL and content areas taught in grades 7-12. Content specific Minor Equivalency Endorsements are indicated as ME16 for sixteen semester hours in the content area and ME24 for 24 semester hours including special methods of teaching in the content area.

Restrictions indicate licensure that restricts the individual to teaching in a specialized area only. Restricted licenses are issued to individuals with degrees in mental retardation, deaf education, visually impaired, or preschool-kindergarten handicapped. All other special education categories require regular elementary or secondary qualifications. Restricted licenses are also issued for baccalaureate level programs in vocational technical education, for reserve officers' training corps, and for Native American language instruction. Teachers with restricted licenses may teach or substitute teach only in the specified area.

RENEWAL REEDUCATION REQUIREMENTS

Initial (entrance) licensure does not carry any reeducation requirements unless the individual has not yet completed the North Dakota Native American Studies requirement (see below).

Two-year/substitute Those who do not complete their 18 months of contracted teaching during the period of the initial license continue to renew on the two-year cycle until they have accrued that time. Individuals who teach part-time or intermittently for more than five years before reaching the 18 month requirement will be assigned eight semester hours of reeducation to fulfill the same requirements as re-entry applicants. Those who are not under contract, but only substitute teaching, may renew indefinitely on the two-year cycle. Substitute teachers who have not been under contract at any time during their current license do not need to submit reeducation hours to renew licensure. Substitute who have been under contract, part-time or full-time, at any time during their current license, or who enter into a contract must meet the reeducation requirements for contracted teachers.

Regular (five-year) licensure requires four semester hours of reeducation credit taken within the five-year period covered by the license.

Interim (one-year emergency) licensure requires eight semester hours of reeducation with each annual renewal until the total requirements for regular licensure are completed.

Interim Substitute Individuals who are issued an interim license to substitute teach only may defer the reeducation requirements until such time as they accept a contracted position (see substitute teachers below).

Interim Reciprocal (two-year, renewable once) licensure requires the individual to complete all additional education requirements for regular North Dakota licensure, and may be renewed once if progress is satisfactorily documented to the ESPB.

Re-entry (two-year) licensure requires eight semester hours of reeducation, four the first year and four the second year that the individual is contracted, or a total of eight credits earned within the past five years from the license's expiration date. Once you are contracted part-time or full-time 4 SH are due by the end of the first contracted year and 4 SH due the second contracted year (total of 8SH for re-entry).

Probationary (two-year) licensure requires eight semester hours of reeducation, four the first year and four the second year that the individual is contracted, or a total of eight credits earned within the past five years from the license's expiration date. The probationary license is not renewable.

North Dakota Native American Studies Any teacher who graduated from a teacher education program after September 1, 1980, is required to meet the North Dakota Native American studies requirement of two semester-hours or three quarter-hours of college credit in North Dakota Native American studies or an equivalent inservice approved by the ESPB. The two-year license will be used for compliance for re-entry and out-of-state applicants. Substitute teachers may defer the Native American Studies requirement until a contracted position is accepted. The course must be completed within the time period of the first two-year license under which the educator becomes contracted in North Dakota. If this requirement is not met the license cannot be renewed until the course is completed.

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