

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1383

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Dennis Halliwell  
Operator's Signature

10/3/03  
Date

2003 HOUSE EDUCATION

HB 1383

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10/3/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES  
BILL/RESOLUTION NO. HB 1383

House Education Committee

☐ Conference Committee

Hearing Date February 4, 2003

Tape Number	Side A	Side B	Meter #
1		x	3245-5279
Committee Clerk Signature <i>Linda Giechtner</i>			

Minutes: **Chairman Kelsch** opened HB 1383

**Rep. Hawken:** Those of you that have been around for the past three sessions would be aware that the English as a 2nd language population is very special to me. With the help of this committee we have worked really hard to make some positive in roads into helping those people that are new to our country. The bill this year, because everyone is aware of what the situation is, does not contain a request for the increase of funding, although we all know that it is certainly needed. It does make two subtenant changes. One it changes the test that is used and weighting factors. So that all the money that is allocated, will in fact go to the school district that have these children. Mari will describe this better than I can.

**(3500-4214) Mari Rasmussen, Assistant Director for Bilingual & Language Acquisition Programs, Department of Public Instruction See Attached Testimony**

**Rep. Herbel** With these weighting factors can you tell us, based on a couple past years, what is the amount per pupil for level 1 student be?

**Rasmussen:** I did some projections, it will be similar to what they have now.

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*Donna Hall*  
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10/3/03  
Date

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House Education Committee  
Bill/Resolution Number HB1383  
Hearing Date February 4, 2003

**Rep. Herbel** Is this a redistribution of the money so that we disburse all of the money?

**Mueller:** Is there any federal money involved here?

**Rasmussen:** There are two other federal programs that I work with, Some of the schools will receive Title III.

**Mueller:** Total dollars are available through Title III and the grant

**Rasmussen:** 50K in the larger districts, 10K to 15K for the smaller schools.

**Rep. Sitte** Why you would throw out the Woodcox, which is an established test and start over?

**Rasmussen:** The test development is because of the federal govt. to comply with NCLB. To develop English language proficiency standards and then we need a test based on those standards.

**Rep. Hawken:** We can still use this test until that is developed? **Rasmussen:** Yes

**Bev Nielson: School Board Association**

Support ESCL students. People who are dealing with this challenge we have great respect for them. It is a more fair and consistent way of distributing the money. The easiest testing is always the best.

**Susan Jacobson, Friend of the refugees from the Ukraine, Bosnia and Cuba, See Attached Testimony.**

**Hira Tahiali, Kosovo**

Came here in 1999 with husband and 3 boys. I live here in Bismarck. I would like to say thank you very much for helping my kids learning 2nd language. My kids like school. Thank you, God Bless America

OPPOSITION- none

closed hearing

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House Education Committee  
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Rep. Mueller motioned to amend Rep. Hanson seconded  
discussion

Rep. Sitte didn't understand the creating of a new test when the Woodcox is so good.

passed by voice vote

Rep. Haas motioned a DO PASS as amended, Rep. Mueller seconded the motion

Passes 13-0-1

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10/3/03  
Date

**FISCAL NOTE**  
Requested by Legislative Council  
02/12/2003

Amendment to: HB 1383

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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 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.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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.*

The proposed amendment to HB 1383 has no fiscal impact on the state education agency general or other funds. The amendment makes no changes to the original bill other than to clarify the language used for the student payments and correct two typographical errors.

Per student payments - English Language Learners has no fiscal effect on the state education agency general or other funds. The appropriation request for this program is in Senate Bill 2013. Thus, the fiscal impact is in Senate Bill 2013.

House Bill 1383 revises the funding formula for the North Dakota Limited English Proficient Payment Program, allowing the Department of Public Instruction to distribute the full amount of funding appropriated for the program. Previously the program was funded on a per pupil rate. The proposed formula provides for a weighted student formula, with a greater reimbursement for students at the lower levels of English language proficiency.

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.*

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Date

10/3/03

Name:	Mari Rasmussen	Agency:	Public Instruction
Phone Number:	328-2958	Date Prepared:	02/13/2003

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10/3/03  
Date

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/20/2003**

Bill/Resolution No.: HB 1383

**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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 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.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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.*

Per student payments - English Language Learners has no fiscal effect on the state education agency general or other funds. The appropriation request for this program is in Senate Bill 2013. Thus, the fiscal impact is in Senate Bill 2013.

House Bill 1383 revises the funding formula for the North Dakota Limited English Proficient Payment Program, allowing the Department of Public Instruction to distribute the full amount of funding appropriated for the program. Previously the program was funded on a per pupil rate. The proposed formula provides for a weighted student formula, with a greater reimbursement for students at the lower levels of English language proficiency.

**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:	Mari Rasmussen	Agency:	Public Instruction
Phone Number:	328-2958	Date Prepared:	01/23/2003

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*10/3/03*  
Date



30604.0101  
Title.0200

Adopted by the Education Committee  
February 4, 2003

VR  
2/7/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1383 HEDU 2-7-03

Page 3, line 11, after "a." insert "Each year of the biennium the superintendent of public instruction shall calculate the total weighted number of students eligible for payment during that year by determining the sum of all English language learner students weighted as follows:

- (1) Ten times the number of level I students;
- (2) Eight times the number of level II students;
- (3) Four times the number of level III students; and
- (4) The number of level IV students.

b."

Page 3, line 16, replace "b." with "c." and replace "publc" with "public"

Page 3, line 20, remove the underscored period

Page 3, remove lines 21 through 24

Page 3, line 25, remove "(4) Level IV students are assigned a weighting factor of 8.0"

Renumber accordingly

Date: 2/4/03  
Roll Call Vote #: 1

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

House HOUSE EDUCATION <sup>1383</sup> Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Do Pass

Amendments  
as proposed.

Seconded By

Mueller

Hanson

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. Hunsakor					
Rep. Mueller					
Rep. Solberg					
Rep. Williams					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

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Date: 2/4/03  
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1383

House HOUSE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number as amended

Action Taken do Pass as amended.

Motion Made By Haas Seconded By Mueller

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

Total (Yes) 13 No 0

Absent 1

Floor Assignment Mueller

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

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10/3/03  
Date

REPORT OF STANDING COMMITTEE (410)  
February 7, 2003 1:35 p.m.

Module No: HR-24-2003  
Carrier: Mueller  
Insert LC: 30604.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**HB 1383: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1383 was placed on the Sixth order on the calendar.

Page 3, line 11, after "a." insert "Each year of the biennium the superintendent of public instruction shall calculate the total weighted number of students eligible for payment during that year by determining the sum of all English language learner students weighted as follows:

- (1) Ten times the number of level I students;
- (2) Eight times the number of level II students;
- (3) Four times the number of level III students; and
- (4) The number of level IV students.

b."

Page 3, line 16, replace "b." with "c." and replace "pubic" with "public"

Page 3, line 20, remove the underscored period

Page 3, remove lines 21 through 24

Page 3, line 25, remove "(4) Level IV students are assigned a weighting factor of 8.0"

Renumber accordingly

2003 SENATE EDUCATION

HB 1383

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10/3/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. Engrossed HB 1383

Senate Education Committee

☐ Conference Committee

Hearing Date 3-12-03

Tape Number	Side A	Side B	Meter #
1	x		52.9 - end
1		x	0 - 17.1, 30.9 - 47.0
Committee Clerk Signature <i>Andrea Johnson</i>			

Minutes: CHAIRMAN FREBORG called the committee to order. Roll Call was taken with all (6) members present.

CHARIMAN FREBORG opened the hearing on Engrossed HB 1383 which relates to per student payments for English language learners.

**Testimony in support of Engrossed HB 1383:**

REPRESENTATIVE KATHY HAWKIN, Dist. 46, spoke in support of the bill. The bill does two things: 1. It changes what kind of testing we use that keeps us in line with NCLB, 2. It changed the weighting factor on how the appropriation that is in the education appropriation bill goes out to the schools, so the money we have spent for English as a second language will get to the student in the school who needs it.

SENATOR FLAKOLL asked if this bill will keep the money that was set aside for this program in the program and used for English as a second language. She stated that is correct and it also puts in a Level IV which will affect all the children.

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10/3/03  
Date

Page 2  
Senate Education Committee  
Bill/Resolution Number Eng. HB 1383  
Hearing Date 3-12-03

SENATOR FREBORG asked what the level of the appropriation is today. REP. HAWKIN isn't sure but she hopes there will be an additional \$100,000 added to the \$650,000 appropriated for the biennium.

MARI RASMUSSEN, DPI, presented testimony. (see attached).

SENATOR FLAKOLL asked what the *Woodcock Munoz* test is being replaced with and if each district has their own test and if the tests are all different. MS. RASMUSSEN asked the committee to look at the chart attached to her testimony and see there are two other integrating tests (Idea Proficiency Test and Language Assessment Scales Test). These tests can all be correlated. SENATOR FALKOLL asked about the data presented and why some schools have a significant number in the program. MS. RASMUSSEN stated this is an optional program in which a school can opt in and out of.

SENATOR LEE asked how long LEP has been funded in the state. MS. RASMUSSEN stated that in 1997 the state started funding it from its budget.

SENATOR FLAKOLL asked if any tracking has been done to see how the program is working. MS. RASMUSSEN stated she has the data, but has not put it together.

BEV NIELSON, ND School Boards Assn., stated their support for the program. The AYP requirements will require testing the students and they need to be able to speak English.

PATRICIA CLARK spoke on behalf of her refugee friends to thank the committee for the dollars available to learn English.

GLORIA LOKKEN, NDEA, stated the group's support for this bill. The appropriation is going to the students and that is what is important.

There being no opposition to HB 1383 the hearing was closed.

Deanna Hall  
Operator's Signature

10/3/03  
Date

Page 3  
Senate Education Committee  
Bill/Resolution Number Eng. HB 1383  
Hearing Date 3-12-03

**Tape 1, Side B, 30-9 - 47.0**

**SENATOR FLAKOLL moved a DO PASS. Seconded by SENATOR TAYLOR.**

Discussion: SENATOR COOK understands how one of the intents is to see that all of the appropriated funds actually go to schools. He also understands that with the changes proposed the dollars available may be distributed differently. The fiscal note looks like the greater amount of dollars will go to schools with a higher number of lower levels of English language proficiency. He would like to have a better idea as to how the money is being shifted.

SENATOR FREBORG stated the formula changes when you go from Level I to Level IV with less dollars available for Level IV.

SENATOR FLAKOLL stated that the dollars were metered out differently before this bill, also, based on proficiency and the number of students.

SENATOR FREBORG asked when the schools are paid. SENATOR FLAKOLL stated by May 30th with the report due by December 1.

SENATOR TAYLOR asked if any funds were unused in the last biennium. SENATOR FREBORG doesn't think so.

SENATOR COOK stated this removes the reference to the Woodcock Munoz Test. SENATOR FLAKOLL stated he has a concern of Level IV students, with the new formula, they only get 1/23 of the dollars or 4% which isn't much.

**Roll Call Vote: 5 YES. 1 NO. 0 Absent. Motion Carried.**

**Carrier: SENATOR FLAKOLL**

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10/3/03  
Date



Date: 3/12/03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1383 as engrossed

Senate EDUCATION Committee

☐ Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Sen. Flakoll Seconded By Sen. Taylor

Senators	Yes	No	Senators	Yes	No
LAYTON FREBORG, CHAIR.	✓		LINDA CHRISTENSON	✓	
GARY A. LEE, V. CHAIR.	✓		RYAN M. TAYLOR	✓	
DWIGHT COOK		✓			
TIM FLAKOLL	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Sen. Flakoll

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

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10/3/03  
Date

REPORT OF STANDING COMMITTEE (410)  
March 12, 2003 1:28 p.m.

Module No: SR-44-4573  
Carrier: Flakoli  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
HB 1383, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends  
DO PASS (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1383 was  
placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-44-4573

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10/3/03  
Date

2003 TESTIMONY

HB 1383

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Demetrius Halliwell  
Operator's Signature

10/3/03  
Date

**TESTIMONY ON HB #1383  
HOUSE EDUCATION COMMITTEE**

**February 4, 2003**

**by Mari Rasmussen, Assistant Director for Bilingual & Language  
Acquisition Programs**

**701-328-2958**

**Department of Public Instruction**

---

Chairman Kelsch and members of the committee:

My name is Mari Rasmussen and I administer the Bilingual and Language Acquisition Programs for the Department of Public Instruction. I am here to speak in favor of House Bill 1383: Per Student Payments for Limited English Proficiency.

House Bill 1383 seeks to improve an educational program that has been in place in North Dakota since 1997. The Fifty-fifth Legislative Assembly passed a bill authorizing funding that allowed school districts to be partially reimbursed for students who come into classrooms with little or no English skills. Since 1997 the State English Language Learner Program has helped school districts improve their services for limited English proficient (LEP) students, impacting hundreds of children and nearly 30 districts. Some of the benefits of this program include:

- Improved language services allowing students to attain English language proficiency at a faster pace.
- Classroom teachers who receive support for the students with limited English are better able to address the needs of all students on an equitable basis.
- School districts receiving funding for students learning English as a second language are motivated to provide quality educational programs that meet state and federal requirements.
- Funding is available for large and small school districts. As seen from the chart on the following page, a variety of districts in North Dakota benefit from this program.
- Statewide demographics in North Dakota show declining enrollments and decreasing birthrates in our state. Young people are leaving the

*Dennis Hall*  
Operator's Signature

10/3/03  
Date

state for better opportunities. The one population that is increasing in North Dakota schools is the group of students who come from different language backgrounds. The diverse skills, interests and desire to build a new life that the families of these students bring with them strengthens not only the classrooms, but also the communities in which the students live. The State English Language Learner Payment Program provides support for these students and their families.

The purpose of House Bill 1383 is to make some changes in the program in order to better meet the needs of the school districts and students. Funding for this program is included in Senate Bill 2013. Currently the program is funded at \$650,000 for the biennium. The education budget bill asks for an increase of \$100,000. The increase would provide a greater compensation for the costs school districts incur. Presently, this program reimburses school districts for less than a fourth of the actual costs of educating English Language Learners. This population of students continues to increase in the state. The Federal government is also asking school districts to be more accountable for providing appropriate services for these students.

Changes House Bill 1383 will make to the State English Language Learner Program include:

Change: Funding is distributed on the basis of a weighted factor formula instead of

	Level 1 & 2	Level 1 & 2	Level 1 & 2	Level 1 & 2	Level 1, 2 & 3
Beulah	4	7	-	3	
Bismarck	35	38	41	41	47
Cavalier	-		3	0	
Ellendale					22
Fairmont		1	1	0	
Fargo	340	357	378	408	552
Forman-Sargent					2
Grafton	-	8	21	7	40
Grand Forks	27	26	34	41	54
Hankinson					3
Hatton					2
Hazen	1	2	0	0	
Jamestown	-	2	6	7	10
LaMoure					20
Midway-Inkster	-	20	15	0	
Minot	-	4	2	2	3
Minto	-	3	2	0	
Nash Elementary	-	2	1	1	
New Salem				1	
Northern Cass	-	1	-	6	
Northwood				7	
Oakes Public	5	4	6	0	
Park River	-	9	8	10	9
St. Thomas	8	6	6	0	
Towner					4
Underwood					2
Wahpeton	4	5	3	5	12
West Fargo	15	21	36	70	123

- allocating a specific dollar amount to each level of English language proficiency.
- Reason: Weighted factor formula allows the state to distribute all funding appropriated in a biennium, allowing for the wide fluctuations in this population of students. Consistent with original legislative intent, formula is based on levels of English language proficiency with the high need students receiving the majority of funding.
- Change: Language proficiency levels are aligned with the state English language proficiency standards and a state language proficiency test. *Woodcock Munoz Language Proficiency Test* by Riverside Publishing Company is not named in legislation.
- Reason: Language is changed to allow more consistency with federal legislation. Legislative intent is maintained in that schools are still accountable for assessing students and documenting level of English language proficiency. A state committee, composed of educators, administrators and legislators, establishes English language proficiency standards and could also help determine the state language proficiency test.
- Change: Inclusion of level IV.
- Reason: Federal legislation requires that school districts serve all limited English proficient students. Funding all levels supports the state and school district's responsibility to serve and identify all students that are eligible. Legislative intent to support the high need students is maintained through a formula which provides the majority of the funding for level I and II. Level IV students would receive 1/10<sup>th</sup> the amount of a level I student. This a minimal amount, but consistent with the fact that services should be minor for these students whose needs are not as great as other levels.

# **NORTH DAKOTA LEVELS OF ENGLISH LANGUAGE PROFICIENCY** (For State English Language Learner Payment Program)

Levels	Woodcock - Munoz Language Survey Correlation	Idea Proficiency Test Correlation	Language Assessment Scales Correlation	Types of Services Provided as Determined by Instructional Plan
<b>I - (Preliterate)</b> Learner comprehends and speaks a language other than English and does not speak English and has little or no literacy skills in either language. Mainstream classroom curriculum would be impossible.	1 Negligible			Instructional plan provides for daily intensive language development support by qualified English as a second language (ESL) or Bilingual Education instructor using research-based methods. Learner needs a standards-based curriculum, designed for his/her level of language development, along with appropriate instructional materials. Paraprofessional services may be needed when participating in mainstream classrooms.
<b>II - (Beginning)</b> Learner has some basic interpersonal communication skills in English. He/she may have literacy and academic skills in a language other than English, but has negligible to very limited academic skills in reading, writing, speaking, and comprehending English. Mainstream classroom curriculum would be extremely difficult to implement.	1-2 Negligible to Very Limited. 2 Very Limited. 2-3 Very Limited to Limited			Plan provides for language development support by qualified teacher on a regular basis. Language development curriculum is coordinated with mainstream curriculum. Student participates in mainstream classroom activities as much as possible, with paraprofessional assistance. Activities and assessments are modified.
<b>III - (Intermediate)</b> Learner has intermediate to basic social, interpersonal communication skills and is significantly below grade level in academic language skills in reading, writing, and comprehending. Oral English vocabulary is limited in academic areas. Highly cognitive, abstract, and context-reduced language activities would be the most difficult. Idioms and culturally related language would be difficult. Mainstream classroom curriculum would be extremely difficult to manageable.	3 Limited, 3-4 Limited to Fluent			Plan provides for language development support as needed. Classroom activities and assessments are modified. ESL or Bilingual Education teacher provides some direct instruction, but may serve primarily as resource for classroom teachers. Paraprofessionals may provide follow-through support.
<b>IV - (Basic)</b> Learner has mastery of basic social, interpersonal communication skills and is moving toward mastery of all cognitive academic language skills in reading, writing, comprehension, and expression. Learner is below grade level in academic English skills in reading, writing, comprehending, and expressing the English language. Highly cognitive abstract language and context-reduced activities at grade level or above might be difficult. Idioms and culturally related language might be difficult.	4 Fluent, 4-5 Fluent to Advanced, 5 Advanced			Plan allows for learner to receive language development support, modified curriculum, and assessment as needed. Direct language development services would be minimal or nonexistent. ESL or bilingual education teacher is available for resource materials when needed. Paraprofessional services should be minimal or nonexistent.

The only changes I suggest to the present bill include the proposed amendment, which adjusts the language for the funding formula in order to allow the Department of Public Instruction to distribute it appropriately. It also fixes a typographical error on page three, line 25, changing the weighting factor of Level IV to 1.0 instead of 8.0.

House Bill 1383 improves upon a valuable program for the future of schools and communities in North Dakota. I urge you to support this bill. Thank you for your time. I am available for any questions you may have.

Deanna Halliwell  
Operator's Signature

10/3/03  
Date



PROPOSED AMENDMENT TO HOUSE BILL NO. 1383

Page 3, line 11, after the "a." insert:

"Each year of the biennium the superintendent of public instruction shall calculate the total weighted number of students eligible for payment during that year by determining the sum of all English language learner students weighted as follows:

- (1) Ten times the number of level I students;
- (2) Eight times the number of level II students;
- (3) Four times the number of level III students; and
- (4) One times the number of level IV students."

b.

Page 3, line 16, remove the "b." and insert "c."

Remove lines 21-25

Renumber accordingly

Subsection 5 will now read:

a. Each year of the biennium the superintendent of public instruction shall calculate the total weighted number of students eligible for payment during that year by determining the sum of all English language learner students weighted as follows:

- (1) Ten times the number of level I students;
- (2) Eight times the number of level II students;
- (3) Four times the number of level III students; and
- (4) One times the number of level IV students.

b. The superintendent of public instruction shall determine the per student amount used to calculate payments under this section during the first year of the biennium by dividing the total weighted number of students eligible for payment under this section into forty-nine percent of the total amount appropriated for this section.

c. The superintendent of public instruction shall determine the per student dollar amount used to calculate payments under this section during the second year of the biennium by dividing the total weighted number of students eligible for payment under this section into fifty-one percent of the total amount appropriated for this section.

Testimony in support of HB1383  
February 4, 2003

Susan Jacobson  
Contact # - 221-2672

Madam Chairman and Members of the Committee:

My name is Susan Jacobson. I live at 530 Juniper Drive, Bismarck ND. I am a friend of refugees from the Ukraine, Bosnia and Cuba.

I am here today in support of House bill 1383.

My friends are parents of children who are attending Bismarck Public Schools. These students need English skills to graduate and find jobs. This bill ensures funding for teaching these students English language skills.

While visiting with an English Language Learning student, he related a cute story:

A young child was learning to count. "1,2,3,4,5."  
"Very good!" the teacher said. "Can you count higher?"  
"Oh yes!" the child said.  
He raised his hands over his head, "1,2,3,4,5"

The English Language Learning student from Cuba chuckled as he told this story and said, "Isn't that funny?"

This bill ensures funding for more moments of understanding like this.

Thank you for your attention. I would be happy to answer any questions regarding this testimony.

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Deanna Hall  
Operator's Signature

10/3/03  
Date

**TESTIMONY ON HB #1383  
SENATE EDUCATION COMMITTEE**

**March, 2003**

**by Mari Rasmussen, Assistant Director for Bilingual & Language  
Acquisition Programs**

**701-328-2958**

**Department of Public Instruction**

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Chairman Freborg and members of the committee:

My name is Mari Rasmussen and I administer the Bilingual and Language Acquisition Programs for the Department of Public Instruction. I am here to speak in favor of House Bill 1383: Per Student Payments for Limited English Proficiency.

*Added funding before*  
House Bill 1383 seeks to improve an educational program that has been in place in North Dakota since 1997. The Fifty-fifth Legislative Assembly passed a bill authorizing funding that allowed school districts to be partially reimbursed for students who come into classrooms with little or no English skills. Since 1997 the State English Language Learner Program has helped school districts improve their services for limited English proficient (LEP) students, impacting hundreds of children and nearly 30 districts. Some of the benefits of this program include:

- Improved language services allow students to attain English language proficiency at a faster pace.
- Classroom teachers who receive support for the students with limited English are better able to address the needs of all students on an equitable basis.
- School districts receiving funding for students learning English as a second language are motivated to provide quality educational programs that meet state and federal requirements.
- Funding is available for large and small school districts. As seen from the chart on the following page, a variety of districts in North Dakota benefit from this program.
- Statewide demographics in North Dakota show declining enrollments and decreasing birthrates in our state. Young people are leaving the

state for better opportunities. The one population that is increasing in North Dakota schools is the group of students who come from different language backgrounds. The diverse skills, interests and desire to build a new life that the families of these students bring with them strengthens not only the classrooms, but also the communities in which the students live. The State English Language Learner Payment Program provides support for these students and their families.

The purpose of House Bill 1383 is to make some changes in the program in order to better meet the needs of the school districts and students. Funding for this program is included in Senate Bill 2013. Currently the program is funded at \$650,000 for the biennium. The education budget bill asks for an increase of \$100,000. The increase would provide a greater compensation for the costs school districts incur. Presently, this program reimburses school districts for less than a fourth of the actual costs of educating English Language Learners. This population of students continues to increase in the state. The Federal government is also asking school districts to be more accountable for providing appropriate services for these students.

Changes House Bill 1383 will make to the State English Language Learner Program include:

Change: Funding is distributed on the basis of a weighted factor formula instead of

	Level 1 & 2	Level 1 & 2	Level 1 & 2	Level 1 & 2	Level 1, 2 & 3
Beulah	4	7	-	3	
Bismarck	35	38	41	41	47
Cavalier	-		3	0	
Ellendale					22
Fairmont		1	1	0	
Fargo	340	357	378	408	552
Forman-Sargent					2
Grafton	-	8	21	7	40
Grand Forks	27	26	34	41	54
Hankinson					3
Hatton					2
Hazen	1	2	0	0	
Jamestown	-	2	6	7	10
LaMoure					20
Midway-Inkster	-	20	15	0	
Minot	-	4	2	2	3
Minto	-	3	2	0	
Nash Elementary	-	2	1	1	
New Salem				1	
Northern Cass	-	1	-	6	
Northwood				7	
Oakes Public	5	4	6	0	
Park River	-	9	8	10	9
St. Thomas	8	6	6	0	
Towner					4
Underwood					2
Wahpeton	4	5	3	5	12
West Fargo	15	21	36	70	123

- allocating a specific dollar amount to each level of English language proficiency.
- Reason: Weighted factor formula allows the state to distribute all funding appropriated in a biennium, allowing for the wide fluctuations in this population of students. Consistent with original legislative intent, the formula is based on levels of English language proficiency with the high need students receiving the majority of funding.
- Change: Language proficiency levels are aligned with the state English language proficiency standards and a state language proficiency test. *Woodcock Munoz Language Survey* by Riverside Publishing Company is not named in legislation.
- Reason: Language is changed to allow more consistency with federal legislation. Title III of the "No Child Left Behind" Act requires that states assess limited English proficient students with a language proficiency assessment that is aligned with state standards. North Dakota has joined a consortium of states that received federal funding to develop a language proficiency assessment that will meet federal requirements. This assessment, when developed, could replace the *Woodcock Munoz Language Survey*.
- Change: Inclusion of level IV.
- Reason: Federal legislation requires that school districts serve all limited English proficient students. Funding all levels supports the state and school district's responsibility to serve and identify all students that are eligible. Legislative intent to support the high need students is maintained through a formula which provides the majority of the funding for level I and II. Level IV students would receive 1/10<sup>th</sup> the amount of a level I student. This is a minimal amount, but consistent with the fact that services should be minor for these students whose needs are not as great as other levels.

House Bill 1383 improves upon a valuable program for the future of schools and communities in North Dakota. I urge you to support this bill. Thank you for your time. I am available for any questions you may have.

# **NORTH DAKOTA LEVELS OF ENGLISH LANGUAGE PROFICIENCY** (For State English Language Learner Payment Program)

Levels	Woodcock - Munoz Language Survey Correlation	Idea Proficiency Test Correlation	Language Assessment Scales Correlation	Types of Services Provided as Determined by Instructional Plan
<b>I - (Pre-literate)</b> Learner comprehends and speaks a language other than English and does not speak English and has little or no literacy skills in either language. Mainstream classroom curriculum would be impossible.	<i>1 Negligible</i>			Instructional plan provides for daily intensive language development support by qualified English as a second language (ESL) or Bilingual Education instructor using research-based methods. Learner needs a standards-based curriculum, designed for his/her level of language development, along with appropriate instructional materials. Paraprofessional services may be needed when participating in mainstream classrooms.
<b>II - (Beginning)</b> Learner has some basic interpersonal communication skills in English. He/she may have literacy and academic skills in a language other than English, but has negligible to very limited academic skills in reading, writing, speaking, and comprehending English. Mainstream classroom curriculum would be extremely difficult to impossible.	<i>1-2 Negligible to Very Limited, 2 Very Limited, 2-3 Very Limited to Limited</i>			Plan provides for language development support by qualified teacher on a regular basis. Language development curriculum is coordinated with mainstream curriculum. Student participates in mainstream classroom activities as much as possible, with paraprofessional assistance. Activities and assessments are modified.
<b>III - (Intermediate)</b> Learner has intermediate to basic social, interpersonal communication skills and is significantly below grade level in academic language skills in reading, writing, and comprehending. Oral English vocabulary is limited in academic areas. Highly cognitive, abstract, and context-reduced language activities would be the most difficult. Idioms and culturally related language would be difficult. Mainstream classroom curriculum would be extremely difficult to manageable.	<i>3 Limited, 3-4 Limited to Fluent</i>			Plan provides for language development support as needed. Classroom activities and assessments are modified. ESL or Bilingual Education teacher provides some direct instruction, but may serve primarily as resource for classroom teachers. Paraprofessionals may provide follow-through support.
<b>IV - (Basic)</b> Learner has mastery of basic social, interpersonal communication skills and is moving toward mastery of all cognitive academic language skills in reading, writing, comprehension, and expression. Learner is below grade level in academic English skills in reading, writing, comprehending, and expressing the English language. Highly cognitive abstract language and context-reduced activities at grade level or above might be difficult. Idioms and culturally related language might be difficult.	<i>4 Fluent, 4-5 Fluent to Advanced, 5 Advanced</i>			Plan allows for learner to receive language development support, modified curriculum, and assessment as needed. Direct language development services would be minimal or nonexistent. ESL or bilingual education teacher is available for resource materials when needed. Paraprofessional services should be minimal or nonexistent.