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10/22/03
Date

2003 SENATE APPROPRIATIONS

SB 2404

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2404

Senate Appropriations Committee

☐ Conference Committee

Hearing Date 2-5-03

Tape Number	Side A	Side B	Meter #
1	X		62-2512
Committee Clerk Signature <i>Sandra Davis</i>			

Minutes: Chairman Holmberg opened the hearing on SB 2404. A bill relating to provide an appropriation for teachers employed at the youth correctional center. (Meter 61) Senator Dwight Cook, District # See written testimony Exhibit 1 & 2. Introduced this bill and asked for the committees support. Explained that there are 21 dedicated teachers at the youth correctional school and do not answer to a school board, they are under the executive branch of government, they do not negotiate with DPI. They are under the corrections department. Last session there was the teachers compensation bill, that was meant to reimburse teachers and somehow these 21 teachers were left out. One correction or two, line 9 and on class 70 teachers. Amendments are being drafted. On line 7, you will see there needs to be a correction from the superintendent of public instruction to correctional department. (Meter 281) Chairman Holmberg: If appropriations of seventy-eight thousand dollars (\$78,000) were to pass this bill, are those folks would then receive at the same three thousand dollars (\$3,000) increase that the other schools (School for Blind, School for the Deaf) received last year. Those appropriations were towards the end of the

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Senate Appropriations Committee

Bill/Resolution Number SB 2404

Hearing Date 2-05-03

session. We appropriated seventy two point eight thousand for the department of independent study. (Meter 395) Senator Dwight Cook: the summary he handed out was prepared by Legislative Council staff. (Meter 400) Senator Andrist: Do you know what the average salary of these 22 teachers compare to the state teachers salary? (Meter 472) Senator Dwight Cook: The average base salary and the average total compensation for the ND. Average base salary for the YCC is thirty three thousand eight hundred and seventy one dollars (\$33, 871), the average base salary for public school districts is thirty four thousand nine hundred and thirteen dollars (\$34,913), the total average compensation package YCC forty four thousand seven hundred and ten dollars (\$44, 710), public school districts forty six thousand six hundred and sixty eight (\$46,668). (Meter 541) Chairman Holmberg: Do you have that compared to Devils Lake or the School for the Deaf? (Meter 559) Senator Cook: School for the Blind, average base salary, thirty six thousand two hundred and seventeen (\$36,217), School for the Deaf, thirty three thousand seven hundred and fifty dollars (\$33,750), average total compensation package, School for the Blind, forty eight thousand two hundred and fifty seven dollars (\$48,257), School for the Deaf, forty five thousand three hundred and forty two dollar (\$45,342). (Meter 612) Senator Thane: Is it a fair comparison? Aren't those specialized teachers at the School for the Blind, School for the Deaf? (Meter 625) Senator Cook: I think the teachers at YCC are specialized teachers. (Meter 676) Senator Kringstad: Are there 21 or 22 teachers at YCC? (Meter 696) Senator Cook: close to 21 or 22. (Meter 779) Senator Christmann: On the handout from Legislative Council, isn't this funding included SB 2016 for correctional and rehabilitation appropriations, did we include the funding but it was never send out to them? Or did they get this money and it was called something else? It seems to me that they got the money, it just came through the corrections

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Senate Appropriations Committee
Bill/Resolution Number SB 2404
Hearing Date 2-05-03

instead of DPI? (Meter 822) Senator Cook: The way I read that the funding that they are identifying in this hand out was included in SB 2016. (Meter 857) Chairman Holmberg: Summarized the increases and salaries. (Meter 960) Representative Todd Porter, District 34: He is a cosponsor on this bill and wants to correct this compensation package. (Meter 1154) William Fleck, teacher at YCC: see written testimony Exhibit 3. (Meter 1351) Chairman Holmberg: Asked Joe Morrisette to clarify what happens if this money is put back into the next biennium. (Meter 1428) Joe Morrisette: For other state schools (School for the Deaf, School for the Blind, there was nothing in the executive budget for those teacher payments in the '03-'05 biennium, however, those agencies included that as part of their pay in their budget plans. (Meter 1544) Senator Kilzer: What is your average school census? (Meter 1562) William Fleck: We average 80 to 100 right now each day, yearly we have usually average of 350-400 students. (Meter 1586) Senator Christmann: Clarification of 5 students per teacher? (Meter 1604) William Fleck : It varies each classroom from 5 to 10. (Meter 167) Nancy Sand, NDEA: She supports this bill. Handed out an Exhibit 4 that clarified the definitions for the section. The teachers at the School for the Blind and the School for the Deaf and YCC have a salary schedule. But the teachers at the School for the Blind and the School for the Deaf were actually on that schedule . Part of the request for salary money for the YCC teachers last session was to get them on the schedule, they are not on the schedule. They got left out of the compensation package. (Meter 2512) Chairman Holmberg closed the hearing on SB 2404.

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10/22/03
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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2404 Votes

Senate Appropriations Committee

☐ Conference Committee

Hearing Date February 7, 2003

Tape Number	Side A	Side B	Meter #
#1	x		2,555-3450
Committee Clerk Signature <i>Jan Hendrickson</i>			

Minutes:

Senator Holmberg, chair, explained the SB 2404 which was the bill from the youth correctional center where the teachers did not get the same raises as the other teachers last year. Senator Cook worked with Legislative council on this. Amendments were passed out. See attached. Senator Holmberg explained the amendments. Money would come from the teacher compensation from last year that was a turn back. It will make sure that these teachers are treated the same as the others in the state. Motion by Senator Mathern, seconded by Senator Tallackson to accept amendments as presented. Questions on how much was left in the fund, how the money would be given out, etc. Senator Holmberg explained this was simply an oversight from the last session and this is just a catch up. There is no data to back up a claim that these teachers received this pay increase. They did not receive the pay increase as others did. Senator Robinson stated that they did not receive the pay increase, it was simply an oversight at the end of the last

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Senate Appropriations Committee

Bill/Resolution Number SB 2404 Votes

Hearing Date February 7, 2003

session. Voice vote on the amendment passed. Motion by Senator Mathern for a do pass as amended, seconded by Senator Christmann. Roll call vote was taken. 11 yes, 0 no, 3 absent.

Senator Holmberg will carry the bill. Roll call vote is attached.

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10/22/03
Date

February 6, 2003

JPB
210-103
1042

PROPOSED AMENDMENTS TO SENATE BILL NO. 2404

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 2 of section 15 of chapter 173 of the 2001 Session Laws, relating to the use of contingent payments for the compensation of teachers employed at the youth correctional center; to provide an appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$66,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of providing \$3,000 in additional compensation to twenty-two eligible individuals who are employed as teachers at the youth correctional center, for the period beginning January 1, 2001, and ending June 30, 2003.
2. For purposes of this section, "teacher" means an individual, other than an administrator, who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and who has been employed full-time at the youth correctional center for at least the period from July 1, 2001, through the effective date of this Act, in a position classified by the superintendent of public instruction as:
 - a. A class 22 coordinator;
 - b. A class 37 guidance counselor or school counselor;
 - c. A class 38 guidance counselor or designate;
 - d. A class 40 instructional programmer;
 - e. A class 41 library media specialist;
 - f. A class 56 pupil personnel service provider;
 - g. A class 59 school psychologist;
 - h. A class 62 speech-language pathologist;
 - i. A class 68 supervisor;
 - j. A class 70 teacher or special education teacher; or
 - k. A class 72 tutor in training.

SECTION 2. AMENDMENT. Subsection 2 of section 15 of chapter 173 of the 2001 Session Laws is amended and reenacted as follows:

2. If funds appropriated by the legislative assembly to the grants-teacher compensation payments line item in House Bill No. 1013, as approved by

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the fifty-seventh legislative assembly, remain after completion of all statutory obligations, to the extent of legislative appropriations, the superintendent of public instruction shall distribute all of the remaining funds, except sixty-six thousand dollars, as additional per student payments under chapter ~~15-40.4~~ or 15.1-27. The state treasurer shall transfer the sixty-six thousand dollars to the state general fund for the purposes as provided in section 1.

SECTION 3. DEPARTMENT OF CORRECTIONS - 2005-07 BUDGET PREPARATION. In compiling the departmental budget for the 2005-07 biennium, the department of corrections and rehabilitation shall consider the increase in teacher compensation provided for by this Act as a portion of the base salary payable to the teachers employed at the youth correctional center.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 2/7/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2404

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass as amended

Motion Made By Mathern Seconded By Christmann

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman	✓				
Senator Bowman, Vice Chair	✓				
Senator Grindberg, Vice Chair	✓				
Senator Andrist					
Senator Christmann	✓				
Senator Kilzer					
Senator Krauter	✓				
Senator Kringstad	✓				
Senator Lindaas	✓				
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger	✓				
Senator Tallackson	✓				
Senator Thane					

Total (Yes) 11 No 0

Absent 3

Floor Assignment Senator Holmberg

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

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10/22/03
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REPORT OF STANDING COMMITTEE (410)
February 10, 2003 4:16 p.m.

Module No: SR-25-2193
Carrier: Holmberg
Insert LC: 30731.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2404: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2404 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 2 of section 15 of chapter 173 of the 2001 Session Laws, relating to the use of contingent payments for the compensation of teachers employed at the youth correctional center; to provide an appropriation; and to declare an emergency.

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 - d. A class 40 instructional programmer;
 - e. A class 41 library media specialist;
 - f. A class 56 pupil personnel service provider;
 - g. A class 59 school psychologist;
 - h. A class 62 speech-language pathologist;
 - i. A class 68 supervisor;
 - j. A class 70 teacher or special education teacher; or
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February 10, 2003 4:16 p.m.

Module No: SR-25-2193
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2. If funds appropriated by the legislative assembly to the grants-teacher compensation payments line item in House Bill No. 1013, as approved by the fifty-seventh legislative assembly, remain after completion of all statutory obligations, to the extent of legislative appropriations, the superintendent of public instruction shall distribute all of the remaining funds, except sixty-six thousand dollars, as additional per student payments under chapter 15-40.1 or 15.1-27. The state treasurer shall transfer the sixty-six thousand dollars to the state general fund for the purposes as provided in section 1.

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Renumber accordingly

2003 HOUSE APPROPRIATIONS

SB 2404

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2404

House Appropriations Committee

☐ Conference Committee

Hearing Date 03-19-03

Tape Number	Side A	Side B	Meter #
1	X		2.4 - 22.2
Committee Clerk Signature <i>Chris T. [Signature]</i>			

Minutes:

Chairman Svedjan Opened SB 2404 for discussion. A quorum was present.

Sen. Dwight Cook Handed out a summary of funding for o01-03 salary increases for teachers at the Youth Correctional Center.

Rep. Skarphol Whatever work you have to do on this bill to make it pass is fine, I don't mind.

Rep. Todd Porter I ask for a favorable consideration.

Rep. Aarsvold Don't those teachers have the ability to negotiate with a de facto board, are you familiar with that?

Rep. Porter No, I'm not.

Rep. Warnke We'll have to square this away with the budget.

Rep. RaeAnne Kelsh This was an oversight by the education committee.

Rep. Delzer \$200,000 in for a pay raise last year went to 22 teachers?

Rep. Kelsh It was based on the state employee percentage increase.

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10/22/03
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House Appropriations Committee
Bill/Resolution Number SB 2404
Hearing Date 03-19-03

Rep. William Fleck, teacher at the Youth Correctional Center Spoke on behalf of the
NDYCC faculty. See written testimony.

Rep. Delzer What is your contract length? From July to July?

Fleck Yes. It is 180 days starting in July.

Rep. Delzer I need to know the difference in dollars from your income and the percentage
increase.

Rep. Monson The Governor's pay package included total compensation, so now you have to
look at the amount of money the state spent on your health insurance. When you get done
tallying all of this are you sure you didn't receive this amount of money?

Fleck \$3,000. The School for the Blind and the School for the Deaf did receive that, we didn't.

Rep. Delzer What actually went on in the Department of Correction's Budget last year there was
\$600,000 to get them caught up on the composite schedule. When we did the budget last year,
we looked at how much they will get for a pay raise compared to what everyone else will get for
a pay raise. The School for the Blind was on course with the composite schedule and not
included in the teacher's compensation package in 2013. We set them up so their pay raise
would be slightly better than what they other teachers got. Then the School for the Blind got the
composite schedule and on top of that they got the \$3000. The question still remains, and we
have to decide it, if the School for the Blind got the \$3,000 on top of the pay raise to put them on
the composite schedule. Its not that these guys were left out, the School for the Blind was
inadvertently added.

Rep. Monson We should find out if the School for the Blind was double dipping.

Joe Morrisette, LC It became part of their base.

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House Appropriations Committee

Bill/Resolution Number SB 2404

Hearing Date 03-19-03

Rep. Delzer What's the \$99,000 in the Department of Corrections budget then?

Morrisette Its for the composite schedule.

Rep. Skarphol OMB or LC should get us a salary schedule.

Chairman Svedjan So noted.

Joe Westby, NDEA There is sufficient money left in the Department of Public Instruction's budget to fix this.

Chairman Svedjan Closed the hearing.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2404

House Appropriations Committee

☐ Conference Committee

Hearing Date March 26, 2003

Tape Number	Side A	Side B	Meter #
3	X		0.0
Committee Clerk Signature <i>Chris S. Nelson</i>			

Minutes:

REP. SVEDJAN Called the committee to order.

REP. DELZER Introduced the bill and explained both fiscal handouts.

Asked Sandy Tabor to explain the memo which was handed out to committee members.

Explained the sections relating to a summary of salary increases for the current biennium and the 2003 - 2005 biennium. The second part of the memo related to comparisons of salaries, for the 2003 - 2005 school year.

REP. SVEDJAN Stated they needed to decide whether this appropriation is needed. The question was, did we take into account two years ago, all of what was necessary to make sure those teacher's compensation payments were made at the YCC, and if not, what interfered with that and what do we have to do about it.

REP. DELZER Stated the second handout listed the last four years. Two years ago, the school for the blind and the school for the deaf were on the composite schedule, which was a different

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House Appropriations Committee

Bill/Resolution Number SB 2404

Hearing Date March 26, 2003

schedule than most teachers use. The corrections facility had \$299,000 in it. If I remember right in corrections, there would be no increased compensation package going to anybody. When we looked at everything that was paid, and came up with the fact that we were increasing teacher's salaries at the YCC considerably more than anybody else so we thought we could put this on the same level. In the end, it ended up that even though they went back on the composite schedule, the school for the blind ended up getting more of an increase after that.

JOE MORRISSETTE, OFFICE OF MANAGEMENT & BUDGET Answered questions.

He stated that it was possible that the teachers at YCC got more of an increase going from 1999 - 2001 to 2003, then the school for the blind and the school for the deaf, but they might have been further behind on the composite schedule. When that composite schedule concept was put together, in 1997, when they all moved off of the central personnel system and became unclassified positions with the idea that they wouldn't be subject to the regular state employee salary increases. They would enter the contract just like public schools. That is when central personnel started to develop this composite salary schedule, which is just like a salary schedule a public school district would use, which takes into account the years of service and the educational level and whatever the salary they can get for their contract. Central personnel put this together based on surveys of actual salaries paid to districts. I think the teachers at YCC were paid what they were appropriated. The issue that SB 2404 is trying to address is the fact that there was a discrepancy between what teachers actually got at YCC and what they got at the school for the deaf and the school for the blind. The school for the deaf and the school for the blind teachers, their contract for each year of the biennium, was the appropriate place on that salary grid plus \$1,000 each year because of this teacher compensation money that was added to

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House Appropriations Committee
Bill/Resolution Number SB 2404
Hearing Date March 26, 2003

their budgets. The teachers at YCC, the first year of the biennium, they weren't on the composite schedule because they didn't feel they had enough funding to do that, so the first year they were below the composite schedule, and they didn't get the \$1,000. The second year they were on the composite schedule but didn't get the extra \$1,000. SB 2404 will make up for what they didn't get, it will make up that \$1,000 plus the difference between what the composite schedule says they should have got the first year and what they actually got.

REP. DELZER Why do we have the \$99,000 in the Department of Corrections for this year, if that is not to make up for that, because neither of the others have that in theirs. That is the question whether we want to do the \$99,000 plus the \$64,000 or just the \$99,000 or just the \$64,000.

JOE MORRISSETTE Stated these are two separate issues. SB 2404 is saying, in 2001-2003, the teachers at YCC didn't get what the teachers at the other two institutions got, this would make up for what they didn't get in 2001-2003. The \$99,000 is in the executive budget and was in the House version of the corrections bill, relates to 2003-2005. This would fund contracts based on the composite salary schedule in the future.

REP. DELZER If that is the case then, why would there not be that same type of deal for the school for the blind and the school for the deaf, this current year, their composite schedules are going to have to go up too. Also asked, when you look at the average salaries, the YCC is already above the school for the blind.

JOE MORRISSETTE As far as the average salary goes, a lot of things could cause that, it could be years of service, or a difference in years of service from YCC to the school for the blind. The equity thing, in my mind, is the composite schedule. As long as the contracts are based on

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House Appropriations Committee
Bill/Resolution Number SB 2404
Hearing Date March 26, 2003

the composite schedule, they should be fair. The other part of the question, there was a difference in how they built their budgets. If we had known that at the time we did the analysis in the executive budget's office, we would have made sure they would all be the same.

REP. DELZER Why did the school for the blind get the extra \$1,000, and are we sure they will not get that extra \$1,000 out of DPI again this biennium?

JOE MORRISSETTE As things sit now, they wouldn't get it, because by statute, the teacher compensation program doesn't apply to teachers at state institutions, they have to be employed by a public school district. Last time, in addition to the appropriation for the teacher payment program, there was separate money added to those budgets and specific language saying this is additional payments to those teachers. At this point, there is no language to direct that.

REP. DELZER If they got the \$1,000 the last two years, we are certainly not taking that away from them, so did the composite go up by the \$1,000 to match that?

JOE MORRISSETTE It did, there is a 2001-03 composite schedule and a 2003-05 which will be used for the next biennium. In the 2003-05 schedule on the same position, there is an increase of \$662.

REP. DELZER Pointed out the averages. The increase from 2001-02 was only \$4500, then there was \$500 again in the second year of the biennium.

REP. MONSON The school for the deaf will still be \$8200 dollars behind the school for the blind, because the school for the blind in 2003-05, did put everybody in their request at a level to put them on the compensation package which does include the payments from before, but, for some reason the school for the deaf did not budget enough for the 2003-05, so in SB 2013, if we go ahead and put everybody equal, we will have to add \$8200.

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House Appropriations Committee
Bill/Resolution Number SB 2404
Hearing Date March 26, 2003

REP. SVEDJAN Summarized what was discussed stating, SB 2404 makes up for the \$1,000 the teachers at the YCC did not receive for each of the two years for the current biennium, plus it makes up for the shortage in the composite schedule payments, which they did not receive.

REP. DELZER Made a motion for a **DO PASS**.

REP. AARSYOLD Second the motion. **MOTION CARRIED 16 YES 2 NO**

REP. DELZER Was given the floor assignment.

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10/22/03

Date

SECTION 3. AMENDMENT. Subsection 1 of section 25-03.1-26 of the North Dakota Century Code is amended and reenacted as follows:

1. A public treatment facility immediately shall accept and a private treatment facility may accept on a provisional basis the application and the person admitted under section 25-03.1-26. The superintendent or director shall require an immediate examination of the subject and, within twenty-four hours after admission, exclusive of weekends and holidays, shall either release the person if the superintendent or director finds that the subject does not meet the emergency commitment standards or file a petition if one has not been filed with the court of the person's residence or the court which directed immediate custody under subsection 2 of section 25-03.1-26, giving notice to the court and stating in detail the circumstances and facts of the case."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2380: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO NOT PASS (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2380 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2394, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO PASS (15 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2394 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2398: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO NOT PASS (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2398 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2404, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO PASS (16 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING). Engrossed SB 2404 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2409, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO PASS (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2409 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2418, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2418 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the creation of a select committee to study the No Child Left Behind Act of 2001.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. NO CHILD LEFT BEHIND COMMITTEE - APPOINTMENT - POWERS.

1. The legislative council shall appoint a select committee consisting of five members of the senate and eight members of the house of representatives for the purpose of:
 - a. Monitoring the implementation of the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.] and the promulgation of federal regulations implementing the Act;
 - b. Determining the direct and indirect impact of the Act and its regulations on the schools and school districts of this state;

2003 TESTIMONY

SB 2404

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Deanna Hallen
Operator's Signature

10/22/03

Date

Exhibit 3

SENATE BILL 2404

Mr. Chairman, Senators, my name is William Fleck. I am a teacher at the Youth Correctional Center, and I am here to speak on behalf of the North Dakota Youth Correctional Center faculty. Our school was the only school in North Dakota that did not receive Governor Hoeven's 2001 Teacher Compensation Plan. In addition to all public schools receiving the extra compensation, all other State schools, except for YCC, received the extra compensation. The bill before you addresses this oversight and attempts to correct it.

Seven years ago, our teachers took on the challenging task of becoming a North Central Association accredited school. The North Central Association is an organization which accredits many schools across the nation. Not only have we been an Outcomes endorsed school since 1996, as of last December we have been recommended by a Peer Review Team to be endorsed as a Transitions school. Transitions is the highest level of endorsement, being described as an Exemplary School.

Each day the YCC faculty maintains and enthusiastically delivers a top-notch educational program to at-risk students from all over North Dakota. Most of our students experience success and develop a sense of pride and

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Date

well-being as never before in their lives. The care and concern we show to each of our students is a vital part of the reason our state has the lowest juvenile recidivism rate in the nation. This dedicated faculty deserves to be treated no less than their counterparts in all of the North Dakota public schools and all other State schools.

We ask for your consideration of Senate Bill 2404 in order to correct an oversight and allow all teachers at the Youth Correctional Center to receive Governor Hoeven's Teacher Compensation Plan from 2001.

We also ask for your consideration to include us in any further compensation plan that may be implemented during this legislative session.

Thank you.

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Deanna Hallen
Operator's Signature

10/22/03
Date

SB 2404

Nancy

Exhibit 4

15.1-27-35. Average daily membership - Calculation. Average daily membership is calculated by adding the total number of days that each student in a given classroom, school, or school district is in attendance during a school calendar and the total number of days that each student in a given classroom, school, or school district is absent during a school calendar, and then dividing the sum by one hundred eighty. For purposes of calculating average daily membership, all students are deemed to be in attendance on:

1. The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;
2. The two days set aside for the attendance of teachers at the North Dakota education association instructional conference; and
3. The two full days, or portions thereof, during which parent-teacher conferences are held or which are deemed by the board of the district to be compensatory time for parent-teacher conferences held outside regular school hours.

15.1-27-36. Definitions. For purposes of sections 15.1-27-37 through 15.1-27-39:

1. "Compensation" includes all salaries, benefits, commissions, memberships, the provision of housing, the provision of vehicles, and any other payments, in lieu of payments, or services, reportable as gross income under the Internal Revenue Code.
2. "Teacher" means an individual, other than an administrator, who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and who is employed by the board of a school district in a position classified by the superintendent of public instruction as of July 1, 2001, as:
 - a. A class 22 coordinator;
 - b. A class 37 guidance counselor or school counselor;
 - c. A class 38 guidance counselor designate;
 - d. A class 40 instructional programmer;
 - e. A class 41 library media specialist;
 - f. A class 56 pupil personnel service provider;
 - g. A class 59 school psychologist;
 - h. A class 62 speech-language pathologist;
 - i. A class 68 supervisor;
 - j. A class 70 teacher or special education teacher; or
 - k. A class 72 tutor in training.

15.1-27-37. Compensation of teachers - Claim for reimbursement - Rules.

1. On or before October first of each year or within thirty days after the conclusion of the negotiation process provided for in chapter 15.1-16, the board of a school district may file a claim with the superintendent of public instruction for the reimbursement of moneys to be expended by the district during the school year to increase the compensation of teachers employed by the district.

Page No. 16

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TEACHER COMPENSATION INCREASES FOR STATE INSTITUTIONS

This memorandum provides information regarding funding provided for salary increases for teachers at the School for the Deaf, North Dakota Vision Services - School for the Blind, and the Youth Correctional Center and information regarding salaries provided to teachers at state institutions and public school districts.

SUMMARY OF FUNDING FOR SALARY INCREASES

The following is a summary of funding for salary increases for teachers at the School for the Deaf, North Dakota Vision Services - School for the Blind, and the Youth Correctional Center as provided for the 2001-03 biennium and recommended for the 2003-05 biennium:

State Agency	2001-03 Biennium		2003-05 Biennium	
	General Fund	Special Funds	General Fund	Special Funds
School for the Deaf				
State employee salary increases ¹	\$56,352	\$3,686	\$19,102	
Funding relating to salary survey completed by Central Personnel	22,143	100,000		
Teacher compensation payments ²	74,000			
Total	\$152,495	\$103,686	\$19,102	\$0
North Dakota Vision Services - School for the Blind				
State employee salary increases ¹	\$46,696		\$12,224	
Funding relating to salary survey completed by Central Personnel	112,810		3,211	
Teacher compensation payments ²	56,200			
Total	\$215,706	\$0	\$15,435	\$0
Youth Correctional Center				
State employee salary increases ¹	\$55,967	\$15,946	\$20,920	\$3,395
Funding relating to salary survey completed by Central Personnel	200,000		99,856	
Teacher compensation payments ²				
Total	\$255,967	\$15,946	\$120,776	\$3,395

¹ The state employee salary increases provided for the 2001-03 biennium were equal to 3 percent of salaries for the first year of the biennium and 2 percent for the second year of the biennium. The state employee salary increases recommended for the 2003-05 biennium are 1 percent of salaries effective January 1, 2004, and 2 percent effective January 1, 2005.

² The 2001 Legislative Assembly provided funding to the Department of Public Instruction, School for the Deaf, and North Dakota Vision Services - School for the Blind for teacher compensation payments of \$1,000 for first-year teachers and \$3,000 for second-year returning teachers; however, the 2001 Legislative Assembly did not provide funding for teacher compensation payments for teachers at the Youth Correctional Center. The 2003-05 executive budget recommends providing funding of \$66,277,000 to the Department of Public Instruction for continuing the current level of teacher compensation payments and for providing additional \$500 per third-year returning teacher in the first year of the 2003-05 biennium and an additional \$1,000 per fourth-year returning teacher in the second year of the biennium. However, the executive budget recommendation does not include funding for these additional teacher compensation payments for teachers at the School for the Deaf, North Dakota Vision Services - School for the Blind, or the Youth Correctional Center.

COMPARISON OF TEACHER SALARIES

The following is a summary of the average base salary and total compensation for teachers at public school districts, School for the Deaf, North Dakota Vision Services - School for the Blind, and the Youth Correctional Center for the 2002-03 school year:

	Average Base Salary	Average Total Compensation
North Dakota Vision Services - School for the Blind	\$36,217	\$48,267
Youth Correctional Center	\$33,871	\$44,710
School for the Deaf	\$33,750	\$45,342
Public school districts	\$34,913	\$46,668

SUMMARY OF FUNDING FOR 2001-03 SALARY INCREASES FOR TEACHERS AT THE YOUTH CORRECTIONAL CENTER

This memorandum provides a summary of funding for 2001-03 salary increases for teachers at the Youth Correctional Center. The funding was included in 2001 Senate Bill No. 2016, the Department of Corrections and Rehabilitation's appropriations bill. A review of the legislative documents indicates funding was not included for salary increases for teachers at the Youth Correctional Center in a version of 2001 House Bill No. 1013, the Department of Public Instruction's appropriations bill.

	2001-03 Executive Budget	Senate Version	House Version	Conference Committee Version
State employee salary increases ¹	\$71,913 of which \$55,967 was from the general fund	\$71,913 of which \$55,967 was from the general fund	\$71,913 of which \$55,967 was from the general fund	\$71,913 of which \$55,967 was from the general fund
Funding relating to salary survey completed by the Central Personnel Division	\$291,375 from the general fund	\$291,375 from the general fund	\$200,000 from the general fund	\$200,000 from the general fund
Teacher compensation payments	\$0	\$0	\$0	\$0

¹ The state employee salary increases provided for the 2001-03 biennium were equal to 3 percent of salaries for the first year of the biennium and 2 percent of salaries for the second year of the biennium.

Has received any money in DPL bill

SENATE BILL 2404

Mr. Chairman, Representatives, my name is William Fleck. I am a teacher at the Youth Correctional Center, and I am here to speak on behalf of the North Dakota Youth Correctional Center faculty. Our school was the only school in North Dakota that did not receive Governor Hoeven's 2001 Teacher Compensation Plan. In addition to all public schools receiving the extra compensation, all other State schools, except for YCC, received the extra compensation. The bill before you addresses this oversight and attempts to correct it.

Some of you may have visited our campus and our school. We invite any of you, at any time, to stop by to see our school in action. We think you will be pleasantly surprised at the attitude, atmosphere and friendly culture at our school, considering the at-risk population we serve.

During a typical year, between 350 and 400 students come through our classrooms, and at any given time there are between 80 and 100 students on campus. Security is a primary concern to us due to the nature of our student population. Our hourly class load is small compared to some public schools, but this enables us to develop a personal student-teacher relationship with each student who comes our way.

Our school has a "no fail" policy that ensures no child falls through the cracks of the system, as sometimes happens in the more crowded public school classrooms. We have an open entry/open exit system, with new students entering and leaving the classrooms each Monday. All students are tested to determine academic ability as they arrive on campus and are started at their individual learning level and need. Individualized instruction for all students is the norm. This means that ten students in a classroom may all be working at different levels and on different lessons. Approximately 25% of our students require special education services, and up to 40% of students, on average, are enrolled in remedial classes or Title I programs.

Our students are the neediest of the needy, many with meager educational backgrounds and many emotional issues that must be confronted during their educational process and stay with us.

Each day the YCC faculty enthusiastically delivers a top-notch educational program to at-risk students from all over North Dakota. In fact, the school at YCC has been recommended to be endorsed as an exemplary NCA Transitions School by a group of visiting peers and by the North Dakota North Central Association State Committee. Achieving this status has meant additional time and effort on the part of our dedicated faculty.

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Deanna Walbridge
Operator's Signature

10/22/03

Date

Under our tutelage, most of our students experience success and develop a sense of pride and well-being as never before in their lives. The care and concern we show to each of our students is a vital part of the reason our state has the lowest juvenile recidivism rate in the nation.

We believe that our dedicated faculty deserves to be treated no less than their counterparts in all of the North Dakota public schools and all other State schools. We ask for your consideration of Senate Bill 2404 in order to correct an oversight and allow all teachers at the Youth Correctional Center to receive Governor Hoeven's Teacher Compensation Plan from 2001. We also ask for your consideration to include us in any further compensation plan that may be implemented during this legislative session.

Thank you.

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