

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1374

2005 HOUSE EDUCATION

HB 1374

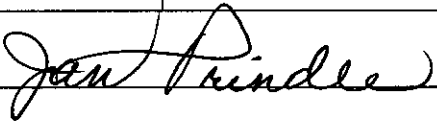
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1374**

House Education Committee

☐ Conference Committee

Hearing Date **26 January 05**

Tape Number	Side A	Side B	Meter #
1	x		5000 - 6000
Committee Clerk Signature 			

Minutes:

Chairman Kelsch opened the hearing on HB 1374

Rep. Hawken introduced the bill. The bill delineates the services of the Department of Public Instruction in regard to ELL (English Language Learners). It is a companion bill to HB 1373.

Mari Rassmussen, assistant director for the Bilingual and Language Acquisition Programs for the DPI, testified in favor of the bill. (Testimony attached.) She also submitted testimony from **Katheryn Gula** and **Rachael Disrud** which is attached.

Rep. Sitte: Could you explain this fiscal note.

Chairman Kelsch: HB 1373 is the appropriation bill and this is the mechanism.

Rep. Mueller: The concern I have and we don't reference it here. It has to do with NCLB. Should we put this stuff in code?

Rassmussen: Actually services for ELL students have been in federal legislation since the 1964 Civil Rights Act. School districts reviewed for compliance have been found deficient. This

Page 2

House Education Committee

Bill/Resolution Number **HB 1374**

Hearing Date **26 Jan 05**

does add another layer of responsibility but that responsibility was there previously. School districts stand to lose all federal funding if not in compliance. In fact the state is in jeopardy for not having a program in place if we were reviewed by the office of Civil Rights.

Rep. Mueller: So what is this doing that we haven't already been doing?

Rasmussen: The school districts that are doing it are already doing it and are going to do a good job. It simply puts it in Century Code, it formalizes the program, it assures that if a student does transfer to a school district that doesn't have services, those parents can advocate more on behalf of the student.

Representative Hawken provided email testimony in favor of the bill from Leslie Kline.

(Attached.)

There being no further testimony, Chairman Kelsch closed the hearing on HB 1374.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1374**

House Education Committee

☐ Conference Committee

Hearing Date **31 Jan 05**

Tape Number	Side A	Side B	Meter #
1		x	2850 - 3117
Committee Clerk Signature <i>Jan Prindle</i>			

Minutes: **Chairman Kelsch opened discussion on HB 1374.** This is the companion bill to HB 1374. HB 1373 contains the appropriation and HB 1373 implements that appropriation. She asked the wishes of the committee.

Rep. Hawken: I move Do Pass and refer to Appropriations.

Rep: Mueller: I second.

A roll call vote was called:

Yes: 14 No: 0 Absent: 0 The Do Pass and refer to Appropriations Passed

Rep. Meier will carry the bill.

FISCAL NOTE
Requested by Legislative Council
03/07/2005

REVISION

Bill/Resolution No.: HB 1374

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 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	\$650,000	\$982,600	\$650,000	\$982,600	\$650,000	\$982,600

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$5,269,200	\$0	\$0	\$5,636,100	\$0	\$0	\$6,861,116

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

The primary fiscal impact of HB 1374 is supported in HB 1013 and HB 1154 and federal funds from the Elementary and Secondary Education Act, which provide funding for services for English Language Learners. HB 1013 includes \$650,000 for services for English Language Learners and \$275,000 for standards and assessment for English Language Learners. HB 1154 includes foundation aid for educational needs of all children. It also includes \$300,000 in Contingent monies for English Language Learners, available as carryover funding at the end of the biennium. There is no additional fiscal impact on the state or local school districts since HB 1374 simply clarifies in North Dakota Century Code responsibilities for English language learners that are presently required by federal legislation. It does not create a new program, but provides assurances that students will receive an appropriate instructional program and the State will assist school districts in implementing the program. It also assures that the State has the capacity to meet the needs of English language learners through state levels activities, including advisory committee, standards, technical assistance, and administration, of which the costs would be supported through appropriation in HB 1013.

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:	03/07/2005

FISCAL NOTE
Requested by Legislative Council
01/14/2005

Bill/Resolution No.: HB 1374

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$1,160,000	\$0	\$1,160,000	\$0
Appropriations	\$0	\$0	\$510,000	\$0	\$510,000	\$0

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$300,000	\$0	\$0	\$300,000

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

The fiscal impact of HB 1374 is supported in HB 1373 which includes an additional amount of \$510,000.00 for services related to students who are English language learners. Presently the Department of Public Instruction (DPI) has \$650,000 in the 2005 – 2007 budget request for this program. DPI's budget is included in HB1013. There is no additional fiscal impact on the state or local school districts since HB 1374 simply clarifies in North Dakota Century Code responsibilities for English language learners that are presently required by federal legislation. It does not create a new program, but provides assurances that students will receive an appropriate instructional program and the State assist school districts in implementing the program. It also assures that the State has the capacity to meet the needs of English language learners through the state levels activities, including advisory committee, standards, technical assistance and administration, of which the costs are supported through appropriation in HB 1373. Presently, school districts and the Department of Public Instruction are using federal, state and local funds to meet requirements of HB 1374.

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:	01/18/2005

Date: 31 Jan
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1374

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass & refer to appropriate

Motion Made By Hawken Seconded By Mueller

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep. Hanson	✓	
Vice Chairman Johnson	✓		Rep. Hunsakor	✓	
Rep. Haas	✓		Rep. Mueller	✓	
Rep. Hawken	✓		Rep. Solberg	✓	
Rep. Herbel	✓				
Rep. Horter	✓				
Rep. Meier	✓				
Rep. Norland	✓				
Rep. Sitte	✓				
Rep. Wall	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Meier

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

REPORT OF STANDING COMMITTEE (410)
January 31, 2005 12:24 p.m.

Module No: HR-20-1421
Carrier: L. Meier
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1374: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1374 was rereferred to the Appropriations Committee.

2005 HOUSE APPROPRIATIONS

HB 1374

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1374

House Appropriations Committee
Education and Environment Division

☐ Check here for Conference Committee

Hearing Date February 4, 2005

Tape Number	Side A	Side B	Meter #
1	X		5.5 - 6.7
Committee Clerk Signature <i>Robin Purvisley</i>			

Minutes: Chairman Martinson opened discussion on HB1374.

Rep. Kelsch HB1374 is the bill that has the appropriations although it has the fiscal note attached. HB1373 actually appropriates the money. HB1374 is the bill for English language learners, that layouts the distribution of funds. HB1373 has the appropriations for the funds. That was just rereferred back to Appropriations on the House floor.

Chairman Martinson We can't talk about HB1373 without having it here.

Rep. Kelsch HB1374 is the mechanism for distributing the moneys of HB1373. No money attached to HB1374. I'll come back when you receive HB1374 and present it.

Chairman Martinson Closed discussion on HB1374.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1374

House Appropriations Committee
Education and Environment Division

☐ Check here for Conference Committee

Hearing Date February 7, 2005

Tape Number	Side A	Side B	Meter #
1	X		12.9-14.2
Committee Clerk Signature			

Minutes: Chairman Martinson opened the hearing on HB1374. This bill really did not need to come to us because the money is in HB1373. The narrative on the fiscal note summarizes it.

Vice Chairman Brusegaard I move Do Pass on 1374.

Rep. Aarsvold Second.

Chairman Martinson Any discussion?

VOTE: 6 YES and 0 NO with 0 absent. DO PASS. Vice Chairman Brusegaard will carry bill to the full committee.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1374
English Language Learners

House Appropriations Full Committee

☐ Conference Committee

Hearing Date February 8, 2005

Tape Number	Side A	Side B	Meter #
1	X		#8.1 - #17.3
Committee Clerk Signature <i>Cyrus Alexander</i>			

Minutes:

Rep. Ken Svedjan, Chairman opened the discussion on HB1374.

Rep. Tom Brusegaard explained that this bill establishes the English Language Learners Program. The fiscal note moneys are actually carried by bill HB1373 and this bill has no appropriation in it. This bill sets guidelines for this program in code so the Department of Public Instruction can coordinate these programs and apply for federal funding for them.

Rep. Ken Svedjan, Chairman summarizes by explaining that to approve this bill means we are certifying what they want and need for federal funding.

Rep. Bob Martinson commented that the Department of Public Instruction has money in their budget for this and the money in HB1373 is an additional amount.

Rep. Keith Kempenich asked if the total appropriation would then be the \$1.16 million.

Rep. Ken Svedjan, Chairman answered that this is how he understood it to be.

Rep. Jeff Delzer comments that the amendments to HB1373, the amounts go from \$1.16 to \$1.315 and goes from \$120,000 to \$275,000.

Rep. Ken Svedjan, Chairman stated that the total appropriation for this then is \$1.315 million and the \$120,000 is unclear. (meter Tape #2, side A, #11.1)

Ms Roxanne Woeste clarified that HB1373 provides for the appropriation for the English Language Learners Program of \$1.315 million and there is language as to how this money is to be used.

Rep. Ken Svedjan, Chairman asked if this was in addition to the \$650,000 already included in the DPI budget.

Ms Roxanne Woeste state that the committee would need to check with the sponsors of the bill.

Rep. David Monson commented that line 9 speaks of a superintendent of public instruction and then again in line 17 bullet #5 it mentions a employee program administrator and other necessary personnel so this means that they plan on hiring folks to do this and its going to cost money to hire people. Is this a new FTE?

Rep. Tom Brusegaard answered that they aren't necessarily hiring new people because they mention the duties of each in the bill. In order to capture federal grants they need an ELL program, so if that means they need to assign these duties to someone already in their office which would require no appropriation then that is what they are doing. We should deal with these issues when we discuss HB1373 or with the DPI budget bill.

Rep. Bob Martinson commented that DPI already has everything in place, and that they just needed the statutory language to actually establish the program to get the federal funds.

Rep. Ken Svedjan, Chairman commented this is an example of why the bill re-referral process needs to be clarified because what we have here is a fiscal note that relates to another bill. So this bill should not have come to us.

Rep. Tom Brusegaard moved a Do Pass motion on HB1374.

Rep. Ole Aarsvold seconded.

Rep. Bob Skarphol asked if these were the minimal standards they require. (meter Tape #2, side A, #15.2)

Rep. Tom Brusegaard answered that he was unsure.

Rep. Ken Svedjan, Chairman commented that one could assume that this is reflective of the federal requirement since the purpose of the whole bill is to qualify for federal funding.

Rep. Ken Svedjan, Chairman called for a roll call vote on the Do Pass motion for HB1374.

Motion carried with a vote of 20 yeas, 2 neas, and 1 absence. Rep Lisa Meier will carry the bill to the house floor.

Rep. Ken Svedjan, Chairman closed the discussion on HB1374.

Date: 2.7.05
Roll Call Vote #: _____

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1374

House Appropriations Education and Environment

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

DO PASS

Motion Made By

Rep. Brusegaard

Seconded By

Rep. Aarsvold

Representatives	Yes	No	Representatives	Yes	No
Chairman Martinson	☒	☐	Rep. Aarsvold	☒	☐
Vice Chairman Brusegaard	☒	☐	Rep. Gullerson	☒	☐
Rep. Rennerfeldt	☒	☐			
Rep. Wald	☒	☐			

Total 6 (Yes) 6 No 0

Absent _____

Floor Assignment

Rep. Brusegaard

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

Date: February 8, 2005
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1374

House Appropriations - Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep Brusegaard Seconded By Rep Aarsvold

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan, Chairman	X		Rep. Bob Skarphol	X	
Rep. Mike Timm, Vice Chairman	X		Rep. David Monson	X	
Rep. Bob Martinson	X		Rep. Eliot Glassheim	X	
Rep. Tom Brusegaard	X		Rep. Jeff Delzer		X
Rep. Earl Rennerfeldt	X		Rep. Chet Pollert	X	
Rep. Francis J. Wald	X		Rep. Larry Bellew		X
Rep. Ole Aarsvold	X		Rep. Alon C. Wieland	X	
Rep. Pam Gulleeson	X		Rep. James Kerzman	X	
Rep. Ron Carlisle	X		Rep. Ralph Metcalf	X	
Rep. Keith Kempenich	X				
Rep. Blair Thoreson	X				
Rep. Joe Kroeber	X				
Rep. Clark Williams	X				
Rep. Al Carlson	AB				

Total Yes 20 No 2

Absent 1

Floor Assignment Rep Lisa Meier (Education)

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

REPORT OF STANDING COMMITTEE

HB 1374: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO PASS
(20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1374 was placed on the
Eleventh order on the calendar.

2005 SENATE EDUCATION

HB 1374

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1374

Senate Education Committee

☐ Conference Committee

Hearing Date March 8, 2005

Tape Number	Side A	Side B	Meter #
1	X		3233 - 5775
1		X	2800-3185
Committee Clerk Signature <i>Patty Wilkens</i>			

Minutes: Relating to school district programs for English language learners

Senator Layton Freborg, Chairman of the Senate Education committee opened the hearing on HB 1374 relating to school district programs for English language learners.

All members of the committee were present.

Representative Kathy Hawken of District 46 introduced HB 1374 as an implementation of those things that are necessary in order to do a good job of educating the special people who come to the United States. It is a great concern to get the additional funding needed to mandate testing through the "No Child Left Behind". She further stated there is a possible amendment be added so that the presently unofficial advisory committee be declared in order to conduct the state assessments.

Patricia Clark, a local volunteer with her church Refugee Committee testified in support of HB 1374 (See written testimony). She further stated she serves on a State Advisory Committee for a

federal grant that is a supplemental grant to help refugee children in extra curricular activities.

She is aware of the exchange of ideas with this grant committee and is hopeful this same thing can happen with this advisory board.

Sanela Alagic, a refugee from Bosnia testified in support of HB 1374 (See attached testimony).

Mari Rasmussen, Administer of the Language Acquisition Programs for the Department of Public Instruction testified in support of HB 1374 (See attached testimony). She also distributed to the committee testimony from **Tonya Hunsakor**, TGU Granville Principal and **Kathryn Gulya and Rachael Disrud**, Former State Presidents NDPTA and a report on the State English Language Learner Program. (See attached).

Senator Tom Seymour asked for more information about the State Advisory Committee.

Mari Rasmussen answered that this informal advisory committee has developed from involved teachers who composed the pilot testing project.

Senator Tim Flakoll questioned how many dialects are spoken in the state and how many school districts provide services.

Mari Rasmussen stated that Fargo is a good representation of the state and that they have the largest minority group of approximately 50 to 100 dialects spoken which is a representation similar to state wide. There are several dozen district that have received benefits ranging from a couple of students to 50 or more students. At least 100 district have received benefits.

Senator Flakoll asked how many members of the committee does she envision on the advisory committee and if they are paid for their time.

Mari Rasmussen stated that some of the members have been given small stipends or paid for travel expenses.

Senator Freborg asked if the money will be distributed on a per student basis.

Mari Rasmussen responded that the funds are weight factored per student need.

Senator Freborg asked if there is any federal or otherwise grant money.

Mari Rasmussen answered that these students are eligible for general funds and other federal grants for other proposes if they are eligible, but specially there is Tittle 3 funding and other small flat grants.

Senator Freborg asked for testimony in opposition of HB 1374 and hearing non closed the hearing on HB 1374.

Tape #1, Side B, 2832 - 3185

Senator Layton Freborg, Chairman of the Senate Education committee opened the committee work on HB 1374.

All members of the committee were present.

Senator Tim Flakoll made a motion for adoption of the **amendment 0101**.

Senator Gary Lee second the motion.

Roll call vote #1 for adoption of the amendment was taken indicating 6 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Flakoll made a motion for a Do Pass as Amended of HB 1374.

Senator Ryan Taylor second the motion.

Discussion on motion:

Senator Taylor : The fiscal of this one, the bill itself is mechanical and the fiscal requirements come from other bills that are in the process.

Page 4

Senate Education Committee

Bill/Resolution Number HB 1374

Hearing Date 3-8-05

Senator Freborg : The appropriation is in another bill.

Senator Taylor : OK

Senator Freborg : If you look at the fiscal note that is in 1013, ?

Senator Taylor : Does this need to be re-referred?

Senator Freborg : No.

Roll call vote #2 for a Do Pass as Amended of HB 1374 was taken indicating 6 YEAS, 0

NAYS AND 0 ABSENT OR NOT VOTING.

Senator Flakoll will carry HB 1374.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1374

Page 1, line 11, after "programs" insert "and the state English language proficiency
assessment"

Renumber accordingly

Date: 3/8/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1374

Senate SENATE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number +

Action Taken Amendment 0101

Motion Made By Sen. Flakoll Seconded By Senator Lee

Senators	Yes	No	Senators	Yes	No
CH- SENATOR FREBORG	✓		SENATOR SEYMOUR	✓	
V-CH- SENATOR G. LEE	✓		SENATOR TAYLOR	✓	
SENATOR ERBELE	✓				
SENATOR FLAKOLL	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment _____

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

Date: 3/8/05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1374

Senate SENATE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended -

Motion Made By Flakoll Seconded By Taylor

Senators	Yes	No	Senators	Yes	No
CH- SENATOR FREBORG	✓		SENATOR SEYMOUR	✓	
V-CH- SENATOR G. LEE	✓		SENATOR TAYLOR	✓	
SENATOR ERBELE	✓				
SENATOR FLAKOLL	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Flakoll

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

REPORT OF STANDING COMMITTEE

HB 1374: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1374 was placed on the Sixth order on the calendar.

Page 1, line 11, after "programs" insert "and the state English language proficiency assessment"

Renumber accordingly

2005 TESTIMONY

HB 1374

**TESTIMONY ON HOUSE BILL 1373 & 1374
HOUSE EDUCATION COMMITTEE**

January 26, 2005

**Sanela Alagic
Mandan, ND**

Pozdravljam vas. Moje ime je Sanela I roditelj sam. Ovdje sam da govorim o ovom programu.

Madam Chairman and members of the committee:

My name is Sanela Alagic and I am a parent. I came from Bosnia seven years ago and I am living in Mandan with my family. I am here to speak in favor of House Bill 1373 and 1374.

I am also here in the name of some of the other families who, like myself, come from different countries and have children in schools here and know how hard it is to transition from one country to another. There are many hard things that families like us experience and one of the hardest things is the language barrier. Children are more open to new things. They learn faster, but in order for them to learn they need good teachers and resources. In the past, the English as a second language program was the number one help for these children. The program also helped parents, giving them comfort in knowing that there were people out there who understood and were willing to help to ease that first difficult period and help the children.

In the name of all those parents and their children, we would be thankful if you would support this program with us.

Thank you very much.

TESTIMONY ON HB 1374
HOUSE EDUCATION COMMITTEE
Wednesday, January 26, 2005
By Mari Rasmussen, Assistant Director
328-2958
Department of Public Instruction

Madam Chairman Kelsch and members of the committee:

My name is Mari Rasmussen and I am the Assistant Director for the Bilingual and Language Acquisition Programs for the Department of Public Instruction. I am here to speak in favor of and provide information regarding House Bill 1374 and the North Dakota State English Language Learner Program.

In essence, HB 1374 is the "companion bill" to HB 1373. It defines the program and builds upon the Century Code that is already in place. Currently, Century Code 15.1-27-12 (available in the 2005 Report) addresses funding concerns by providing criteria for eligibility and the formulas for disbursement of funds. It does not define the English Language Learner Program. HB 1374 provides assurance that the State of North Dakota and school districts are compliant with Office of Civil Rights legislation in providing a state program for students with limited English proficiency.

Along with assuring compliance with federal responsibilities, HB 1374 will help guarantee North Dakota schools provide high quality, equitable services for English Language Learners from small to large districts in a number of ways:

- Appointment of a state advisory committee, composed of school district personnel, parent representatives, and other stakeholders, to assist the State with standards, guidelines, and other related policies;
- Assurance of state program standards and consistent, research-based instructional services; and

- Student plans developed through teams that can be transferred when students move to new districts.

As mentioned in testimony for HB 1373, English Language Learners are not making adequate progress in academic achievement in North Dakota. The state has a responsibility to assure that all school districts have the capacity to provide the appropriate instructional programs that address the English language needs of children from different language backgrounds. HB 1374 establishes these instructional services as a right for students in North Dakota and a responsibility for the state and school districts.

I urge you to support HB 1374, a bill that helps assure strong educational programs for students in North Dakota.

1374
26 Jan 05

**ND House of Representatives
Education Committee**

HB 1347 1374

Wednesday, January 26, 2005

From

Kathryn Gulya, Former State President NDPTA
and

Rachael Disrud, Former State President, NDPTA

As Parents who have spent our lives dedicated to the health, welfare and education of children throughout the state of North Dakota and as advocates through our leadership and support of parents, children and their families, we ask that you support HB1374.

HB1374 ensures that all children who have the need to learn the English Language are given the opportunity. In order to comprehend English and become proficient in speaking, reading and writing, this specialty is necessary to ensure success to the student.

Through our educational system, children are provided a means to prepare for life, learning and being productive as citizens. All children have been given this right through our constitution. Our future as a nation depends upon our commitment to this end as we prepare the next generation to carry on as thoughtful, energized and dedicated citizens.

Please support this bill in order to ensure that children in all school districts across North Dakota have an opportunity to learn the English Language in a way that will enhance their education and the district in which they live.

Thank you for your commitment to the future of North Dakota.

Hawken, Kathy K.

HB 1373

HB 1374

26 Jan 05

From: Leslie Kline [Leslie.Kline@sendit.nodak.edu]
Sent: Tuesday, January 25, 2005 2:08 PM
To: Hawken, Kathy K.
Subject: Edu bill 1373 and 1374

Dear Representative Kathy Hawken,

My name is Leslie Kline and I am from Alexander, ND. I am a Spanish instructor for the Greater Northwestern Consortium and Williston State College. I am also a student in the New Prairie Voices English as a Second Language graduate program at UND.

I am writing on behalf of Bill 1373 and 1374. I had intended on presenting my testimony in person Wednesday morning however I am down with the flu and unable to travel. Please accept this email as my testimony.

I would like to state a few things in support of 1373 and 1374. Last year Alexander Public School received 5 limited English proficiency (LEP) students from Mexico. It was our introduction to English as a Second Language. It is every teacher's desire to not only teach a subject but to teach each student. The classroom teachers became frustrated with the language barrier but more with not knowing how to serve the students. There was no one to turn to for classroom consultation. Mari Rasmussen tested the students and gave advice to guide us in some direction but the students needed more and so did the classroom instructors.

For the five students, our school received \$1800.00 in financial support. This was not an adequate amount. Now, after studying in the New Prairie Voices Program I am able to understand what is needed to serve LEP students. Those needs are ESL services and more dollars to support the schools and classroom teachers with adequate resources.

LEPs are not only in Grand Forks and Fargo - they are dispersed through out the state. They need to be taught academic and real life English, they need to be served properly and the teachers and the schools who are willing and capable of helping them need state support.

Respectfully,
Leslie Kline

Submitted by Rep Hawken

March 8, 2005

Mr. Chairman and Senate Education Committee

I am Patricia Clark. I am a volunteer with my church Refugee Committee. We have befriended a number of refugee families that came in the late 1990's. We are now helping them through the maze of paperwork to obtain citizenship and celebrating when they receive it.

I am speaking in favor of House Bill 1374 – the English Language Learner Program Bill. After the first whirlwind of activity – getting a household set up and doctor appointments, going to English classes and getting a job – I have come to see myself as a parent advocate. These refugee parents are hit with so many different things in a new culture that advocating for the needs of their children in school is a low priority.

Yet, it is these children that become the translators and cultural brokers for their parents. These children learn street language very quickly. It is the ELL teachers and aides that have helped parents not to be too overwhelmed with the school culture. The teachers, along with the church volunteers, have also helped parents to understand how they must discipline their children and what is good and bad in the culture. I am thinking of Betim from Kosovo, who was flunking in 7th grade math and had to go to the math tutor; his little brother Leutrim who struggles with ADHD and reading and wants to latest video game, of Emily from Iraq who is now excelling in gymnastics and has great self-esteem, of Julianna from Bosnia who made the school newspaper staff and wants to become a journalist.

This bill will help the parents of many English Language Learners and assure them of representation from people in the field who will advocate for their needs. Please give your support to the English Language Learner Program Bill.

Patricia Clark

**TESTIMONY ON HOUSE BILL 1374
SENATE EDUCATION COMMITTEE**

March 8, 2005

**Sanela Alagic
Mandan, ND**

Pozdravljam vas. Moje ime je Sanela I roditelj sam. Ovdje sam da govorim o ovom programu.

Chairman Freborg and members of the committee:

My name is Sanela Alagic and I am a parent. I came from Bosnia seven years ago and I am living in Mandan with my family. I am here to speak in favor of House Bill 1374.

I am also here in the name of some of the other families who, like myself, come from different countries and have children in schools here and know how hard it is to transition from one country to another. There are many hard things that families like us experience and one of the hardest things is the language barrier. Children are more open to new things. They learn faster but, in order for them to learn, they need good teachers and resources. In the past, the English as a second language program was the number one help for these children. The program also helped parents, giving them comfort in knowing that there were people out there who understood and were willing to help to ease that first difficult period and help the children.

In the name of all those parents and their children, we would be thankful if you would support this program with us.

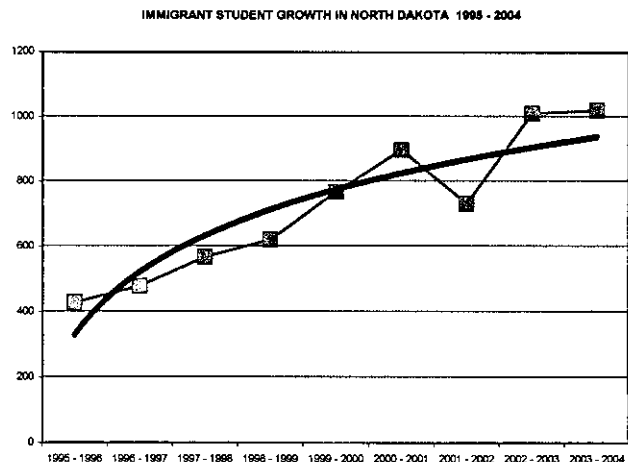
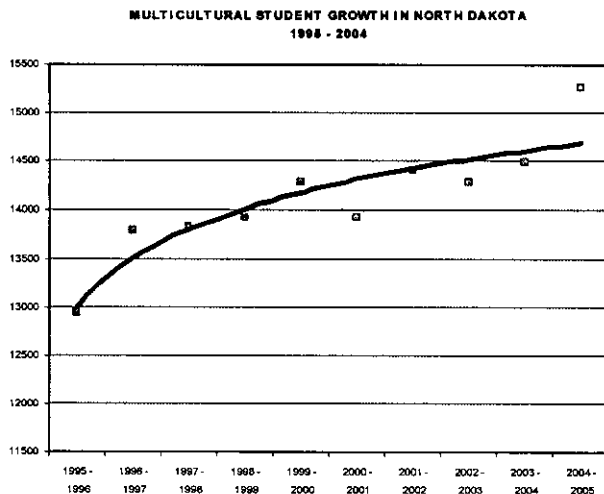
Thank you very much.

TESTIMONY ON HB 1374
SENATE EDUCATION COMMITTEE
Tuesday, March 8, 2005
By Mari Rasmussen, Assistant Director
328-2958
Department of Public Instruction

Mr. Chairman and members of the committee:

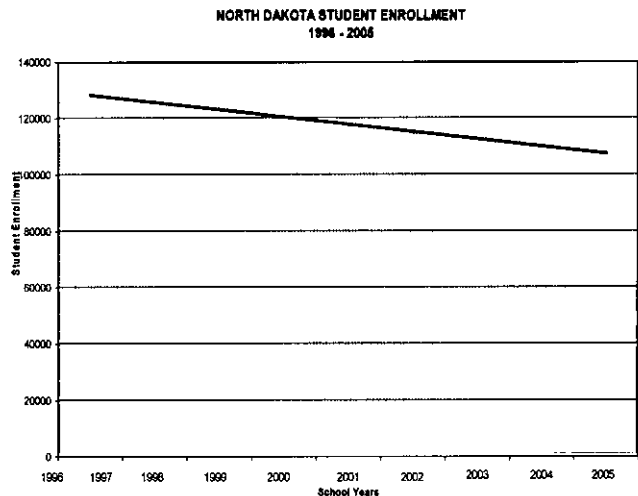
My name is Mari Rasmussen and I administer the Language Acquisition Programs for the Department of Public Instruction. I am here to speak in favor of and provide information regarding House Bill 1374 and the North Dakota State English Language Learner Program.

Thank you for the opportunity to allow me to speak to you this morning



on a subject important to me – support for students who are learning English as a second or other language in North Dakota schools. I will provide some brief information on the key points of this bill and its potential benefit to North Dakota. I have also enclosed a short report on the State English Language Learner Program for your review.

As the enclosed charts exhibit, multicultural and immigrant students are increasing in North Dakota schools. This increase impacts classroom teachers on a greater level as the mainstream enrollment decreases. While these students require additional support initially for language services, ultimately, their benefit to the state includes the economic development gained from working families that contribute to the state's growth. Small districts in North Dakota are impacted by language minority students, along with the large districts, as workers are recruited for such projects as the New Town bridge, agricultural industry, and other types of employment that do not require fluent English language skills.



In essence, HB 1374 defines the English Language Learner Program and builds upon the Century Code that is already in place by providing assurances and safeguards for students, parents, teachers and administrators. Currently, Century Code 15.1-27-12 (available in the 2005 Report) addresses funding concerns by providing criteria for eligibility and the formulas for disbursement of funds. HB 1374 assures that the State of North Dakota and school districts are compliant with Federal Office of Civil Rights legislation in providing a state program for students with limited English proficiency and also that program standards and policies are developed with assistance from individuals in the field through a state advisory committee.

HB 1374 guarantees North Dakota schools provide high quality, equitable services for English Language Learners from small to large districts in a number of ways:

- Appointment of a state advisory committee, composed of school district personnel, parent representatives, and other stakeholders, to assist the State with standards, guidelines, and other related policies;
- Assurance of state program standards and consistent, research-based instructional services; and
- Student plans developed through teams that can be transferred when students move to new districts.

The only change I would suggest to HB 1374 is one that came from a committee of educators who asked that the following change be made to lines 10-11:

Appoint a state advisory committee to assist with the establishment and administration of English Language Programs and the State English Language Proficiency Assessment.

The state has a responsibility to assure that all school districts have the capacity to provide the appropriate instructional programs that address the English language needs of children from different language backgrounds. HB 1374 establishes these instructional services as a right for students in North Dakota and a responsibility for the state and school districts. It also assures that standards and policies are established that meet requirements and best practices, but are also practical and appropriate for North Dakota schools. I urge you to support HB 1374, a bill that helps guarantee the future of our state by supporting high quality educational services for a population of students that is increasing in numbers.



Department of Public Instruction

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<http://www.dpi.state.nd.us>

Dr. Wayne G. Sanstead
State Superintendent

TO: Senator Flakoll, Senate Education

CC: Senate Education Committee Members *MBR*

FROM: Mari Rasmussen, Department of Public Instruction

RE: Data on English Language Learners in North Dakota

DATE: March 9, 2005

I have enclosed some data in response to your questions Tuesday, March 8 during the hearing of HB 1374 – Programming for English Language Learners.

Federal Funding For English Language Learners

I would like to clarify why the federal funding that North Dakota receives for English Language Learners does not begin to meet actual needs.

State and Federal Funding for Students in North Dakota with Limited English Proficiency 2003-2005 Biennium			
Program	State English Language Learner Program	Federal Title III English Language Acquisition	Federal Refugee Children School Impact
Grants to Schools	\$650,000	\$700,000	\$282,600

Federal Title III funding does not come close to meeting actual needs in North Dakota for a number of reasons, including:

- **State Title III formula grant is based on 2000 census data, which is less than one third actual numbers of, limited English proficient students in North Dakota.**

I have submitted actual data of numbers to the United States Department of Education (USDE) every year since No Child Left Behind was passed and Title III was created. I have met with Department of Education officials. Dr. Sanstead has sent letters to Secretary Rod Paige, requesting that they use accurate data for the state grant. They refuse. Senator Conrad's education aide has recommended that we take the issue before the new Secretary of Education. I will do that as soon as I can.

- **The legislation requires a \$10,000 minimum for Title III sub-grants.**

DPI responded to this requirement by mandating that only consortia of school districts were eligible to apply. While the collaboration involved with the consortia has been a positive thing, funding is diluted over such a large number of students that the impact is negligible. Fargo Public Schools, for example, was successful in obtaining competitive grants that averaged \$150,000 a year for English Language Learners under the previous legislation. Under Title III, they are receiving half that funding a year and must include other school districts in the area in their service plan.

Ironically, federal funding for students with limited English has greatly decreased in North Dakota as federal requirements have increased. School districts are under severe accountability requirements to move students to proficiency in English and academic content, but resources to assist them are lacking. While the legislative requirements cannot be changed right now, North Dakota would greatly benefit by USDE using accurate, current data on limited English students, instead of data that is old and inaccurate.

Languages used by students who are limited in English proficiency in North Dakota

Enclosed is a list of languages and dialects in North Dakota. Please note that this list contains a number of dialects with small numbers of speakers. The languages with the largest number of speakers include Spanish, Serbo-Croatian and Somalian.

1	ADGANI	30	HAITIAN-CREOLE	58	MORRU
2	ALBANIAN	31	HIDATSA	59	MUER
3	AMERICAN INDIAN	32	HUNGARIAN	60	OGANI
4	AMHARIC	33	ILACANO	61	OJIBWA
5	ARABIC	34	INDONESIAN	61	PAKISTAN
6	ARIKARA	35	IRANIAN	62	PERSIAN
7	ARMENIAN	36	JAPANESE	63	PORTUGUESE
8	BAKA	37	KAKWA	64	PUNJABI
9	BANGLA	38	KANATA	65	PUSHTU
10	BOSNIAN	39	KHMER	66	RUSSIAN
11	BRAVA	40	KINYARWANDA	67	SANGO
12	BULGARIAN	41	KIRUNDI	68	SERBIAN/CROATIAN
13	CHICAYUWA	42	KOREAN	69	SHILLUK
14	CHINESE	43	KRAHN	70	SINGLELEZE
15	CHOULUK	44	KUKU	71	SLOVANIAN
16	DAKOTA	45	KURDISH	72	SOMALIAN
17	DARI	46	LAKOTA	73	SOTHOS
18	DINKA	47	LIMBA	74	SPANISH
19	DJBOUTI	48	LORMA	75	SUDANESE
20	ELEME	49	MADIE	76	SWAHILI
21	ETHIOPIAN	50	MALAGASY	77	TAGALOG
22	EWE	51	MANDAN	78	THAI
23	FARSI	52	MANDARIN	79	TIMORAL (INDIA)
24	FILIPINO	53	MARATHI	80	UDUK
25	FRENCH	54	MARSHALESE	81	UKRAUNIAN
26	FUNJAH	55	MARU	82	URDU
27	GERMAN	56	MENDE	83	VIETNAMESE
28	GOKANA	57	MICHIF		
29	GREBO				

Please let me know if you need any more information!

mrasmussen@state.nd.us

701-328-2958



NORTH DAKOTA STATE ENGLISH LANGUAGE LEARNER PROGRAM

*A Report to the
North Dakota 59th Legislative Assembly*

March 2005



Mari B. Rasmussen
Department of Public Instruction
328-2958
mrasmussen@state.nd.us

SUMMARY

The English Language Learner program, which reimburses school districts for services to students who come from different language backgrounds, was first created by the State legislature in 1997. Though bills had been brought before the legislative sessions on a regular basis since the early 90s, and a concurrent resolution in 1995 directed the state to study the issue, funding was not appropriated until the Fifty-fifth Legislative Assembly when Senators Nalewaja, Thane, and Lips and Representatives Carlisle, Thoreson, and Clark sponsored legislation providing \$300,000 for the biennium to reimburse school districts for services for high need students. Funding has increased every legislative session except for the Fifty-eighth session. During that session, the funding formula was adjusted and eligibility of students was expanded. Currently, the legislature funds \$650,000 for the biennium.

The intention of the program has been to reimburse school districts for costs for students who enroll in the district and are limited in their English language proficiency. Schools are reimbursed according to the level of English language proficiency, as determined by an approved English language proficiency test. The students with the lowest level of English receive the greatest reimbursement. The program started with a reimbursement only for levels one and two and expanded to all levels of students in 2003. Originally the program was funded with a dollar amount connected to each level, with a limit to the total appropriation. The formula was adjusted in 2003 to distribute the full amount of funding on a weighted per pupil system. School districts use funds for instructional purposes. Costs related to these services include salary for specially trained English as a second language (ESL) and bilingual teachers, books, materials, training, and assessment. Eligible programs must develop plans according to state standards to be eligible.

The state has followed Office of Civil Rights (OCR) guidance in developing performance indicators for programs. These Performance Indicators are available on the Department of Public Instruction website <http://dpi.state.nd.us/bilingul/seclang/instruc.pdf> and as an appendix to this report. A consulting firm from Grand Forks has assisted a state committee in defining the program indicators and developing an Evaluation Model for school districts to collect data to determine the effectiveness of their program. The guidance developed is still in draft form. Efforts have been made to coordinate state requirements with federal requirements in order to support school districts in providing seamless, high quality programming for English Language Learners that meets all requirements. Data collection initiatives at the state level will also allow information on the progress of students from diverse language backgrounds.

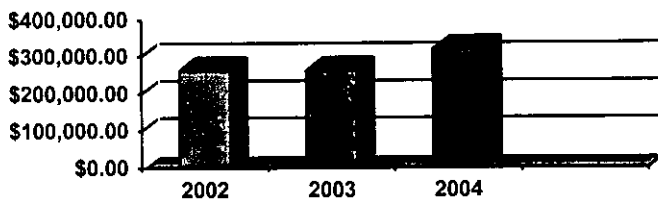
The following documents provide information on the program.

ESL Services in North Dakota

January 2005

Over the past three years North Dakota has provided funding to assist English Language Learners:

Funding for English Language Learners



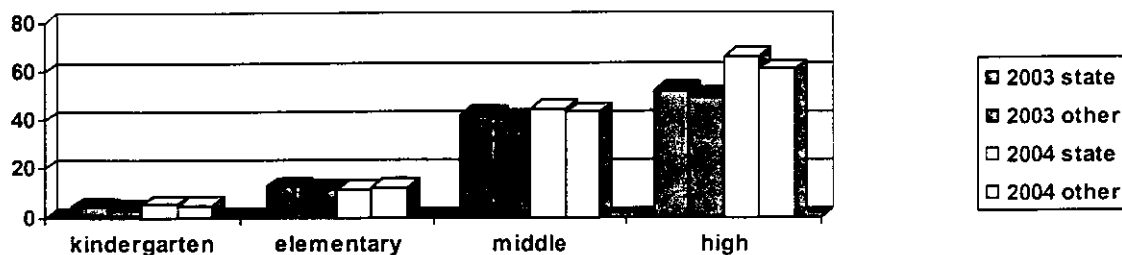
The number of students served with North Dakota state funding has increased over the three years:

Number of students served



Students who received federal funding are compared to students who received both state and federal funding. The percentage of students who attained English language proficiency by grade level is shown in the next chart:

Percentage of students Attaining English Proficiency



With the exception of kindergarten students in 2004, more students attained English proficiency when served with both state and federal funding. The percentage of students who gained English proficiency was even larger when students received both sources of funding for services.

North Dakota schools identified **4590** students as limited English proficient (LEP) in 2003-2004. Data is collected through an annual survey of schools required by the United States Department of Education. The following chart lists students by levels of proficiency:

2003-2004 Data for ALL LEP Students in the State by Levels of Proficiency											
Total number and percentage of ALL students identified as LEP at each level of English language proficiency										Identified as LEP, but not assessed by ELP test	Total LEP
Preliterate 1		Beginning 2		Intermediate 3		Transitional 4		Proficient 5			
Total	Per-cent of total	Total	Per-cent of total	Total	Per-cent of total	Total	Per-cent of total				
265	5.77%	642	13.99 %	1722	37.52 %	1152	25.10 %	Not available	Not available	809	4590

School districts in North Dakota serve limited English proficient students through a variety of sources of funding, including general funding and federal funding. Specific funds targeting limited English proficient or English Language Learners include the following:

- North Dakota schools served 2503 LEP students through Title III English Language Acquisition funding in 2003-2004. Funding is distributed through grants to consortia, with a \$10,000 minimum grant.
<http://dpi.state.nd.us/bilingul/nochild/index.shtm>
- North Dakota schools served 1635 students through state English Language Learner funding in 2003-2004. Funding is distributed to eligible school districts based on levels of English language proficiency.
<http://dpi.state.nd.us/bilingul/seclang/brochure.pdf>
- North Dakota schools served approximately 1100 students through refugee Children School Impact Grant funding in 2003-2004.

The following chart lists funds currently available for school districts in North Dakota for students limited in English language proficiency:

State and Federal Funding for Students in North Dakota with Limited English Proficiency			
2003-2005 Biennium			
Program	State English Language Learner Program	Federal Title III English Language Acquisition	Federal Refugee Children School Impact
Grants to Schools	\$ 650,000	\$ 700,000	\$ 282,600

NORTH DAKOTA STATE CENTURY CODE

15.1-27-12. Per student payments - English language learners.

1. In addition to any other payments provided for by this chapter, each school district is entitled to receive:
 - a. The amount of money that results from multiplying the per student amount calculated under subsection 5 by 10.0 for each English language learner determined to have preliterate English language skills and a proficiency level of I;
 - b. The amount of money that results from multiplying the per student amount calculated under subsection 5 by 8.0 for each English language learner determined to have beginning English language skills and a proficiency level of II;
 - c. The amount of money that results from multiplying the per student amount calculated under subsection 5 by 4.0 for each English language learner determined to have intermediate English language skills and a proficiency level of III; and
 - d. The per student amount calculated under subsection 5 for each English language learner determined to have basic English language skills and a proficiency level of IV.
2. In order to be eligible for assessment under this section, a student:
 - a. Must be at least five years of age but must not have reached the age of twenty-two;
 - b. Must be enrolled in a school district in this state;
 - c. Must have a primary language other than English or come from an environment in which a language other than English significantly impacts the individual's level of English language proficiency; and
 - d. Must have difficulty speaking, reading, writing, and understanding English, as evidenced by a language proficiency test approved by the superintendent of public instruction and aligned to the state English language proficiency standards.
3. In order to be eligible for the payment provided for in this section, a school district must provide an approved program of instruction for students who have preliterate English language skills, beginning English language skills, intermediate English language skills, or basic English language skills.
4. a. In order to receive the full payment provided for in this section, a school district must assess each eligible student using a proficiency test that is aligned to the state English language proficiency standards and the state language proficiency test.
 - b. On or before December first of each year, a school district shall submit to the superintendent of public instruction an application for payment. The application must include:
 - (1) A description of the district's English language learner program;
 - (2) The result of the district's annual student assessment required under subdivision a; and
 - (3) Any other information requested by the superintendent of public instruction.
5. 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) 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.

The superintendent shall distribute the payments no later than May thirtieth of each school year.

DRAFT

NORTH DAKOTA ENGLISH LANGUAGE LEARNER PROGRAM Program Performance Indicators and Program Requirements

October 2003

1. Student Identification, Assessment, and Classification

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District has a policy in place to identify and assess students who come from language and cultural backgrounds other than English.	District is developing a policy on identification and assessment.	District has a written policy that provides for the appropriate identification and assessment for students who come from diverse language and cultural backgrounds.	District has a written policy that is readily available and implemented successfully in all school buildings.
District uses state approved language proficiency assessments.	District currently uses assessment procedures that are not state approved, but is planning to use state approved assessments.	District uses a state approved language proficiency test, but does not implement an assessment team or other criteria.	District uses a state approved test and assessment team and is participating in the development of portfolio criteria.
District has a policy to provide alternative language services based on assessment.	District is developing a policy on providing services, based on assessment.	District has a written policy that is being implemented.	District has a written policy that is readily available and implemented successfully in all school buildings.
District has an ongoing assessment plan, which includes language proficiency assessment, academic achievement, progress in meeting state content standards, and first language assessment.	District is drafting a plan.	District has a written plan for assessment that includes most of the following components: language proficiency assessment, academic achievement, progress in meeting state content standards, and first language assessment. Plan is regularly implemented.	District has a written plan for assessment that is incorporated smoothly into all of the district procedures and includes all of the following components: language proficiency assessment, academic achievement, progress in meeting state content standards, and first language assessment.
District plan for reclassification is consistent with state criteria for reclassifying students into higher proficiency levels and for reclassifying students as proficient.	District is developing plan.	District has implemented some components of reclassification criteria.	District is in full compliance with state criteria for reclassification into higher proficiency levels and exiting from program services.

2. Alternative Language Program

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District provides an alternative language instructional program for students identified as lacking English language proficiency because they come from diverse language and cultural backgrounds.	District provides alternative language services, but has not chosen a specific model or program.	District provides an alternative language instructional program, based on a model.	District has a well-developed language instructional program, using a model that has proven successful.
The alternative language program the district has chosen is effective and based on research.	District provides alternative language services, but services are not based on research.	District program is based on research.	District model is based on research and proven to be highly effective.
The alternative language program addresses both language development and academic achievement.	Program does not address both language development and academic achievement.	Program addresses <u>both</u> language development and academic achievement.	Program integrates language development and academic achievement in a successful approach.
The alternative language program has a curriculum that is based on North Dakota language proficiency standards.	Program lacks a curriculum or is minimally connected to standards.	Program has a curriculum that is based on state standards.	District alternative language program has a curriculum that is implemented at all levels and is aligned with state standards.
The alternative language program does not unreasonably segregate language minority students from mainstream peers. A limited segregation is permissible where the benefits accrued in remedying language barriers that impede academic potential outweighs the adverse effects of segregation.	Students are segregated on a limited bases for services.	Students are segregated for a minimal amount of time for language development support. District has data documenting the success of the pullout services in remedying language barriers that impede academic potential.	Alternative language program is well integrated into mainstream curriculum and program. Services are provided seamlessly within the school environment.

3. Staffing and Training

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District has a designated program director qualified to supervise personnel, manage budgets, oversee personnel development, and provide programmatic leadership.	District has an administrator who provides a minimal amount of direction and oversight. Program reports, budgets, and activities may not be completed in a timely manner.	District has a designated alternative language program director that has sufficient time to oversee program activities. Budgets are managed, reports are in order, program personnel are supervised, and training activities are planned.	District has a strong program director, providing instructional leadership, along with management of administrative functions. Director not only provides program oversight, but advocates for student needs at local, state, and national levels.
District has appropriately trained instructional staff that meets state requirements for alternative language program.	District has: • A plan to hire a qualified teacher, • Current teacher is working toward endorsement in bilingual education/ESL, • Some endorsed teachers, but too few for	District has: • An adequate number of endorsed teachers for the number of students who qualify as limited English proficient. • Paraprofessionals have a minimum of two years of college education.	District has: • A highly qualified teacher or teachers who meet state requirements and have advanced degrees. • Ratio of students to teachers is low. • Paraprofessionals have two years of college

	- the number of students, - An overuse of paraprofessionals providing services, and/or - Paraprofessionals lack education.		- education along with additional training. - Other program staff, such as coordinators, meets state requirements.
District has an appropriate ratio of program staff for student services.	District has a plan to implement a program with an appropriate ratio.	District has an appropriate ratio.	Ratio of teachers and paraprofessionals for students exceeds the standard.
Teachers and para-educators are fluent in English and any other language used for instruction.	Teachers and para-educators understand and speak English and any other language used for instruction.	District has validated the fluency in English of teachers and para-educators. District has validated the fluency of staff that uses another language for instruction.	Teachers and para-educators have passed state English fluency assessments and are fluent in standard American academic English. Staff who use another language for instruction have passed state assessments.
Individuals hired as para-educators are supervised by an ESL/ bilingual education teacher or classroom teacher and do not provide the majority of instructional services for English language learners.	Para-educators have a minimal amount of supervision by professional teaching staff. Para-educators provide a majority of instruction for English language learners.	Certified personnel supervise para-educators. They do not make instructional or assessment decisions or provide the majority of instruction. They serve as a support, rather than the primary provider of instruction.	Roles and responsibilities of para-educators are clearly defined as support personnel, assisting in instruction. Para-educators and certified staff work together collaboratively and positively, meeting the needs of students in different roles.
District makes efforts to hire staff from the language and cultural background of targeted students.	District makes a minimal amount of effort to hire staff from the language and cultural background of targeted students.	District policies are in place and efforts are made to hire staff from language and cultural backgrounds of targeted students.	District has hired a number of individuals from different cultural backgrounds. Active efforts are made to recruit members of language backgrounds of students in district.
District has a plan to provide on going personnel development for alternative language program staff and mainstream teachers.	District makes a minimal effort to include training on language development methods and multicultural student needs in district professional development plan.	Personnel development in language development programs and multicultural activities are incorporated into district professional development plan. Training takes place at regular intervals for program and mainstream staff.	District has a strong personnel development plan, based on data and scientific research. Activities address language development and multicultural needs and are well interwoven into the entire plan. Mainstream and program staff participate in training.

4. Program Materials and Resources

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
Appropriate, research-based instructional materials designed for limited English proficient children and youth are available.	District has a minimum of materials available for instruction.	District has an adequate supply of materials that are fairly up-to-date and based on current research models and instructional strategies for LEP students.	District is well stocked with a variety of instructional materials for all levels that are up-to-date and based on current and effective research models and strategies for LEP students.

District libraries have materials appropriate for culturally/linguistically diverse students.	District libraries have a few materials appropriate for culturally/linguistically diverse students. Not all ethnic groups are included.	District libraries have a sufficient number of materials appropriate for culturally/linguistically diverse students.	District libraries are well stocked with a variety of materials appropriate for culturally/linguistically diverse students that are up-to-date and award winning.
District makes efforts to purchase reading material in the home language of the students.	District has made a minimal amount of effort to purchase reading material in the home language of the students.	Effort has been made to purchase reading material in the home language of the students. Materials are available for the students of the language background that has the highest numbers.	District makes an active effort to purchase or create reading material in the home language of students. Materials are available for students from all backgrounds.
Students have access to instructional technology.	Students have limited access to technology.	Students have adequate access to technology, involving computer-assisted instruction, e-mail, and other forms of technology.	Students have full access to all forms of technology.

5. Program Evaluation

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District has a plan to monitor the effectiveness of the alternative language program.	District is working on draft to monitor effectiveness of program.	District has an evaluation plan in place that provides information on the effectiveness of various aspects of the program.	District has a strong evaluation plan that provides monitoring on a regular basis and provides information on all aspects of the program.
District collects data on students receiving services, including: - o Language proficiency, - o Academic achievement, - o Progress related to non-limited English proficient peers, - o Progress related to state content and performance standards, - o Retention and drop-out rates, - o Employment and educational status upon graduation.	District collects data on some areas of student services.	District collects data on all areas of students receiving services.	District collects both quantitative and qualitative data on all areas of students receiving services.
District has a plan to make changes if program is not successful.	District makes a minimal attempt to use data to make changes in program.	Data collected is used to make changes in program if success is not documented.	All data is used on a regular basis to document success. If data shows a lack of success, changes are made.

6. Parental Involvement and Communication

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District provides information to parents in the language they know best.	District provides information on an intermittent basis to parents in their home language.	District provides regular communication on school activities to parents in their home language.	District has a strong program for translation and interpretation that provides full information on school activities in a timely manner.
District involves parents of English language learners in school activities to the same	District makes a minimal attempt to involve parents of English language learners in	District makes efforts to involve language minority parents. Parents are	District makes an active effort to involve parents of language minority students

extent as other parents.	school activities.	represented at school meetings, committees, and sports activities.	and meet their needs. Language minority parents are recruited for all parent committees and organizations. Efforts are made to overcome language, transportation, employment, and cultural barriers.
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7. Equitable Facilities and Services

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District carries out its chosen alternative language program in the least segregative manner consistent with achieving its stated goals.	District provides alternative language services that cause a great deal of segregation between target students and mainstream students.	Services are integrated with school curriculum and other support programs.	Services are seamlessly integrated into the school curriculum, fairly indistinguishable as a separate program.
Quality of instructional materials, facilities, and curriculum is comparable to non-limited English proficient students.	Instructional materials and facilities for services for limited English proficient students are available.	Instructional materials are up-to-date, research-based, and readily available. Services are provided in areas that are clean, free from distraction, and similar in environment as other students.	Instructional materials are completely up-to-date, of the highest quality, research-based materials available for English language learners. Facilities also are clean, modern, and conducive to learning.
English language learners are not excluded from school activities and programs, including programs for the gifted and talented.	There is no policy encouraging English language learners to participate in school activities and programs.	District makes efforts to include students from diverse backgrounds in school activities.	District has an active policy and program encouraging the inclusion of diverse students in all school programs and activities.

8. Special Education and English Language Learners

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District has safeguards/policies to ensure that English language learners are being placed in the special education program because of actual qualifying conditions and not simply because of cultural differences or lack of English language skills.	District makes a minimal attempt to provide safeguards/policies to ensure that students are not inappropriately placed in the special education program.	District has policies and safeguards preventing inappropriate placement. Policies involve on-going training and written policies.	District is proactive in providing training and awareness on policies and safeguards that prevent inappropriate placement.
Building Level Support Teams are used to assist teachers with the instructional needs of multicultural students.	District makes minimal use of Building Level Support Teams.	Building Level Support Teams are well used to assist teachers in instructional needs. Troubleshooting, intervention plans, and instructional plans are reviewed on a regular basis.	The Building Level Support Team plays an active role in student instruction and support services. Training for teams is ongoing.
Interpreters and other staff who assist in the assessment of English	A minimal amount of training is provided for interpreters and other staff who assist in	Interpreters and staff who assist in assessment and procedures are provided	Training for staff and interpreters is research-based and thorough,

language learners with suspected disabilities are trained to carry out procedures.	assessment and procedures.	with training on a regular basis.	allowing for professional and accurate assessment and procedures in assessment issues.
Language minority students with disabilities receive appropriate services.	District has a referral process for students with disabilities that causes some confusion for language minority students.	Language minority students with disabilities are appropriately referred, assessed, and provided with services.	District program has well-trained, knowledgeable staff with a cohesive program that provides blended services to language minority students with disabilities.

9. Coordination with other Programs

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District coordinates and integrates educational programs targeting English Language Learners, including Title III of No Child Left Behind and others.	District makes a minimal attempt to coordinate programs, yet activities are clearly separate and isolated from each other, OR District combines funding sources to the extent that the individual program requirements are not met.	District appropriately coordinates funding for English Language Learners. Specific program requirements are met. Services are well integrated and provided seamlessly.	District is pro-active in accessing all available funding for English Language Learners, coordinating program activities to enhance all educational services.
District coordinates all state and federal educational programs, meeting the requirements of each program, yet providing seamless student and family services.	District makes a minimal attempt to coordinate programs, yet activities are clearly separate and isolated from each other. English Language Learners may not benefit from all programs, OR District combines funding sources to the extent that the individual program requirements are not met.	District appropriately coordinates all state and educational funding. Specific program requirements are met. Services are well integrated and provided seamlessly. Students benefit from all programs.	District educational plan and services are holistic and well integrated with student and family needs prioritized. All available educational funding is used and coordinated into the overall mission and goals of the district while still meeting individual program requirements and student needs.

TGU Granville School

TGU School District #60

210 6th St. SW Granville, North Dakota 58741

701-728-6641

Debby Marshall, Superintendent, Tonya Hunskor, Principal

To: Senate Education Committee Members
From: Tonya L. Hunskor, TGU Granville Principal
Date: March 8th, 2005
Re: House Bill 1373 & 1374

House Education Committee Members;

My name is Tonya L. Hunskor, I am the K-12 Principal at the TGU Granville School in Granville, North Dakota. Due to a prior commitment I am unable to be in Bismarck for today's hearings, I do feel the need to tell you my thoughts on House Bill 1373 & 1374. I am urging you to vote in support of HB 1373 & 1374. My reasons for support in this bill are due to the experience that myself and the TGU School District is involved with this school year.

The day prior to school starting this year eight school age children enrolled at the TGU Granville School. These students had moved to North Dakota from California. All of the students are English Language Learners (ELL). When they arrived they were homeless, bringing with them only what was in their car.

Providing a meaningful education for all our students is our ultimate goal. In doing so with a diverse group of students demands that we utilize all of our resources. The means in which allow use to provide these services are reflected in House Bill 1373 & 1374.

Providing financial support to schools districts that are facing the challenges that ELL students can create is very important. TGU Granville School's situation is not an isolated incident. As we will continue to see migrant families come to North Dakota we must be prepared to meet their needs. North Dakota's rural cities and towns need families and our schools need their children. The schools in turn need your assistance in funding these invaluable programs.

Thank You for your time and consideration regarding HB 1373 & 1374. Please vote in favor of these bill to help support the education of our English Language Learners.

Tonya L. Hunskor
TGU Granville Principal

ND Senate
Education Committee
Senator Layton W. Freborg, Chairman
HB 1374

Tuesday, March 8, 2005

From

Kathryn Gulya, Former State President NDPTA
and

Rachael Disrud, Former State President, NDPTA 

As parents who have spent our lives dedicated to the health, welfare, and education of children throughout the state of North Dakota and as advocates through our leadership and support of parents, children and their families, we ask that you support HB1374.

HB1374 ensures that all children who have the need to learn the English language are given the opportunity. In order to comprehend English and become proficient in speaking, reading, and writing, this specialty is necessary to ensure success to the student.

Through our educational system, children are provided a means to prepare for life, learning, and being productive as citizens. All children have been given this right through our constitution. Our future as a nation depends upon our commitment to this end as we prepare the next generation to carry on as thoughtful, energized, and dedicated citizens.

This bill also assures that parents and others involved with the education of English language learners have a voice in policies that affect instruction and assessment through a state advisory committee.

Please support this bill in order to ensure that children in all school districts across North Dakota have an opportunity to learn the English language in a way that will enhance their education and the districts in which they live.

Thank you for your commitment to the future of North Dakota.