

# NORTH DAKOTA LEGISLATIVE COUNCIL

## Minutes of the

### EDUCATION COMMITTEE

Monday, April 21, 2008  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative RaeAnn G. Kelsch, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Representatives RaeAnn G. Kelsch, C. B. Haas, Lyle Hanson, Gil Herbel, Bob Hunskor, Karen Karls, Lisa Meier, David Monson, Phillip Mueller, Gary Sukut, Francis J. Wald, John D. Wall; Senators John M. Andrist, Tim Flakoll, Layton W. Freborg, Gary A. Lee, Carolyn Nelson

**Others present:** See [Appendix A](#)

**It was moved by Senator Nelson, seconded by Representative Meier, and carried on a voice vote that the minutes of the previous meeting be approved as distributed.**

Chairman Kelsch welcomed Senator David O'Connell. She said he was joining the committee today in his capacity as a member of the Legislative Council.

#### FINANCIAL UPDATE

At the request of Chairman Kelsch, Mr. Jerry Coleman, Department of Public Instruction, presented testimony regarding the funding status for elementary and secondary education. Mr. Coleman distributed a document ([Appendix B](#)) entitled *Foundation Aid Status*. He said 90 percent of the elementary and secondary appropriation is being distributed through the new funding formula. He said it appears that virtually the entire elementary and secondary appropriation will be expended according to the statutory directives. He said the contingency payments, which direct how any money not appropriated through the formula must be distributed, will not have to be used.

In response to a question from Senator O'Connell, Mr. Coleman said if the Department of Public Instruction estimates are off by 1 percent, there is a \$7 million impact.

In response to a question from Representative Mueller, Mr. Coleman said the Superintendent of Public Instruction has not gone on record as supporting a deficiency appropriation.

Chairman Kelsch said the lack of contingency funds is not a shortfall to anyone. She said the Legislative Assembly funded English language learners and regional education associations. She said the Legislative Assembly put in language for the contingency funding in case money was left over. She said the new formula did what it was intended to do--it distributed all the money to the school districts.

She said the new formula worked and no one was shortchanged. She said people have gotten used to having money left over. She said this time money will not be left over.

In response to a question from Representative Herbel, Mr. Coleman said the Superintendent of Public Instruction stresses to school districts that contingency appropriations are based on leftover money.

Representative Haas said contingency funding needs to be understood as "contingency" funding. He said if items are really important, from a funding perspective, they should receive a specific appropriation.

Representative Hunskor said school district superintendents have given their boards the message that they can pay for the regional education associations because they will be reimbursed from the contingency dollars.

In response to a question from Senator Flakoll, Mr. Coleman said school districts are free to support regional education associations at whatever level and from whatever source they choose, including their ending fund balances.

In response to a question from Representative Wald, Mr. Coleman said public school enrollment has declined by about 1,500 students in the last couple years. He said the decline is slowing down, but there is still a decline. He said he expects a decline of approximately 1,200 students next year. He said the rural areas are losing their students much faster than the urban areas. He said the projected declines are already accommodated in the Department of Public Instruction estimates.

In response to a question from Representative Kelsch, Mr. Coleman said the adjustments account for oil country districts that might gain students.

In response to a question from Representative Wald, Mr. Coleman said Department of Public Instruction staff try to build declining enrollment into their projections.

In response to a question from Senator O'Connell, Mr. Coleman said public school enrollment is approximately 94,000. He said there are approximately 1,500 home-schooled students in the state and there are approximately 6,000 students in the private school sector.

Mr. Coleman said the Legislative Assembly provided additional dollars in the new formula for special education contracts. He said Department of

Public Instruction staff will have a better idea of the total special education costs at the end of summer 2008.

In response to a question from Senator Nelson, Mr. Coleman said a pool of money is set aside to cover special education contract costs. He said school districts are responsible for approximately \$35,000. He said anything else comes out of the insurance pool. He said the districts will submit their claims at the end of the school year.

Mr. Coleman said [Appendix B](#) contains a list of school district ending fund balances.

At the request of Chairman Kelsch, Mr. Kenneth Steiner, Department of Public Instruction, presented testimony ([Appendix C](#)) regarding the deferred maintenance grants.

In response to a question from Representative Mueller, Mr. Steiner said every eligible school district will receive \$10,000 and then, based on enrollment, every eligible district will receive a per student allotment.

In response to a question from Representative Herbel, Mr. Coleman said 2008 reorganizations will include the new North Star District, which consists of Cando, Bisbee, and Egeland and the new Kidder County District, which consists of the current Steele, Tappen, Pettibone, and Tuttle Districts. In addition, he said, the Bell School District will join Minot.

In response to a question from Representative Herbel, Senator Flakoll said, in accordance with the terms of the deferred maintenance legislation, eligible school districts have to provide an equal amount in matching funds. He said just because a district is eligible does not mean that the district will exercise the option to obtain funds.

In response to a question from Representative Wald, Mr. Coleman said many districts use their ending fund balances for catastrophic events. He said their carryover is reduced significantly in December and January. He said the local tax dollars do not become available until late January.

### **FUNDING SCHOOLS ADEQUATELY IN NORTH DAKOTA: RESOURCES TO DOUBLE STUDENT PERFORMANCE - THE ODDEN REPORT**

Representative Kelsch said the Odden report still is considered to be a draft report. She said it is a concept that is being considered. She said, at its last meeting, the members of the Commission on Education Improvement asked a lot of questions. She said the members are trying to understand the recommendations and what types of changes they would necessitate in this state. She said the commission members always have understood that a phase-in would be necessary. She said having heard the recommendations in the Odden report, the members are even more attuned to the necessity of a phased-in implementation.

Representative Kelsch said the Odden report has been distributed to committee members. A copy of the report is on file in the Legislative Council office. She said page 15 of the report contains the definition of adequacy that Dr. Allan Odden used.

Representative Kelsch said while North Dakota has flat-lined on its student performance statistics, other states are seeing improvement. She said the report discusses preschool and recommends that the state should consider funding preschool for 3-year-olds and 4-year-olds so that those students can compete both in North Dakota and outside North Dakota. She said the Odden report supports the equity formula and the commitment to full-day kindergarten. She said school district numbers and school size was recognized as a subject that has been a bone of contention for many years.

Representative Kelsch said the Odden report addresses core teachers and class size. She said the report also discusses planning and collaboration time and professional development time in the summer months. She said the report discusses coaches and mentors, English language learners, extended day programs, tutoring, etc. She said the report addresses many things to help struggling students and at-risk students. She said the report addresses summer school for at-risk students and alternative high schools.

Representative Kelsch said the report even addresses computers, technical support for students, and other technical resources. She said there is a great deal for legislators to mull over. She said it is not enough to use someone else's model of adequacy. She said North Dakota has enough unique features. She said North Dakota needs to create its own version of adequacy. She said the Lieutenant Governor was unable to be present today, but will make every effort to appear before this committee at its next meeting.

Representative Kelsch said it was a little bit overwhelming to see how many component parts there are to providing adequacy. She said it is clearly not just about providing more money.

At the request of Chairman Kelsch, Mr. Doug Johnson, Executive Director, North Dakota Council of Educational Leaders, presented testimony regarding the Odden report. He distributed a document ([Appendix D](#)) entitled *Executive Director Sounds Off*. He said the handout summarizes the recommendations in the report. He said school district superintendents are suggesting that all middle schools and high schools go to a 90-minute block schedule. He said this would impact how courses are taught.

In response to a question from Representative Herbel, Mr. Johnson said the report places a very high value on student assessments. He said the report also suggests that North Dakota's assessment is not likely to get us to the level of performance desired. He said the report recommends that we look more

closely at using the national assessment of educational progress (NAEP).

In response to a question from Representative Mueller, Mr. Johnson said superintendents are being cautious. He said they recognize that this document will change substantially in the coming weeks and months. He said they will have recommendations for how the Odden suggestions need to be adjusted to fit North Dakota.

In response to a question from Senator Freborg, Dr. Wayne Sanstead, Superintendent of Public Instruction, said the latest adequate yearly progress (AYP) results will be available in May 2008.

In response to a question from Representative Herbel, Senator Flakoll said there will be a lot of phase in if the Odden suggestions are approved. He said if legislators were to focus their efforts, it would be perhaps on those teachers who are in their first five years of teaching. He said that would certainly limit the cost.

Chairman Kelsch said new teachers, i.e., those in their first five years of teaching, are our "at-risk" teachers.

Representative Herbel said perhaps the University System will need to be involved to ensure that it determines which individuals are not suited to be part of the teaching profession.

Chairman Kelsch said 50 percent to 75 percent of new teachers stay in the state. She said it is therefore important that the University System expose its students to standards and help them incorporate standards into their teaching efforts.

## **TEACHER QUALIFICATIONS AND PROFESSIONAL DEVELOPMENT**

At the request of Chairman Kelsch, Ms. Janet Welk, Executive Director, Education Standards and Practices Board, presented testimony ([Appendix E](#)) regarding teacher qualifications and professional development.

In response to a question from Senator Andrist, Ms. Welk said the initial licensure process is course-based. She said in the technical areas, such as construction and welding, an individual must document 8,000 hours of work in the area.

In response to a question from Representative Mueller, Ms. Welk said teachers do not want to see an increase in professional development requirements without an increase in their knowledge. She said they are waiting to see what is recommended by the Commission on Education Improvement.

In response to a question from Representative Kelsch, Ms. Welk said the Education Standards and Practices Board developed the definition of a highly qualified teacher and then determined the five ways in which that could be achieved. She said those included going back to school and getting a major, taking a test, completing a portfolio, completing additional coursework, and obtaining national board certification.

In response to a question from Representative Kelsch, Ms. Welk said the test being used is Praxis II. She said there are only two testing companies in the United States. She said one is the Educational Testing Service (ETS), which develops the Praxis, and the other is the National Evaluation System (NES). She said NES serves many of the bigger states. She said NES will come in and develop a test for an individual state. She said ETS covers 80 percent of the states. She said ETS will develop a matrix and match its test to a state's standards. She said ETS then brings in a group of at least 10 teachers who are asked to take the test and make recommendations regarding how that is going to affect North Dakota teachers. She said a cut score is recommended by the group. She said the Education Standards and Practices Board considers the recommended cut score, considers what other states are using for their cut scores, and determines North Dakota's cut score.

In response to a question from Representative Kelsch, Ms. Welk said the test is graded by ETS. She said Praxis I, which is the test of basic skills, is electronic, but the applicant can request a paper/pencil test. She said the Praxis II is a paper/pencil test. She said the foreign language tests have a recording portion as well.

In response to a question from Representative Kelsch, Ms. Welk said all teachers must take the basic skills test, which consists of reading, writing, and mathematics. She said the elementary teachers must also take the elementary content test and the pedagogy test.

In response to a question from Representative Kelsch, Ms. Welk said the basic skills test has three separate scores. She said the Education Standards and Practices Board has developed a composite score. She said if an applicant fails one portion but passes the other two and still has a score of 516, that is considered a pass. She said if an applicant does not meet the cut score on the elementary content test, the applicant does not pass and will not be licensed. She said North Dakota scores are fairly consistent with the scores of other states in the region. She said the scores on the East Coast tend to be higher and the scores tend to lessen as one moves west.

In response to a question from Representative Kelsch, Ms. Welk said if there is a critical shortage area, the Education Standards and Practices Board can issue, based on a school district's request, an alternate access license, provided the license is for a critical shortage area. She said elementary education and physical education are not areas of critical shortage. She said an alternate access license is valid for one year, during which time the applicant may try and pass the test every other month. She said generally new graduates are able to pass the test. She said those who have difficulty passing the test tend to be those who graduated some years ago and did not get licensed right away. She said she can

count on the fingers of one hand the number of people who have had trouble passing the test.

In response to a question from Representative Wald, Ms. Welk said the test costs the student about \$100. She is not aware of any teacher in this state who was not able to meet the definition of a highly qualified teacher. She said so many options were available to teachers to document their highly qualified status.

Representative Wald said it appears that the law does not have teeth. He said there are so many exceptions to the law that everybody was able to be considered highly qualified.

In response to a question from Representative Wall, Ms. Welk said the Education Standards and Practices Board requires 10 weeks of student teaching experience. She said most universities require more than that.

In response to a question from Representative Kelsch, Ms. Welk said the Education Standards and Practices Board could declare a geographic area in which there is a critical shortage of elementary teachers. She said those tend to be very rural areas and reservation areas.

### **EDUCATIONAL ADEQUACY**

At the request of Chairman Kelsch, Dr. Paul Johnson, Superintendent, Bismarck Public School District, presented testimony ([Appendix F](#)) regarding educational adequacy. He said every teacher must take the Praxis basic skills test in order to graduate, and an individual who cannot pass that test should not be in a classroom. He said the mathematics part is at about a sixth grade or seventh grade level. He said the language arts and reading part is quite basic as well. He said writing to a prompt is a little bit more difficult. However, he said, one would consider those skills to be the absolute minimum that one would expect of a teacher. He said the subject area tests are much more rigorous because one is trying to establish an individual's ability to teach that particular subject. He said the basic skills test is one that every prospective teacher should be able to pass.

Dr. Johnson said, according to the state assessment, 57 percent of the class of 2008 is proficient in mathematics and 73 percent is proficient in reading. In order to have a qualified workforce, he said, every student in North Dakota needs to be educated, especially those who historically have been undereducated. He said the approach that the Bismarck Public School District has implemented includes school improvement plans, investment in formative assessment and data systems, focused staff development, teacher mentorship and leadership development programs, interventions, and the recruitment of quality teachers and administrators. He said specific and consistent expectations in the high school core curriculum might provide more consistency in the readiness of high school graduates for work or higher education.

Dr. Johnson said the Commission on Education Improvement is very important to the future of education in this state. He said while his response to the Odden report is mostly positive, he is surprised that the report does not address curriculum expectations. He said the most important predictor of student academic achievement and postsecondary success is the quality of the high school curriculum. He said what is taught in classrooms throughout North Dakota varies widely.

Dr. Johnson said he recommends that the Legislative Assembly create the conditions for high-quality staff and high-quality leadership in every school in North Dakota. He said this must include money for competitive wages, incentives to work in isolated school districts, mentorship programs for beginning teachers, and effective professional development.

Dr. Johnson said he recommends that the Legislative Assembly invest in high-quality data systems and high-quality assessments. He said the foundation of school improvement is obtaining dependable assessment data and learning how to use that data in order to improve learning.

Dr. Johnson said he recommends that the Legislative Assembly implement a competence expectation for every high school graduate in addition to increasing the credit requirements for graduation. He said a student might take 24 credits and get Ds. He said we need to determine if that student is prepared to enter the workforce or go on to a postsecondary institution.

Dr. Johnson said he recommends that the Legislative Assembly provide clarity and consistency regarding what students should know and be able to do in core subjects. He said state standards and benchmarks must be continually upgraded and matched to workplace and higher education expectations. He said the Bismarck Public School District outsources its curriculum development. He said teachers can do curriculum development but that is not what they are trained to do. He said Bismarck found that the most efficient method is to hire professionals who do that all the time. He said it is expensive, but there is no alternative. He said one cannot have an expected outcome if one does not have clear direction as to what must be taught and when it must be taught.

In response to a question from Representative Herbel, Dr. Johnson said Bismarck public schools undertook curriculum development because they were impatient. He said they believed that they needed it right away.

In response to a question from Representative Kelsch, Dr. Johnson said he recommends that the standards and benchmarks be reviewed regularly. He said the disconnect between elementary and secondary education and higher education caught everybody off guard. He said high schools need to stay on top of the expectations placed on students by both higher education and the workforce.

In response to a question from Representative Kelsch, Dr. Johnson said the effort of the Bismarck Public School District in curriculum development was based on the state standards. He said it is being implemented this year. He said there is already a change in the amount of writing being required. He said he believes that the need to encourage proficiency in communication is critical to students.

In response to a question from Representative Haas, Dr. Johnson said what is right for the Bismarck Public School District may not be considered right by educators in other school districts. He said the state standards need to be more detailed and they need to be updated. He said the updating should occur at least every five years.

Dr. Johnson said although we like our autonomy in North Dakota, the stakes are too high for us to allow local control of core subject curricula.

Dr. Johnson said he recommends that the Legislative Assembly provide resources for preschool education, especially for disadvantaged students. He said if students have the opportunity to attend language-rich, experience-rich preschools, those students will be ready to take advantage of school.

Dr. Johnson said he recommends that the Legislative Assembly increase career advising for middle school and high school students. He said there are people other than counselors who could provide these services with some additional training. He said we are not going to be able to hire enough counselors to provide career advising across the state.

Dr. Johnson said he recommends that the Legislative Assembly provide all schools with access to expert consultants or coaches in core areas. He said this is critical to helping schools and districts determine the interventions that work for struggling students.

Dr. Johnson said he recommends that the Legislative Assembly continue to develop and disseminate its response to intervention models.

In response to a question from Representative Wald, Dr. Johnson said sometimes we need to have adults who are respected by students be honest with the students about their choices of clothing and about their demeanor. He said most students have aspirations for themselves and for their future well-being. He said we need to tie what they would like to have happen to changes that they might need to make. He said that is an important part of the learning process.

In response to a question from Representative Sukut, Dr. Johnson said the private sector is a valuable source of job information for students.

In response to a question from Representative Herbel, Dr. Johnson said the issue of students who are underperforming can be addressed in the middle school setting by limiting the electives that the students can take. He said those students need to be focused on the areas of their weakness. He said adult

mentors can be a tremendous help at certain points in the students' lives.

In response to a question from Representative Meier, Dr. Johnson said the dropout rate in the Bismarck public school system is around 10 percent. He said that number, however, depends on the criteria used to define a dropout. He said often a student might sever the student's relationship with the local high school but then go on to an alternative high school or adult education.

In response to a question from Representative Hanson, Dr. Johnson said having a good data system available would allow school districts to track students and their ultimate outcomes.

In response to a question from Representative Mueller, Dr. Johnson said high school principals are concerned about having to provide programming for students who no longer want to be in school or for whom school is no longer a good fit. He said students need alternatives rather than being forced to stay in a traditional school.

In response to a question from Representative Herbel, Dr. Johnson said the Bismarck Public School District provides as many advanced placement courses as any other district in the state. He said the Bismarck district provides many opportunities for ambitious students. He said, even in the elementary grades, there are services for gifted students.

In response to a question from Representative Hunskor, Dr. Johnson said, as the Legislative Assembly increases expectations of high school students, some will get frustrated and discouraged and drop out of school. He said a continuum of alternatives to the regular high school is appropriate for such students.

In response to a question from Representative Karls, Dr. Johnson said the accountability that has gone with the No Child Left Behind Act has caused a close examination of how well we do with certain groups of students. He said some teachers are perhaps frustrated that they might not be able to include all of the enhancements to the curriculum that they used to be able to teach. However, he said, the Bismarck Public School District looked at the integration of curriculum to ensure that its teachers can teach efficiently. He said the days of teachers determining what they will teach in their classrooms, and when, are over. He said consistency is needed and each teacher cannot be allowed to determine what that individual will teach.

In response to a question from Representative Haas, Dr. Johnson said if there are valid standards and benchmarks and if there are valid assessments, it is inevitable that teachers will believe they are teaching to the test. He said if the standards are right and the assessments are right, there is nothing wrong with requiring that they be used.

## HEALTH EDUCATION AND YOUTH RISK BEHAVIORS

At the request of Chairman Kelsch, Ms. Valerie Fischer, Director of School Health, Department of Public Instruction, presented testimony regarding health education and youth risk behaviors in the state. She said North Dakota is No. 1 in alcohol use, alcohol use while driving, and binge drinking. She said last year there were 25 traffic fatalities for students between the ages of 5 and 18. She said 40 percent of those fatalities involved alcohol.

Ms. Fischer said North Dakota students do not consume enough fruits and vegetables, they generally do not eat breakfast, they do not engage in sufficient levels of physical activity, and they drink sweetened beverages in excess. Even though our tobacco rates have dropped since 1999, she said, they are still 9 percent higher than the national average. She said 11 percent of North Dakota high school students are overweight and another 13 percent are at risk for becoming overweight. Increasingly, she said, North Dakota students are being treated for what are normally adult disorders, i.e., hypertension, high cholesterol, and diabetes. She said those diseases are occurring with frequency because of inactivity and poor food choices.

Ms. Fischer said the short and long-term consequences of youth risk behaviors will continue to tax the medical, legal, economic, and social systems of our state. She said the personal impact of youth risk behaviors is absolutely immeasurable and its devastation is indescribable.

Ms. Fischer said the goal is to have healthy and safe students who can in turn become healthy and safe adults. She said reaching that goal involves state level policies that ensure preventive attention to risk behaviors.

Ms. Fischer said at the national level there have been efforts to control nutrition standards and vending machine usage. She said some states are weighing and measuring students to monitor premorbidity conditions. She said commissions have been created to study youth obesity.

Ms. Fischer said the North Dakota Century Code provides that beginning with the 2008-09 school year, a student may not graduate unless the student demonstrates the successful completion of, among other courses, "[o]ne unit of physical education, which may include up to one-half unit of health." She said health is a graduation requirement in only 96 out of 192 school districts. She said that is only 46 percent. She said the survey that was conducted did not indicate whether in those districts that require health education the course is one-half credit or one-quarter credit during the four-year high school period. She said one-quarter credit of health education is less than 30 hours out of a standard high school program of 20 credits having a duration of 2,400 instructional hours.

Ms. Fischer said, according to the Education Standards and Practices Board, there is no shortage of individuals able to teach a health course. She said the course can be taught by health teachers, science teachers, physical education teachers, and family and consumer science teachers.

Ms. Fischer said risk behaviors occur for a variety of reasons. She said one is that students just do not know the facts behind their decisions and they do not have good decisionmaking skills. She said helping students establish healthy lifestyles and avoid developing risk behaviors is crucial and should begin, and be repeated, before these behaviors are firmly established. She said she would encourage the interim Education Committee to support legislation that will require students to take one-half unit of health education during high school and which will require, beginning with the 2012-13 school year, that students take one unit of health education during high school. She said health education is not designed to work against parental values. She said the most important issues are not being taught in all homes. She said parents are often uncomfortable with the factual content. She said local control and local curriculum are encouraged and respected. However, she said, when local control fails to address the ever-increasing numbers and types of unhealthy behaviors and risk behaviors, then it is incumbent upon the state to step up and do that which needs to be done.

Ms. Fischer said the purpose of health education is to keep students healthy over time and to reinforce and make clear that good health and learning go hand in hand. She said in the past health focused primarily on hygiene. Today's health issues, she said, require comprehensive programs that focus on knowledge, skill development, health interventions, and health services for students and that require the involvement of community experts and resources.

At the request of Chairman Kelsch, Mr. Perry Lauer, Bismarck Police Department School Resource Officer, presented testimony regarding the public consequences of risk behaviors. He said a school resource officer is a police officer who spends the entire day working in the schools. He said his duties include enforcement, education, and encouraging students to make better choices simply by virtue of his presence. He said the majority of his time is spent in the middle schools and high schools.

Mr. Lauer said marijuana continues to be the drug of choice among North Dakota teens. He said statistics show that 18.2 percent of area high school students used marijuana in the past 30 days. He said last week he arrested seven teens for using marijuana either before school or during the lunch hour. He said methamphetamines, cocaine, mushrooms, ecstasy, and heroin are also present in schools but on a lesser scale. He said inhalants are also popular and compressed air is the most popular. He said there have been several deaths related to inhalant use.

Mr. Lauer said although tobacco use has declined, it is still prevalent. He said the health dangers of

tobacco use are widely understood. However, he said, 10 percent of high school students choose to smoke.

Mr. Lauer said alcohol is used by teenagers more than any other drug. He said he works many school events such as dances, senior banquets, proms, etc. He said this time of year is the worst for someone in his position. He said he gets to know a lot of the students personally and every year someone he knows is seriously injured in a car crash or dies as a result of alcohol use.

Mr. Lauer said the top citations issued to teens are for minor in possession and minor in consumption. He said bringing alcohol to school and consuming it in the classroom are also on the rise. He said one of the latest trends involves UV Blue Vodka. He said it looks just like a blue Powerade. He said the vodka is poured into the Powerade bottle. He said students who were arrested recently had blood alcohol levels between .15 and .20. He said these levels are twice the legal limit. He said for the students to have been walking around during the day and functioning means that they have already established a tolerance for this.

Mr. Lauer said teens lack the judgment and coping skills necessary to handle alcohol wisely. As a result, he said, alcohol-related crashes are a major cause of teenage deaths. He said alcohol also is linked to youth deaths by suicide, homicide, and drowning. He said teens who drink are more likely to be victims of violent crime, including rape, aggravated assault, and robbery, and they are more likely to have problems with schoolwork and school conduct. He said a person who begins drinking as a teenager is four times as likely to develop alcohol dependence than someone who begins alcohol use later in life.

Mr. Lauer said teens who use alcohol also are more likely to begin sexual activity earlier, engage in sexual activity more frequently, and have unprotected sex than those who do not drink. He said he often has found condoms and birth control on students in the middle schools. He said not only are the teens at the middle school level involved in sexual activity, they are also involved with multiple partners. He said the term "friends-with-benefits" references an involvement where there is no dating relationship and no intention of having a dating relationship. He said the involvement is strictly for sex. He said many teens look for sex on the Internet. He said many identify themselves as A3s-- anytime, anyplace, anywhere.

Mr. Lauer said as teens become more independent, they tend to make choices and not always good ones. He said they often skip breakfast. He said eating breakfast helps start one's metabolism, which in turn affects one's weight, one's moods, and one's academic performance. He said teens frequently go to school with some type of energy drink in their hand. He said the amount of caffeine in energy drinks varies. He said Hair of the Dog contains no caffeine. He said Sobe No Fear contains the equivalent of five cans of coke.

Mr. Lauer said school, sports, and work schedules often result in an increase in the number of meals teens eat at fast food restaurants. He said skipping meals also is common.

Mr. Lauer said the amount of physical exercise that many teens engage in is dwindling. He said some teens attend their physical education classes but do not participate. He said many lead sedentary lives. He said it does not take much energy to sit in front of a television and play games.

Mr. Lauer said poor decisionmaking starts in the home. He said teens are consuming alcohol and parents are saying that is okay. He said parents cite their own drinking during their teenage years as justification. He said parents have accepted the fact that their children are going to consume alcohol, rather than taking the stance that doing so is illegal and holding the children accountable. He said there are parents who want to be their kids' best friends rather than parents. He said some take the attitude "out-of-sight out-of-mind." He said some parents are busy with their careers and some are simply uncomfortable talking to their children.

Mr. Lauer said having a required health education class will not solve all the problems. For some, he said, it will supplement information that they have and for others, it will provide information that they do not and will not receive otherwise.

In response to a question from Representative Herbel, Mr. Lauer said Dust-Off is carbon dioxide and it deprives the body of oxygen for a period of time.

In response to a question from Representative Hunsdor, Mr. Lauer said school authorities by policy, can ask him to provide assistance if they believe students are up to something. He said it is a safety issue and the school authorities have the right to search the students. He said if he finds contraband, he then functions as a police officer.

In response to a question from Representative Hanson, Mr. Lauer said breathalyzers are available but are not used to check everybody when they come to a dance or other activity. He said two police officers are stationed at the entrance and they stamp the students' hands. He said they have a conversation with each of the students. He said he has a very good nose. He said he arrested two students last week at the senior banquet. He said having everybody take a breathalyzer assumes that everybody is guilty and that they then have to prove their innocence.

In response to a question from Representative Haas, Mr. Lauer said it is believed that his presence in the schools results in a reduction in the number of adverse behaviors, such as fights. He said it is not measurable but it has had an effect.

In response to a question from Representative Kelsch, Mr. Lauer said marijuana is still the drug of choice because it is easier to come by and still relatively inexpensive. He said there is an attitude of "it's just marijuana and it is not as bad as other things."

In response to a question from Representative Wald, Mr. Lauer said he still sees a lot of smokeless tobacco use.

In response to a question from Representative Herbel, Mr. Lauer said if a student possesses something and if the student's vehicle is on school property, the school can, by policy, search the student's locker and car. He said students who engage in illegal activities are now parking off school property.

In response to a question from Representative Herbel, Mr. Lauer said if he detects an odor, that is sufficient cause to ask that the student provide a breath sample. He said the parents are called and they have to pick up the student at school or the student is taken to the Police Youth Bureau the first and second time.

In response to a question from Representative Wald, Mr. Lauer said, percentage-wise, the problems are similar in the private school system.

In response to a question from Representative Sukut, Mr. Lauer said much of the liquor that students obtain comes from their homes.

In response to a question from Representative Kelsch, Mr. Lauer said today's society does not have the same value system with which we grew up. He said there are stiff penalties, but they are not applied. He said a minor-in-possession or a minor-in-a-liquor-establishment is a Class B misdemeanor. He said the penalty can be a fine up to \$1,000 and or 30 days in jail.

In response to a question from Representative Hanson, Mr. Lauer said he would not support lowering the drinking age to 18.

In response to a question from Senator Nelson, Mr. Lauer said often school faculty will overhear students' conversations about parties that are being planned.

In response to a question from Representative Wald, Mr. Lauer said the judicial system is not utilizing the full extent of the penalties available.

At the request of Chairman Kelsch, Ms. Barb Bjorum, health teacher, Valley City Public School District, said there should be a method to teach students coping skills. She said such skills help students avoid the use of alcohol for dealing with depression, frustration, and rejection. She said it enables students to find healthier ways for handling those emotions. She said there should be a method to teach students the skills necessary for successful relationships as siblings, spouses, and parents. She said people are not born knowing those things. Likewise, she said, there needs to be a method to teach students about basic safety. She said this includes everything from what to do and not to do if the student is being abducted to how one determines whether a mirror is a one-way or a two-way mirror. She said it also includes tips when traveling.

Ms. Bjorum said health education also covers issues of sleep, stress, and time management. She said the state has standards for subjects such as

English, science, and health. She said what health education is not given is the time to meet those standards. She said right now seventh and eighth graders are required to take health. She said when she teaches seventh and eighth graders, the class involves a lot of lecturing on her part. She said when she teaches 9<sup>th</sup> and 10<sup>th</sup> graders, there is a lot more interaction. She said, at that point, the students are more into abstract thinking. She said thinking ability changes with age. She said a 2-year-old is physically capable of running across the street, but the child should not. She said no amount of explaining will help or allow that 2-year-old to understand the dangers that are out there. She said once students become abstract thinkers--usually around ninth grade--they get a lot more out of health education than they do at the seventh and eighth grade level.

Ms. Bjorum said a lot of 11<sup>th</sup> and 12<sup>th</sup> graders want to talk to her about relationships. She said they often wonder if certain things are red flags. She said there needs to be age-appropriate conversations. She said a seventh grader is not taught how to write a resume and then expected to remember how to do it as a senior in high school or in college. She said there should not be an expectation that information provided in a seventh grade health class will suffice either.

Ms. Bjorum said health education gets a bad rap because sex education is included. She said it is just a very small part of the health curriculum. She said it is a necessary part of health education, but schools should be able to decide how they want that done. She said very rarely do students refer to health education as "sex ed" anymore.

She distributed an overview ([Appendix G](#)) of the Valley City Public School District health curriculum. She said there is so much material out there that a good health education teacher can build a curriculum at a very low cost. She said their curriculum is conservative and abstinence-based. She said it provides a great deal of information that students need.

In response to a question from Representative Mueller, Ms. Bjorum said many high school courses are one unit for each of the four high school years. She said she is trying to get health education to be one unit during that four-year period. If students are healthy, she said, they will do better in their mathematics and science courses.

Ms. Fischer said there is a significant correlation between health education and higher graduation rates, healthy outcomes, and a decline in risk behaviors.

Mr. Mark R. Winkelman, owner, Winkelman Consulting, presented testimony regarding the impact of health education on youth risk behaviors by students. He said the Youth Risk Behavior Survey (YRBS) is typically given during the spring of a year. He said the survey has shown that there are significant differences between students who had health education and those that did not. He said if the state is going to add a health education requirement,

the state needs to ensure that this is not done at the expense of physical education.

In response to a question from Representative Wald, Mr. Winkelman said the YRBS looks at sexual activity but it does not look at pregnancy rates.

Mr. Winkelman said the Fargo Public School District received a grant for a longitudinal survey based on YRBS questions during 2007, 2008, and 2009. He said if Fargo's health education efforts are successful, their students should be healthier than they would otherwise be. He said the Fargo Public School District did a web-based survey. He said the Fargo Public School District had students type in their student numbers to log onto the survey. He said this enabled an examination of everything a student is doing to see what else impacts the survey results and likewise, what behaviors affect other scores like mathematics and reading. He said the Fargo Public School District found that sixth grade students who had good behaviors and good fitness traits did better on their standardized mathematics tests. He said students cannot control their socio-economic level, but they can control their overall fitness, the time they spend watching television, and eating activities such as having breakfast. He said students can control many of the factors that constitute healthy behaviors. He said the same benefits were noted with eighth graders. He said healthy students perform better in the traditional subjects and that helps not only during their time in high school but also during their time in college and in the workplace.

Ms. Fischer said requiring more time for health education will have a fiscal impact. She said how much it will cost will be dependent on what exactly is required and the amount of time health education is given.

### **AUTOMATED EXTERNAL DEFIBRILLATORS**

At the request of Chairman Kelsch, Ms. Fischer presented testimony ([Appendix H](#)) regarding the North Dakota Safe Heart Schools Automated External Defibrillators (AED) Project. She said with the 2007-09 appropriation of \$400,000, 368 AEDs were purchased along with 313 cabinets. She said some of the schools wanted portable units to take to football fields and similar places. She said that is why only 414 cabinets were needed.

### **FEDERAL AND STATE FUNDING FOR ADULT LEARNING CENTERS**

At the request of Chairman Kelsch, Mr. Scott Halvorson, Director, Adult Learning Center, Bismarck Public School District, presented testimony ([Appendix I](#)) regarding federal and state funding for adult learning centers. He said the majority of students in adult education are between the ages of 16 and 21. He said federal funding was cut by 7 percent this year and state funding has not

increased substantially in 16 years. He said if a student drops out of high school but seeks to continue education through the Adult Learning Center, the funding should follow the student.

In response to a question from Senator Lee, Mr. Halvorson said the amount of time it takes to obtain a general educational development (GED) diploma depends on the student's skills. He said it might take a month or several years.

In response to a question from Senator Freborg, Mr. Halvorson said students are not charged for attending the Adult Learning Center.

In response to a question from Representative Mueller, Mr. Halvorson said the Adult Learning Center serves 250 to 300 students and approximately 75 graduate each year.

In response to a question from Representative Mueller, Dr. David Massey, Department of Public Instruction, said 750 to 800 students statewide receive their GED diploma each year.

In response to a question from Representative Meier, Mr. Halvorson said the Adult Learning Center serves 10 counties but most students are from the Bismarck-Mandan area. He said the Bismarck Public School Board has contributed well over \$100,000 to help out the Adult Learning Center this year.

In response to a question from Representative Sukut, Mr. Halvorson said when he talks about the money following the student, he would like to see the money follow the student until age 21. He said if those students stayed in the traditional school system, they would be funded.

In response to a question from Representative Wall, Mr. Halvorson said an alternative high school has the same requirements and expectations as a regular high school. He said sometimes students are 16 or 17 years old and they have only three or four high school credits. He said they would be 25 years old before they earned enough high school credits to graduate.

In response to a question from Representative Karls, Mr. Halvorson said the Adult Learning Center provides services to people from other countries who cannot speak, read, or write English effectively. He said many of those have refugee status.

In response to a question from Representative Monson, Mr. Halvorson said there is a constitutional obligation to educate students. He said, philosophically, that does not need to be done in a traditional school setting.

### **OTHER BUSINESS**

At the request of Chairman Kelsch, Mr. Tom Decker, Director of School Finance and Organization, Department of Public Instruction, distributed a document ([Appendix J](#)) entitled *North Dakota School Districts Historical Perspective*. He said there are 192 school districts in 2008.

At the request of Chairman Kelsch, Mr. Mike Klabo, Executive Director, North Dakota Small Organized Schools, distributed a document

([Appendix K](#)) entitled *Public School District Summary of Facts*. He said the average transportation cost per mile is stated as being \$1.72. He said, with the price of fuel, that cost is much greater. He said he would like an adjustment in the transportation reimbursement to accommodate higher fuel costs.

In response to a question from Representative Kelsch, Mr. Klabo said he is not familiar with the transportation funding systems of other states.

No further business appearing, Chairman Kelsch adjourned the meeting at 4:15 p.m.

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L. Anita Thomas  
Committee Counsel

ATTACH:11