

2011 HOUSE EDUCATION

HB 1270

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1270

01/19/11

13038

☐ Conference Committee

Committee Clerk Signature



MINUTES:

Chairman RaeAnn Kelsch: We will open the hearing on HB 1270.

Rep. Kathy Hawken: Sponsor. This is being introduced to have a conversation/review of our education standards and practices board. From what I remember they were cut apart from state funding at set on their own with a two year budget. They have done a great job at becoming an independent agency. We need to look at where we've been, where we are, and where we are going. This bill is just a place to start. It is not necessarily what we want in stone. Since ESPB was started, a lot of changes have been made. There is an expanded role here. Are there different support structures that could be put in place so this agency can do what it needs to do for the teachers and education system in our state? There is some concern from a number of school districts on flexibility. Where can we be flexible? If can't be flexible, is there a place where people can go for an appeal, and right now I don't think there is. Maybe the committee will want to do something else with this bill but these are the kinds of conversations I hope you will have. That is why this bill was put in.

Chairman RaeAnn Kelsch: Questions?

Rep. Bob Hunsakor: There has been some concern among teachers/administration concerning the number of people on the board, being the minority, and not having a voice. Could you address that?

Rep. Kathy Hawken: That was not the rationale behind this. The thought process there would be that there would be someone there with some clout. Like I said this might not be the right way to go, but it needs to be looked at. There isn't a review piece and I think we need to have that.

Chairman RaeAnn Kelsch: Questions? Support? Opposition?

Warren Larson – NDCEL: Opposition. Testimony of Doug Johnson read by Warren Larson. Attachment 1.

Chairman RaeAnn Kelsch: Questions? So would you admit that teaching across our country has changed substantially in the last 20, 15, or even 10 years?

Warren Larson – NDCEL: Substantially. That's correct.

Chairman RaeAnn Kelsch: What has ESPB done to accommodate the changes in teaching across the nation?

Warren Larson – NDCEL: I'm not sure on this. ESPB is licensure. The changes I've seen aren't necessarily in regards to licensing.

Chairman RaeAnn Kelsch: Should we look at some alternative licensure structures in the state?

Warren Larson – NDCEL: I think it is worth looking at.

Rep. Karen Rohr: I have a little concern that if there is as many changing to teaching as I'm hearing, are those changes relative to student outcome?

Warren Larson – NDCEL: Certainly our process of looking at students has changed especially looking at outcomes. We are now looking more at student's needs. I'm not sure that is a licensure issue but rather more of a teaching style issue.

Rep. Karen Rohr: Are there best practices out there for varies levels of teaching that are incorporated into licensure requirements?

Warren Larson – NDCEL: I cannot answer that question because I'm not familiar with the internal workings of the ESPB.

Rep. Phillip Mueller: You referenced section 4. Do any of those things create heartburn for you and which ones do of those listed A-F?

Warren Larson – NDCEL: There probably are things we would like to see included in that and we would probably like to be part of that review process as well.

Rep. Phillip Mueller: That is what it says that you will be a part of the process.

Chairman RaeAnn Kelsch: Questions? Opposition?

Jon Martinson – NDSBA: We also feel that a review of this could and should be done during the interim to allow for more time for discussion and to make the necessary changes in ESPB.

Rep. Brenda Heller: Who is the board accountable to? Who oversees them?

Jon Martinson – NDSBA: I believe it would be the legislature. The members are appointed by the governor.

Chairman RaeAnn Kelsch: Questions? Opposition?

Greg Burns – Executive Director, NDEA: Opposition. Testimony. Attachment 2.

Rep. Phillip Mueller: You referenced Teach for America where students help out in the field. I'm guessing right now our standards and processes would not allow them to be part of teaching in ND. How do we begin to address those kinds of opportunities that we are not addressing today?

Greg Burns – Executive Director, NDEA: I think discussion needs to be had and ESPB needs to be informed by policy makers on how they want this implemented. The teachers in Teach for America usually don't stay in the profession and I think the best route is to look for long term solutions.

Chairman RaeAnn Kelsch: Questions? Opposition?

Janet Welk – Executive Director, ESPB: Opposition. Testimony. Attachment 3.

Vice Chair Lisa Meier: What is your current appropriation for the next biennium?

Janet Welk – Executive Director, ESPB: To operate we don't get an appropriation. We operate on teacher licensure fees. We administer the dollars for national board, but those are flow through dollars.

HEARING ENDED DUE TO POWER OUTAGE.

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MINUTES:

Chairman RaeAnn Kelsch: We will open and continue the hearing on HB 1270.

Rep. Brenda Heller: How many licensed teachers are in ND?

Janet Welk – Executive Director, ESPB: We have about 11,000 licensed teachers.

Rep. Mark Sanford: My question is related to certification. If a school district was to offer something like Mandarin for an example, what would be the process that the organization would follow and how likely would it be given the current standard?

Janet Welk – Executive Director, ESPB: Much like Teach for America. We would give the specialized person that was not teacher a special access license and they have three years from that point to become a teacher. Part of problem in ND is our approved programs. One thing that has helped us is with teacher shortages is online education. Many programs statewide have gone online. Could I address the Teach for America issue that was brought up?

Chairman RaeAnn Kelsch: I was going to ask that next.

Janet Welk – Executive Director, ESPB: The board researched Teach for America and what we found was that it provides people with bachelor's degrees opportunities to teach. It also provides that person with repayment for college loans. We don't have that in ND. We have teacher repayment loans that you are all aware of. What we have in ND is the ultimate access license. Because of No Child Left Behind, we can only give the person 3 years to go to school and become a regular and prepared teacher.

Chairman RaeAnn Kelsch: What can we do to help out in our Indian schools? We know there is more of an issue there for getting highly qualified teachers or even getting teachers. I know Teach for America is an option, but what we've done in ND is said we aren't willing to do anything. What are your thoughts?

Janet Welk – Executive Director, ESPB: What the board has done over the years is work with reservations. We provided teachers for numerous programs for them. We have boards that work with them to help them start new programs.

Rep. Brenda Heller: Are ND standards for getting out of state teachers different from other states, say in terms of licensure?

Janet Welk – Executive Director, ESPB: No. ND licensures are usually based on national standards. The best example of that is our elementary education program. It helps our graduates move from state to state.

Rep. Brenda Heller: If I was a certified teacher in another state, and I wanted to come to ND and be licensed, how difficult would that be?

Janet Welk – Executive Director, ESPB: We license you right away. You get a reciprocal license right away. If you don't meet our standards, we give you a total of four years to meet them. Every five years we try to review our standards and decide what changes need to be made. So another thing that comes into play is how long ago it was that they graduated.

Rep. David Rust: Say a person student taught at a college but wasn't able to get a job here. Does that happen?

Janet Welk – Executive Director, ESPB: The only way that would happen is if it was for a grade school/high school. If I'm hired at a college there is no body that oversees what is taught. I don't think any of the colleges would do that but there isn't anyone that regulates that. No Child Left Behind says that you must have a major in the field to teach it.

Rep. Phillip Mueller: You've referenced NCLB. How much does that inhibit what you can do as a teacher?

Janet Welk – Executive Director, ESPB: NCLB changed the way we did licensure. It requires that all secondary teachers have a major and complete a test. We haven't done much with licensure since 2006 and we also had the teacher quality grant back then. This past year I was on a national, and the way the nation is going is you get your residency license. You are mentored for four years and then can get your next license. I see some bugs in this bill and would be better if it was turned into a study. If turned into a study, I would like it to be narrowed to one focus.

Chairman RaeAnn Kelsch: Questions? Opposition? Neutral?

Max Laird: I rise to speak as an individual. I want to briefly cover two points. At one point a certificate to teach was five dollars for five years. The cert was issued via DPI. In the late 1980s, we concluded if the profession was to become a profession persay, we need to move into a licensing structure. Legislation was passed in the early 1990s which created a standards board. The context was to be a profession we must have a professional autonomous board. In addition, the ability of this board to approve programs of higher education, who was then able to apply for their students become licensed to teach. Since that time, there was a program approval committee which identified all the institutions of the state. As time has moved forward this board has continued to accrue responsibilities. Today we also have staff development and mentoring, highly qualified teachers, and a variety of other things. I believe teachers should be licensed by a board of peers. It was

brought up several times about Native American schools. I have served on three program approval committees on reservations. The most recent was Fort Berthold elementary program. In interviewing the superintendent of schools in those districts, the conclusion today was that their best bet of providing a quality education for the students was to produce classroom teachers in their communities. They are experiencing on some days higher absentee rates of teachers than students in some of these schools. One issue that wasn't addressed in the original legislation is the process of appeal and accountability for this board. That is a consideration we made in the 1990s and was left out of the legislation. I feel it is less than clear on how that is applied.

Chairman RaeAnn Kelsch: Questions? Further testimony in neutral position? We will close the hearing on HB 1270.

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House Education Committee
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02/15/11
14587

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Committee Clerk Signature



MINUTES:

Chairman RaeAnn Kelsch: We will open the hearing on HB 1270.

Rep. Brenda Heller: What the amendments would do is keep the original intent of the bill in place. After much discussion we came to the conclusion that we would keep the original intent of the bill and turn this into a legislative interim study. Through visiting and researching a few things we came to the conclusion that it might not get us the net results that we wanted so as you can see by the amendments, it would allow the governor to appoint a new board and the lieutenant governor would be the chair of the board. Page two talks about terms of office and at the bottom it starts the board duties. In the original bill the points they wanted studied are meshed into the board duties. These are the things that a regular board would regularly be doing. On the original bill there was a list of board duties and there was a section that said in addition to. The additions were meshed into the regular duties. Section 5 says they have to report after a year to show their progress. Section 6 talks about the transition from the current board to the new board.

Rep. Phillip Mueller: I think we did suggest a change to add a nonpublic teacher. We were going to take the dean's designee out and replace with one nonpublic school teacher.

Rep. Brenda Heller: This would have to be amended again. That was a last minute change. We will change letter E to one individual employed as a private school teacher and then I will move the amendment.

Rep. John Wall: Second.

Chairman RaeAnn Kelsch: Is there discussion on the amendment?

Rep. Phillip Mueller: I'm not terribly comfortable with what we have done here because we have completely replaced the ESPB board and taken it down from 15 to 10 members. I think that kind of elimination of the board does create some transitional problems. The other side of that was there are some things we want to see get accomplished and maybe a new set of eyes and ears on that board would be helpful in doing so. I'll support the amendment but I'm doing it reluctantly.

Rep. John Wall: Can someone explain the rationale behind D that says one school administrator holding a doctoral degree?

Rep. Brenda Heller: I'm not positive on why the doctoral degree was in there. Rep. Phillip Mueller if I can clear up what you thought. The current board now only has 10 member so the number of the board hasn't changed.

Rep. John Wall: If everyone would agree, I don't think the doctoral degree would be necessary. I think it limits the field of possibilities.

Vice Chair Lisa Meier: I have a question for Rep. Brenda Heller. What was the rationale for taking out an early childhood teacher as well?

Rep. Brenda Heller: That was to keep the board at 10. We had to leave out some of them. That is one we decided to leave out. Rep. Karen Rohr reminded me why we left doctoral in there. The original bill came in like that so we thought the intent of the original sponsors wanted it that way.

Rep. Mike Schatz: I agree that the doctoral situation that it should be dropped. I would like to see classroom teacher added to that. They are the ones dealing with a room full of children every hour and I think their opinion is very important.

Chairman RaeAnn Kelsch: Isn't it in there when it says an individual employed as an elementary and a high school teacher?

Rep. Mike Schatz: That isn't a classroom teacher necessarily. A classroom meaning somebody who has an entire class load of kids. You can have title teachers, special needs teachers, counselors, support teachers and all kinds of other teachers. I'm talking about classroom teachers. I'd like to amend the amendment by getting rid of doctoral degree in section D and inserting between elementary teacher, classroom and high school teacher classroom on A and B.

Chairman RaeAnn Kelsch: We have those three amendments to go on to the amendment.

Rep. John Wall: Second.

Chairman RaeAnn Kelsch: We will try a voice vote. Motion carries.

Voice vote: Motion carries.

Chairman RaeAnn Kelsch: Now we have the amended amendment before us. Are there any other amendments that need to be put on to the amendment?

Rep. Karen Rohr: I want to add that the reason for the doctoral degree is because graduate prepared people are used to doing research on developing standards and best practices for establishing outcomes.

Rep. John Wall: North Dakota standards and benchmarks were written by people in classroom situations and I don't think many doctors were working on that.

Rep. Karen Rohr: I guess in my profession that is what I am used to seeing so I am surprised.

Rep. John Wall: I base it on that I worked on the final regard standards and benchmarks for several years and we did have people with doctorate degrees but there were very few. They were the vast minority in that instance.

Chairman RaeAnn Kelsch: We now have the amended amendment before us. We will try a voice vote.

Voice vote: Motion carries.

Chairman RaeAnn Kelsch: What are the wishes of the committee?

Rep. Brenda Heller: I move a do pass as amended

Rep. Karen Rohr: Second.

Rep. Dennis Johnson: The purpose of legislative members. How did that get brought into this discussion?

Rep. Brenda Heller: I guess we found out that the legislative assembly oversees the ESPB. We didn't think it would hurt to have two legislative members on that.

Rep. Phillip Mueller: It seems like the issue comes to this body and it isn't the first time it has come to this body. I think it is good to have one because then we have a pretty close connection to what is happening on that board. I'm comfortable having at least one on there to assure that is the case.

Vice Chair Lisa Meier: In the original intent of the bill I liked letter K that says the parents of the student enrolled in that elementary or high school. What was the rationale for taking that out?

Rep. Brenda Heller: Like I discussed before we didn't want to increase the size. We figured some of the other positions were being held by people that had kids in schools. We just decided we had to take some of those people away not they are not important

Rep. David Rust: I'm wondering why it is private school teacher. Would private limit it and non-public open it up a little bit? Is private the same thing as nonpublic?

Chairman RaeAnn Kelsch: I was surprised that private was in there because we talk about nonpublic more than private.

Rep. Brenda Heller: We were discussing this board with Rep. Hawken and we just said it that way. It is probably not the correct language. If we need to use nonpublic, that is fine. That is our intent.

Rep. Karen Rohr: Isn't there an established definition regarding nonpublic in the statutes?

Chairman RaeAnn Kelsch: I think generally what we have moved towards is nonpublic rather than private.

Rep. Karen Rohr: And that would incorporate the private school and the parochial school?

Chairman RaeAnn Kelsch: In the state in North Dakota you are either public or nonpublic so it probably should say nonpublic. I think I would re-amend it just to be on the safe side.

Rep. Brenda Heller: I withdraw my do pass motion.

Rep. Karen Rohr: I withdraw my second.

Chairman RaeAnn Kelsch: Where are you putting that in?

Rep. Brenda Heller: On page one letter E. We replaced the dean of arts in colleges of science.

Chairman RaeAnn Kelsch: With the nonpublic school teacher?

Rep. Brenda Heller: Yes.

Rep. Brenda Heller: Motion to re-amend.

Rep. Mike Schatz: Second.

Chairman RaeAnn Kelsch: We will try a voice vote. Motion carries.

Voice Vote: Motion carries.

Rep. Brenda Heller: I move a do pass as amended.

Rep. Karen Rohr: Second.

Chairman RaeAnn Kelsch: We will take the roll on a do pass as amended on HB 1270.

Roll call vote: 6 yeas, 9 nays, 0 absent. Motion fails.

Chairman RaeAnn Kelsch: The do pass as amended fails. What are the wishes of the committee?

Vice Chair Lisa Meier: I move to do not pass as amended.

Rep. Dennis Johnson: Second

Chairman RaeAnn Kelsch: Discussion?

Rep. David Rust: I think there are some really good things here but I am not so sure that this wouldn't be better turned into a study.

Chairman RaeAnn Kelsch: I think the biggest reason it was done this way is because how do you study it unless these are the people that are studying it. It is hard for an interim committee to study it. It is more difficult thing to study. That is the biggest purpose behind it. I think the subcommittee looked at that and I think they could tell you that.

Janet Welk: I think you might remember in my testimony in the original bill I agreed with the school board and NDCEL that I think it is a perfect time to study not only North Dakota licensure, but I think studying compensation. I think there are many things that are right for a study. I think I would be one that provided recommendations for experts to come in. I certainly could provide information on other states that are doing many other things. I think we need to look outwards and see what other are doing.

Chairman RaeAnn Kelsch: The problem is that we are not going to put any money into the bill. If it is something that needs to be studied maybe other groups would be willing to bring someone in as an expert but I don't think we are willing to put the money in for experts.

Rep. Phillip Mueller: I appreciate the commentary about looking above and beyond. I'm not sure my sense on this is so much about that as it is about accommodating licensure and accommodating special circumstances and I understand that you have to have some standards. What I really think what I am hearing is that maybe we could get a little more flexibility. I guess what I'm saying is the direction you would have that study go is not quite the direction the legislators and the sponsor to this bill would have that study go. This is more about an internal process and what we are and aren't doing in the department right now.

Janet Welk: I had emailed the committee suggesting that we change 15.1-13-20 to remove the two-year license limit for those people coming in from out of state. I think that is what most of you are hearing. That is what we did the counts on. The fact that we have had 2,239 out of state licenses issued, 1,090 of them never had jobs in North Dakota. What many people do is get a license in one state and then they are given a license in another state. I would gladly work with the committee if you want to have that go into law we would then allow people from out of state to come in and they would never have to meet our standards. We would do a transcript analysis for them if they wanted to complete it they could but they wouldn't need to. I would highly recommend if that is your concern to remove that limit so I can give out limited out of state licenses.

Chairman RaeAnn Kelsch: How many are you denying right now? You let them just have the two-year provisional and then they have to be qualified in the state of North Dakota.

Janet Welk: They actually get two two-year licenses. The rationale is that in four years some people get bachelor's degrees. They felt if you needed additional course work four years was enough time to be able to do that. Many states have that same type of license where you get a license immediately and then you have additional time to complete the requirements. If you want to open it up and remove that two license limit that's in 13-20. I want to identify them as out of state people that haven't met our standards and we can do it. You might want to discuss what the parameters are for people coming in from out of state?

Chairman RaeAnn Kelsch: Did you have any conversations with the subcommittee about that issue?

Janet Welk: I sent that email to the subcommittee and I think they were done with discussion at that point.

Chairman RaeAnn Kelsch: That is an interesting concept.

Rep. David Rust: Is the major source of contention that it seems as if it is more difficult to get certified in North Dakota than other states? Is that what the real problem is in a nut shell?

Chairman RaeAnn Kelsch: The concern that a lot of people have is that you have teachers that originally grew up in North Dakota that have been teaching out of state and would like to come back to North Dakota and teach and they are having problems with licensure. You have students that have gone to school in Moorhead or Concordia and aren't able to get licensed in North Dakota or don't meet the qualifications for licensing here. That is probably the biggest issue that I hear about.

Rep. Karen Rohr: The other thing I have heard is the fact that it inhibits or hinders innovative ideas of teaching and learning of students.

Chairman RaeAnn Kelsch: We will think about Janet's proposal and we will ask to pull the motion off the table.

Vice Chair Lisa Meier: I will withdraw my motion.

Rep. Dennis Johnson: Withdraw second.

Chairman RaeAnn Kelsch: We will close on HB 1270.

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02/21/11
14769

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Committee Clerk Signature



MINUTES:

Chairman RaeAnn Kelsch: We will open the hearing on HB 1270. I do think that Reps. Heller, Rohr, and Mueller did a very good job at coming up with something that they felt was workable and potentially was something that could move forward and bring some recommendations regarding what should be done with ESPB. In talking to the bill sponsor and in light of Janet Welk's comments during discussion, the reason the bill was before you in the first place was exactly for one of the issues that was discussed by Janet and that was the teaching licensure. The amendment before you says that if you hold an out of state teaching license you are eligible to come into the state, teach, and that you can receive your five year license. On the back side on number two where it says a license granted under sections held for two years if the applicant has not been licensed in another state for at least 18 months. What this means is that after this time frame they receive a regular license just like any other teacher and they would go into that five year licensure. In having this discussion with the bill sponsor this was the issue she was trying to get at by putting this bill together. What it does is take out the interim group that would be looking at this issue. That is not to say that perhaps it still is not worthwhile putting something together to look at this issue a little more closely. If you have a license to teach in another state and you come into the state of North Dakota you can teach. If you have been able to teach in the state for the five years you are granted the five year licensure instead of having the interim two year licensures. So that is what the intent of the legislation is.

Rep. Phillip Mueller: So after five years what happens?

Chairman RaeAnn Kelsch: They become a licensed teacher just like the licensed teachers in the state of North Dakota.

Rep. Phillip Mueller: I think this certainly gets to the crux of the problem that we have heard many times over and the bill was reflection of. It would seem to me that some kind of discussion or study about how we are doing business at ESPB probably still is in order. I would be in favor of that idea.

Rep. Bob Hunsakor: What is TFFR's position on the amendment?

Chairman RaeAnn Kelsch: Do you mean ESPB?

Rep. Bob Hunsakor: ESPB.

Chairman RaeAnn Kelsch: I had asked Janet to send me some information and what she said was that basically North Dakota would accept any education degree from any institution. We would document that application fees and background checks. What she said was when she originally sent me the bill it was to automatically grant them a two year license but in reading her questions or discussion points she said what does North Dakota want to know about out of state teachers coming into the state? Does North Dakota want out of state teachers to test? The attached would not require testing and I did not require the testing in the bill. Does North Dakota want to allow out of state teachers to move into a five year license and her recommendation would not. That was really what the point of the bill. If you are licensed in another state you would be able to move into that five year license and so that is what this amendment would do.

Rep. Karen Rohr: How will we measure the results of this change with the amendment?

Chairman RaeAnn Kelsch: If you have new teachers coming into the state and they are being able to teach I suppose that would be the success. I don't know how you would measure success on that. Do you have an idea?

Rep. Karen Rohr: Do we get any reports so we can see how many teachers that would be involved with that?

Chairman RaeAnn Kelsch: No but I guess we could ask Janet to report the number of teachers that came in and utilized this licensure structure. We could ask her for that information during the interim. You would probably get that answer.

Rep. Lyle Hanson: Do we have reciprocals with a number of other states similar to this?

Chairman RaeAnn Kelsch: Not to my knowledge but I think a lot of North Dakota teachers do go out of state and teach. I know that is going on a lot. I don't know if NDEA has any statistics on that. I know we have a lot of teachers that graduate from North Dakota universities and go to a number of places. I have one anecdotal I can you. There was a young girl that taught in North Dakota and decided to go to New Orleans and I don't think she had to wait. I don't think there is a waiting period at all. They automatically took her.

Rep. Lyle Hanson: I think in Minnesota you have to take a Minnesota history course to teach. Maybe they will give you a couple years to get it.

Chairman RaeAnn Kelsch: They probably wouldn't allow for the testing part of it.

Rep. Brenda Heller: So would this amendment, a licensed teacher can come into our state and as long as they've been teaching for longer than 18 months in their state they can come in and teach here without any additional course work to qualify to teach in a North Dakota school?

Chairman RaeAnn Kelsch: Part of the reason why is because since No Child Left Behind, all states had to have highly qualified teachers. And really what you are saying is you are

highly qualified to teach in South Dakota of Montana but when you get to North Dakota we are saying you aren't highly qualified any longer. When we are looking for teachers and are looking at some teacher shortages in some areas, certainly you don't want to be doing that to teachers coming into our state. Now granted they still have to meet the background checks and those things but it would bring them in and it would put them into our school systems and they could receive a five year license. Is there a motion on the amendment?

Vice Chair Lisa Meier: So moved.

Rep. Joe Heilman: Second.

Chairman RaeAnn Kelsch: We will try a voice vote.

Voice vote: Motion carries.

Chairman RaeAnn Kelsch: We now have amended HB 1270 before us.

Vice Chair Lisa Meier: I will move a do pass as amended.

Rep. Joe Heilman: Second.

Rep. Karen Karls: Does his mean that the amendment now is the bill?

Chairman RaeAnn Kelsch: Yes.

Rep. Phillip Mueller: I think this is a good piece of work but I think we still have some opportunities to work on the process and hopefully we can do something in addition to this.

Chairman RaeAnn Kelsch: I have to say that the subcommittee worked hard and brought it forward and actually got what the intent of the bill was in the first place. If it wouldn't have been for all your work it wouldn't have resulted in this. It certainly brought it to the forefront and ultimately got the results. Excellent work by the subcommittee. We have a do pass as amended on HB 1270. We will take the roll. We will close on HB 1270.

15 YEAS 0 NAYS 0 ABSENT
CARRIER: Rep. Brenda Heller

DO PASS as Amended

FISCAL NOTE
Requested by Legislative Council
03/17/2011

Amendment to: Engrossed
HB 1270

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.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations			\$0		\$0	

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

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

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, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Janet L. Welk	Agency:	ESPB
Phone Number:	328-9646	Date Prepared:	03/17/2011

FISCAL NOTE
Requested by Legislative Council
02/23/2011

Amendment to: HB 1270

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.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations			\$0		\$0	

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

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

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, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Janet L. Welk	Agency:	ESPB
Phone Number:	89646	Date Prepared:	02/23/2011

FISCAL NOTE

Requested by Legislative Council
01/14/2011

Bill/Resolution No.: HB 1270

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.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations			\$1,982,867		\$107,217	

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

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Review of licensure system; criteria of disciplinary actions, evaluate standards&compare with majors from other colleges; review ND licensing boards, PD requirements; review existing organization to allow it to fully meet current and prospective duties; and recommend any statutory changes.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1, 4, and 5

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.*

These additional dollars will be for salaries for one staff person and one person for administrative support; benefits, office space, supplies, equipment, travel, lodging, per diem (\$341,000.00); computer programming for additional reports to provide review of the criteria for the manner in which disciplinary action is taken against individuals (\$200,000.00); 33 standard evaluative teams from each of the 13 institutions of higher education, including stipends, travel, lodging, per diem to compare the curricular requirements for majors within the colleges of education to those of other colleges (\$1,222,650.00); dollars to provide for the review of the other approximate 45 professional licensing boards for all forms of licensure, determine professional development requirements, and provide for reporting of professional development activities as a condition of continued licensure (\$50,000.00). There will also be additional dollars needed to provide the Board capacity to review the organization to ensure that its overall structure, functionality, and leadership allow it to fully and capably meet all current and prospective duties (\$62,000.00) and recommendation of any statutory changes.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

These additional dollars will be for salaries for one staff person and one person for administrative support; benefits, office space, supplies, equipment, travel, lodging, per diem (\$341,000.00); computer programming for additional reports to provide review of the criteria for the manner in which disciplinary action is taken against individuals (\$200,000.00); 33 standard evaluative teams from each of the 13 institutions of higher education, including stipends, travel, lodging, per diem to compare the curricular requirements for majors within the colleges of education to those of other colleges (\$1,222,650.00); dollars to provide for the review of the other approximate 45 professional licensing boards for all forms of licensure, determine professional development requirements, and provide for reporting of professional development activities as a condition of continued licensure (\$50,000.00). There will also be additional dollars needed to provide the Board capacity to review the organization to ensure that its overall structure, functionality, and leadership allow it to fully and capably meet all current and prospective duties (\$62,000.00) and recommendation of any statutory changes. This is not in the executive budget.

Name:	Janet Welk	Agency:	ESPB
Phone Number:	328-9646	Date Prepared:	01/14/2011

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1270

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-13-02, 15.1-13-04, 15.1-13-05, and 15.1-13-08 of the North Dakota Century Code, relating to the education standards and practices board; to provide for a report; to provide for a transition; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-13-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-02. Education standards and practices board - Membership.

- ~~1. The governor shall appoint to the education standards and practices board:~~
 - ~~a. Four individuals who are public school classroom teachers;~~
 - ~~b. One individual who is a nonpublic school classroom teacher;~~
 - ~~c. Two individuals who are school board members;~~
 - ~~d. Two individuals who are administrators; and~~
 - ~~e. One dean of a college of education or chairman of a department of education. The education standards and practices board consists of:~~
1. The following gubernatorially appointed members:
 - a. One individual employed as an elementary teacher;
 - b. One individual employed as a high school teacher;
 - c. One school board member;
 - d. One school administrator holding a doctoral degree;
 - e. The dean of a college of arts or a college of sciences or the dean's designee;
 - f. The dean of a college of education or the dean's designee;
 - g. The president or chairman of a professional licensing board in this state; and
 - h. Two members of the legislative assembly;
2. The lieutenant governor, who shall serve as the chairman; and
3. The superintendent of public instruction or the superintendent's designee, who shall serve as a nonvoting ex officio member.

SECTION 2. AMENDMENT. Section 15.1-13-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-04. Term of office - Vacancy.

The term of office for a member of the board is ~~three~~ two years, beginning on July ~~first of the year of appointment. No person may serve for 1, 2011. A member may not serve more than twethree~~ consecutive terms. If a vacancy occurs, it must be filled for the duration of the unexpired term in the same manner as an original appointment.

SECTION 3. AMENDMENT. Section 15.1-13-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-05. Officers.

The board ~~annually shall select a chairman and shall select one member to serve as a vice chairman.~~ The executive director of the board or the executive director's designee shall serve as secretary.

SECTION 4. AMENDMENT. Section 15.1-13-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-08. Board duties.

The board shall:

- ~~1. Supervise the licensure of teachers.~~
 - ~~2. Set standards for and approve teacher preparation programs.~~
 - ~~3. Seek the advice of teachers, administrators, school board members, teacher education professors, and other interested citizens in developing and updating codes or standards of ethics, conduct, professional performance, and professional practices.~~
 - ~~4. Adopt, in accordance with chapter 28-32, codes or standards of ethics, conduct, professional performance, and professional practices.~~
 - ~~5. Make recommendations for the inservice education of individuals engaged in the profession of teaching.~~
 - ~~6. Issue major equivalency endorsements and minor equivalency endorsements.~~
 - ~~7. Appoint an executive director to serve at its discretion.~~
 - ~~8. Authorize the executive director to employ personnel, subject to approval by the board.~~
1.
 - a.
 - (1) Establish criteria for the licensure of teachers, including provisional, reciprocal, reentry, and alternative licensure; and
 - (2) Establish criteria for the approval of teachers; and

- b. Review the criteria required by subdivision a on an annual basis to ensure the appropriateness and applicability of the criteria and the timeliness of decisions regarding licensure and approval;
- 2. a. (1) Establish a code of professional responsibility; and
 - (2) Establish criteria for the imposition of disciplinary action against any individual who violates the code of professional responsibility or any statutory or regulatory provision pertaining to teaching or teachers; and
- b. Review the criteria required by subdivision a on an annual basis to ensure that the code of professional responsibility is inclusive of current practice trends and issues and that any necessary disciplinary action can take place in a timely and just manner;
- 3. a. Establish standards for and approve teacher preparation programs; and
 - b. Review the criteria required by subdivision a on an annual basis to ensure the sufficiency and appropriateness of the academic and pedagogical requirements, taking into account similar requirements in other states;
- 4. a. (1) Establish requirements for professional development that are linked to licensure or licensure renewal; and
 - (2) Review the criteria required by paragraph 1 on an annual basis to ensure the sufficiency and appropriateness of the requirements; and
- b. Review the manner in which professional development activities are approved and reported on an annual basis to ensure effective and efficient administration;
- 5. Issue major equivalency endorsements and minor equivalency endorsements; and
- 6. a. Employ an executive director and other necessary personnel; and
 - b. Review on an annual basis the structure and functionality of the organization to ensure that it is capable of meeting all current and prospective duties.

SECTION 5. EDUCATION STANDARDS AND PRACTICES BOARD - REPORT. Before July 1, 2012, the education standards and practices board shall provide a report to the legislative management regarding conclusions that the board has reached as a result of the reviews required by section 4 of this Act, together with any recommendations that the board has for statutory or regulatory changes.

SECTION 6. TRANSITION. The term of any individual appointed to the education standards and practices board before July 1, 2011, expires on June 30, 2011. In accordance with section 15.1-13-02, the governor may appoint any qualified individual who served on the education standards and practices board before July 1, 2011, and shall consider the appointment to be an initial appointment for the purpose of determining term limitations.

SECTION 7. EFFECTIVE DATE. This Act becomes effective on June 30, 2011.

SECTION 8. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 02-15-11
Roll Call Vote #: VOICE VOTE 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1270

House EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By REP. SCHATZ Seconded By REP. WALL

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep. Hanson		
Vice Chairman Meier			Rep. Hunsakor		
Rep. Heilman			Rep. Mock		
Rep. Heller			Rep. Mueller		
Rep. Johnson					
Rep. Karls					
Rep. Rohr					
Rep. Rust					
Rep. Sanford					
Rep. Schatz					
Rep. Wall					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

**VOICE VOTE ON AMENDMENT
TO AMEND THE AMENDMENT**

MOTION CARRIES

Date: 02-15-11
Roll Call Vote #: VOICE VOTE 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1270

House EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By REP. HELLER Seconded By REP. WALL

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep. Hanson		
Vice Chairman Meier			Rep. Hunsakor		
Rep. Heilman			Rep. Mock		
Rep. Heller			Rep. Mueller		
Rep. Johnson					
Rep. Karls					
Rep. Rohr					
Rep. Rust					
Rep. Sanford					
Rep. Schatz					
Rep. Wall					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

VOICE VOTE ON AMENDMENT

MOTION CARRIES

Date: 02-15-11
Roll Call Vote #: VOICE VOTE 3

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1270

House EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By REP. HELLER Seconded By REP. SCHATZ

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep. Hanson		
Vice Chairman Meier			Rep. Hunskor		
Rep. Heilman			Rep. Mock		
Rep. Heller			Rep. Mueller		
Rep. Johnson					
Rep. Karls					
Rep. Rohr					
Rep. Rust					
Rep. Sanford					
Rep. Schatz					
Rep. Wall					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

VOICE VOTE ON MOTION TO RE-AMEND THE AMENDMENT

MOTION CARRIES

Date: 02-15-11
Roll Call Vote #: ROLL CALL 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1270

House EDUCATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By REP. HELLER Seconded By REP. ROHR

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch		X	Rep. Hanson		X
Vice Chairman Meier		X	Rep. Hunsakor		X
Rep. Heilman		X	Rep. Mock		X
Rep. Heller	X		Rep. Mueller	X	
Rep. Johnson		X			
Rep. Karls	X				
Rep. Rohr	X				
Rep. Rust		X			
Rep. Sanford	X				
Rep. Schatz	X				
Rep. Wall		X			

Total (Yes) 6 No 9

Absent 0

Floor Assignment _____

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

FAILED

Date: 02-21-11
Roll Call Vote #: VOICE VOTE

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1270

House EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By VICE CHAIR MEIER Seconded By REP. HEILMAN

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep. Hanson		
Vice Chairman Meier			Rep. Hunsakor		
Rep. Heilman			Rep. Mock		
Rep. Heller			Rep. Mueller		
Rep. Johnson					
Rep. Karls					
Rep. Rohr					
Rep. Rust					
Rep. Sanford					
Rep. Schatz					
Rep. Wall					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

VOICE VOTE ON AMENDMENT

MOTION CARRIES

VK
2/21/11
1082

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1270

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-13-09 and 15.1-13-20 of the North Dakota Century Code, relating to the licensing of teachers from other states; and to repeal section 15.1-13-21 of the North Dakota Century Code, relating to reciprocal teaching licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-13-09 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-09. Board powers.

The board may:

1. Adopt rules in accordance with chapter 28-32.
2. ~~Contract with other states for the reciprocal approval of teacher preparation programs.~~
3. Apply for and receive federal or other funds on behalf of the state for purposes related to its duties.
- 4.3. Perform any duty related to the improvement of instruction through teacher education, professional development, and continuing education programs.

SECTION 2. AMENDMENT. Section 15.1-13-20 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-20. ~~Interim reciprocal teaching license--Period of validity~~Applicants licensed in other states.

1. The board shall grant an ~~interim reciprocal~~ teaching license in accordance with sections 15.1-18-02 and 15.1-18-03 to an individual to an applicant who holds a regular teaching license or certificate from another state, provided:
 - a. The ~~individual's~~ applicant's licensure or certification is based upon a minimum of a bachelor's degree with a major that meets the issuing state's requirements in early childhood education, elementary education, middle level education, or a content area taught at a public high school;
 - b. The ~~individual's~~ applicant's licensure or certification is based upon the completion of a professional education sequence from a state-approved teacher education program and includes supervised student teaching;

2072

- c. The individual applicant submits to the required fee and a criminal history record check, as required of initial applicants by this chapter;
and
 - d. The criminal history record check reveals nothing for which a North Dakota applicant would be denied initial licensure; and
 - e. ~~The individual submits a plan for meeting all requirements necessary to become a licensed teacher in this state.~~
- ~~2. An interim reciprocal license granted under this section is valid for two years.~~
- ~~3. The individual shall submit evidence of progress on the plan required by subsection 1 to the board prior to renewal of the interim reciprocal license.~~
- ~~4. The board may renew the interim reciprocal license for one additional two-year period if the board finds that the individual has demonstrated satisfactory progress.~~
- ~~5. Notwithstanding any other law, an interim reciprocal license granted under this section is the equivalent of a teaching license granted under this chapter.~~
2. A license granted under this section is valid for two years if the applicant has not been licensed in another state for at least eighteen months. In all other cases, a license granted under this section is valid for five years.

SECTION 3. Section 15.1-13-21 of the North Dakota Century Code is repealed."

Renumber accordingly

Date: 02-21-11
Roll Call Vote #: _____

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1270

House EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By VICE CHAIR MEIER Seconded By REP. HEILMAN

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	X		Rep. Hanson	X	
Vice Chairman Meier	X		Rep. Hunsakor	X	
Rep. Heilman	X		Rep. Mock	X	
Rep. Heller	X		Rep. Mueller	X	
Rep. Johnson	X				
Rep. Karls	X				
Rep. Rohr	X				
Rep. Rust	X				
Rep. Sanford	X				
Rep. Schatz	X				
Rep. Wall	X				

Total (Yes) 15 No 0

Absent 0

Floor Assignment REP. HELLER

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

REPORT OF STANDING COMMITTEE

HB 1270: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1270 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-13-09 and 15.1-13-20 of the North Dakota Century Code, relating to the licensing of teachers from other states; and to repeal section 15.1-13-21 of the North Dakota Century Code, relating to reciprocal teaching licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-13-09 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-09. Board powers.

The board may:

1. Adopt rules in accordance with chapter 28-32.
2. ~~Contract with other states for the reciprocal approval of teacher preparation programs.~~
3. Apply for and receive federal or other funds on behalf of the state for purposes related to its duties.
4. ~~3.~~ Perform any duty related to the improvement of instruction through teacher education, professional development, and continuing education programs.

SECTION 2. AMENDMENT. Section 15.1-13-20 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-20. Interim reciprocal teaching license—Period of validity~~Applicants licensed in other states.~~

1. The board shall grant ~~an interim reciprocal~~ teaching license ~~in accordance with sections 15.1-18-02 and 15.1-18-03 to an individual~~ to an applicant who holds a regular teaching license or certificate from another state, provided:
 - a. The ~~individual's~~ applicant's licensure or certification is based upon a minimum of a bachelor's degree with a major that meets the issuing state's requirements in early childhood education, elementary education, middle level education, or a content area taught at a public high school;
 - b. The ~~individual's~~ applicant's licensure or certification is based upon the completion of a professional education sequence from a state-approved teacher education program and includes supervised student teaching;
 - c. The ~~individual~~ applicant submits ~~to the required fee and~~ a criminal history record check, as required of initial applicants by this chapter; and
 - d. The criminal history record check reveals nothing for which a North Dakota applicant would be denied initial licensure; ~~and,~~
 - e. ~~The individual submits a plan for meeting all requirements necessary to become a licensed teacher in this state.~~

- ~~2. An interim reciprocal license granted under this section is valid for two years.~~
- ~~3. The individual shall submit evidence of progress on the plan required by subsection 1 to the board prior to renewal of the interim reciprocal license.~~
- ~~4. The board may renew the interim reciprocal license for one additional two year period if the board finds that the individual has demonstrated satisfactory progress.~~
- ~~5. Notwithstanding any other law, an interim reciprocal license granted under this section is the equivalent of a teaching license granted under this chapter.~~
2. A license granted under this section is valid for two years if the applicant has not been licensed in another state for at least eighteen months. In all other cases, a license granted under this section is valid for five years.

SECTION 3. Section 15.1-13-21 of the North Dakota Century Code is repealed."

Renumber accordingly

2011 SENATE EDUCATION

HB 1270

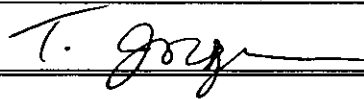
2011 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

HB 1270
March 14, 2011
15339

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the education standards and practices board reciprocity of teaching licenses; to provide for a transition; to provide an effective date; and to declare an emergency.

Minutes:

See "attached testimony."

Representative Hawken, District 46 introduced HB 1270; fiscal note attached (no money listed for impact). Idea was to look at education standards and practices, how to move forward knowing there are going to be issues with teacher shortages in places, and how to handle these things and do it together with Education Standards and Practices Board (ESPB). There was a good bit of conversation on the house side, and the bill before you is that result. Would allow for the reciprocity of teacher licenses from other states which would be beneficial to fill areas of need.

Senator Heckaman, District 23 testified in favor of the bill. As a co-sponsor happy to see the bill before them today. One difficulty for small rural districts is to fill teaching positions in certain shortage areas. She has personally retired two times and been talked into teaching again. The bill still requires highly qualified staff, but would accept licenses from other states. Difficult for teachers coming into the state; shared instances where people licensed in other states; one had to do student teaching in LD as she didn't have the number of hours that North Dakota required—even though had been teaching in MN. See this as an opportunity for people to come in to North Dakota and make this a little less complicated for them.

Senator Flakoll: on page 2 line 22 could you explain the repealer (#2 attachment)?
Senator Heckaman: not real sure; the bill is different than what it started out in the House.

Janet Welk, Executive Director, ESPB, testified in favor of the bill and offered amendments regarding the Praxis testing and Native American studies course requirements (#3 attachment).

Senator Gary Lee: Did you offer these amendments in the House or was this in the original bill? **Janet Welk:** No, the bill was late in the session and the board did not get a chance to discuss it.

Senator Heckaman: Do your amendments refer to taking the Praxis I and II tests? **Janet Welk:** Yes, they would have to take Praxis I & II to meet requirements.

Doug Johnson, North Dakota Council of Educational Leaders testified in favor of engrossed HB 1270 as it came from the House. Worked with ESPB and the House Education committee in coming up with the recommendations. Also served on ESPB for nine years; very familiar with transition to ESPB transition from Teachers Professional Practice's board. Recommend a Do Pass for the bill.

Senator Flakoll: In the House deliberations, was there a discussion in terms of a fee associated with this if it is a two year versus five year? **Doug Johnson:** Discussion was not held about the fee costs for that; they would stay the same as currently paid.

Bev Nielson, North Dakota School Boards Association testified in favor of engrossed HB 1270 as it came from the House. Purpose the way it came out of the House was to make it easier to find teachers as they come from other states, and if they are duly licensed to accept that. She hasn't seen the proposed amendments from Janet Welk at ESPB so can't comment on that. They support the original engrossed bill.

Leann Nelson, North Dakota Education Association testified in favor of the bill as it came from the House. Has concerns about applicants having to take both the Praxis I & II tests.

No further testimony in favor; no opposition. Hearing closed.

Senator Heckaman: Can we have Janet Welk back up to review the reasoning for taking both the Praxis I & II tests?

Janet Welk: Would only test if they have not completed a test and have graduated after 2002. For the most part, North Dakota is one of the last states to require testing prior to certification. She's fairly confident that they would have taken the test. The Praxis I is a test of basic skills and Praxis II is content. On occasion there have been applicants from a foreign country requesting to be certified to teach in North Dakota; they do have trouble with the basic skills test. Believe our students deserve to be able to understand their instructors.

Senator Heckaman: Moved the amendments offered by Janet Welk be adopted 11.0428.02000; second by **Senator Marcellais**. Motion carried 6-1-0 (Vote 1A).

Senator Heckaman: Moved Do Pass as amended to HB 1270; second by **Senator Marcellais**. Motion carried 7-0-0 (Vote 1B). **Senator Heckaman** will carry the bill.



Education Standards and Practices Board
2718 Gateway Avenue, Suite 303
Bismarck, ND 58503-0585
(701) 328-9641 Fax (701) 328-9647
<http://www.nd.gov/espb>

Testimony on HB 1270

By

Janet Placek Welk

Good morning, Mister Chairman and Members of the Senate Education Committee. For the record, I am Janet Welk, Executive Director of the Education Standards and Practices Board and wish to provide testimony in support of HB 1270.

The Education Standards and Practices Board met on March 10, 2011 and respectfully asks for the following amendments:

1. Page 2, line 20, after "and " insert "if the applicant graduated after 2002 and has not completed the test requirements in the state where they hold a license, they will need to complete the licensure tests and the native american requirement required by section 15.1-13-10 during the two year period. If the applicant graduated during 2002 or prior, they would be granted a license valid for two years during which time they would be required to complete the native american requirements required by section 15.1-13-10 for licensure in North Dakota.
2. Page 2, line 21, after "years" insert "if the applicant meets the re-education requirements of the five year license."

/

Date: 3-14-11
Roll Call Vote # 1A

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1270

Senate Education Committee

☐ Check here for Conference Committee

11.0428.02000

Legislative Council Amendment Number

Janet Welk amend. ESPB

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen. Heckaman Seconded By Sen. Marcellais

Senators	Yes	No	Senators	Yes	No
Chairman Layton Freborg	X		Senator Joan Heckaman	X	
Vice Chair Donald Schaible	X		Senator Richard Marcellais	X	
Senator Tim Flakoll		X			
Senator Gary A. Lee	X				
Senator Larry Luick	X				

Total (Yes) 6 No 1

Absent 0

Floor Assignment _____

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

Taking Praxis I + II tests; Native American studies req. for licensing

Date: 3-14-11
Roll Call Vote # 1B

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1270

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen Heckaman Seconded By Sen. Marcellais

Senators	Yes	No	Senators	Yes	No
Chairman Layton Freborg	<input checked="" type="checkbox"/>		Senator Joan Heckaman	<input checked="" type="checkbox"/>	
Vice Chair Donald Schaible	<input checked="" type="checkbox"/>		Senator Richard Marcellais	<input checked="" type="checkbox"/>	
Senator Tim Flakoll	<input checked="" type="checkbox"/>				
Senator Gary A. Lee	<input checked="" type="checkbox"/>				
Senator Larry Luick	<input checked="" type="checkbox"/>				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Heckaman

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

REPORT OF STANDING COMMITTEE

HB 1270, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1270 was placed on the Sixth order on the calendar.

Page 2, line 19, after "2." insert "a."

Page 2, line 20, remove "In all other cases, a license"

Page 2, replace line 21 with:

- "b. Notwithstanding subdivision a, the board shall impose the following additional requirements upon certain individuals granted a teaching license under this section.
 - (1) If the individual received a teaching license or certificate from another state on or after January 1, 2002, and if the issuing state did not require that the individual pass a state test as a condition of licensure or certification, the board shall require that the individual, within two years from the date of licensure:
 - (a) Pass all state licensure tests normally required of applicants from this state; and
 - (b) Earn any college credits in native American or other multicultural courses as the board may prescribe.
 - (2) If the individual received a teaching license or certificate from another state before January 1, 2002, the board shall require that the individual, within two years from the date of licensure, earn any college credits in native American or multicultural courses as the board may prescribe.
- c. In all other cases, a license granted under this section is valid for five years and is renewable if the licenseholder meets the reeducation requirements established for all five-year license renewals."

Renumber accordingly

2011 HOUSE EDUCATION

CONFERENCE COMMITTEE

HB 1270

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1270
04/06/11
16381

☒ Conference Committee

Committee Clerk Signature



MINUTES:

Chairman RaeAnn Kelsch: We will open the conference committee hearing on HB 1270 and I will ask the senators to explain the amendments to HB 1270.

Sen. Gary Lee: Beginning on line 21 I think is where the amendment starts. There was just a 2 year time frame inserted in there for those teachers that weren't licensed in the state. If they hadn't taken the certification exam they would have about 2 years to do that. If they were licensed or certified after January 1, 2002, they would have 2 years to take a license exam and they would need to earn the multicultural credits if they did not have those. If they were licensed prior to that date and came to North Dakota to work, they would have 2 years to complete the multicultural study courses that are required. The license granted under this section would also be valid for 5 years and is renewable if the license holder meets the reeducation requirements for that 5 year license. The amendments in general were offered by ESPB.

Chairman RaeAnn Kelsch: What was ESPB's rationale for adding those amendments?

Sen. Joan Heckaman: I think it was to meet the criteria that North Dakota had established after 2002 for the practice exam. That was one of the qualifications they wanted to have and they wanted them to parallel with North Dakota qualifications. In the bill itself ESPB will evaluate the transcripts but the practice exam and the multicultural issues were the big ones.

Chairman RaeAnn Kelsch: Questions?

Rep. Phillip Mueller: I think the house obviously was trying to make it so that we are a little easier on bringing teachers in when they are already qualified people but they don't specifically have the check behind certain areas. I think the house felt we needed to be a little more accommodating in that regard. I am not sure what that change would look like.

Sen. Joan Heckaman: I guess the multicultural courses would be one of the requirements that would be important to North Dakota. We have a lot of Native American students in all of our schools systems across the state and we are getting in a lot of multicultural and diverse students coming into our education system. I think if I remember from ESPB's testimony, a lot of states already have this as a requirements so there wouldn't be a lot of

people that either one of these requirements would effect. I think the multicultural courses are probably the most important part of this.

Chairman RaeAnn Kelsch: That is exactly the point. These teachers would have already taken a multicultural course and would not need to take a Native American multicultural course. That and the way we treat teachers who are highly qualified coming into the state of North Dakota is probably the reason his bill came about in the first place. That requirement seems to me to not be important. Every teacher has to take a multicultural course of some sort and whether it is black cultural studies or whatever, it is still a study of a different culture, it is a study of a minority culture, but you still have met the requirements for a multicultural course. It is actually putting up a lot more road blocks.

Sen. Joan Heckaman: I see that they would have two years to verify that they have college credit in either Native American or multicultural courses. It doesn't say it has to be taken in North Dakota.

Chairman RaeAnn Kelsch: Who makes that determination?

Sen. Joan Heckaman: It would be ESPB as they go through the transcripts for the individual teachers.

Chairman RaeAnn Kelsch: Will ESPB accept a black cultural study or Asian cultural study or whatever as a multicultural study?

Sen. Joan Heckaman: I don't know that they will or that they won't.

Chairman RaeAnn Kelsch: It is my understanding that they won't because it is specific just like Native American.

Sen. Gary Lee: I was just going to make a point that it says "or" so to me they would qualify if they have taken a multicultural course. It wouldn't be just the Native American course but either or would satisfy that. I guess we could ask ESPB.

Rep. Phillip Mueller: I think Sen. Lee's clarification is certainly valuable because it is "or" it isn't "and." I think the question is what are we talking about here? What kinds of courses are we dealing with here? I think some clarification would be good here.

Rep. Brenda Heller: Another point to be made if this would pass with this amendment is would we know what really happens? If a teacher from Nebraska comes and they have some sort of cultural thing and one gets let in and one doesn't, how would they base their decision on that and what is their criteria for looking at the resumes? Who defines that?

Sen. Gary Lee: I'm not certain what their process is but I suppose they would have course numbers that would be used to validate what they are doing.

Chairman RaeAnn Kelsch: That is the issue. It has become somewhat of a subjective decision and I'm not convinced I like where it says "or multicultural" because multicultural to me means multi-cultures so that would mean you would have to have studied African

Americans, Asians, Native Americans, and all of those in the course. The question becomes if I had been a teacher in Illinois and I choose to come to North Dakota, I most likely have had African American course study but I may not have had multicultural, so now I am going to come to North Dakota and they are going to say I have to take Native American or a multicultural course. Dealing with different cultures, while they are not all the same, there are unique likenesses between different cultures. If you had a course in African American studies, you probably could relate to Native Americans or minority populations especially in the state of North Dakota. That is a bit of a sticking point right there.

Rep. Phillip Mueller: I think we may come to some common ground on the testing. I do not have a major problem with testing that needs to happen to qualify a teacher in our state.

Chairman RaeAnn Kelsch: I have to agree that the testing probably is fine. It was not something that we added in on the house and knowing did so figuring that it would get added in but we certainly didn't think there was going to be anything else added in over in the senate. Quite honestly, if that had been the only thing that had been added in, we wouldn't be having this conference committee right now.

Rep. Phillip Mueller: I would be interested in the definition of multicultural studies. Are we talking about all of these things? I don't know and to me that clarification is important. Is there someone in the audience that could answer that?

Chairman RaeAnn Kelsch: There is someone in the audience that can clarify that, however I wasn't planning on opening this up to the general public. What we can do is adjourn and come back for another reading and those discussions can be had with that individual to make sure that we understand that.

Sen. Joan Heckaman: I would be willing to visit with the individual that we are referring to and come back with some information.

Chairman RaeAnn Kelsch: I am guessing that there should be some house members present as well.

Rep. Brenda Heller: On page 3, line 2, it says multicultural courses as the board may prescribe. Is that going to be a floating decision or is it going to be something they write down and it is concrete?

Chairman RaeAnn Kelsch: That goes into the subjective nature of who is deciding. It could be exactly as you stated earlier. One person could decide today that we are going to let them in with these studies and the next day maybe not. That is why leaving the door that wide open is a concern to the house. If there are no further questions we will adjourn and reschedule. We will close on HB 1270.

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1270
04/11/11
16456

☒ Conference Committee

Committee Clerk Signature



MINUTES:

Chairman RaeAnn Kelsch: We will call the conference committee to order on HB 1270.

Sen. Gary Lee: Some of the discussion we had last time centered on the multicultural and Native American languages and I offer an amendment for your discussion. (*see purposed amendment, attachment*).

Chairman RaeAnn Kelsch: Sen. Lee would you like to explain your amendments?

Sen. Gary Lee: As I noted the discussion last time seemed to center around the Senate amendments that included the portions that dealt with multicultural or Native American languages and the difficulty in some cases in determining what those courses entailed especially for the multicultural area. This amendment is intended to just remove those portions that dealt with that language.

Sen. Joan Heckaman: In the last part of the amendment where it says "and is renewable," would there be any requirements in that renewal for that multicultural class? Are we going to get into the same issues in that renewal part?

Sen. Gary Lee: There is nothing in the amendment that is specific to those particular areas. I assume if credits are the issue in terms of the reeducation requirements that they certainly could take those if they chose.

Chairman RaeAnn Kelsch: The understanding I have is that it would be just the standard renewal procedure that would be done. It would not be anything additional that would be required of those teachers. It would just be the standard renewal.

Sen. Gary Lee: I would move the amendment titled 11.0428.02002 and that the Senate recede from its amendments as printed on page 1046 of the House Journal and pages 743 and 744 of the Senate Journal and that engrossed HB 1270 be amended as indicated.

Sen. Larry Luick: Second.

Chairman RaeAnn Kelsch: We have a motion and a second. Is there any further discussion on the motion? Hearing none we will try a voice vote on the amendment.

Voice vote: motion carries.

Chairman RaeAnn Kelsch: We now have amended HB 1270 before us.

Rep. Phillip Mueller: I move HB 1270 as amended.

Sen. Gary Lee: Second.

Chairman RaeAnn Kelsch: Is there any discussion? Seeing none we will take the roll on a do pass as amended motion on HB 1270. We will close on HB 1270.

6 YEAS 0 NAYS 0 ABSENT
Senate amendments and amend.

Senate recede from

April 6, 2011

JK
4/11/11

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1270

That the Senate recede from its amendments as printed on page 1046 of the House Journal and pages 743 and 744 of the Senate Journal and that Engrossed House Bill No. 1270 be amended as follows:

Page 2, line 19, after "2." insert:

"a."

Page 2, line 20, after the underscored period insert:

"b. Notwithstanding subdivision a, if the individual received a teaching license or certificate from another state on or after January 1, 2002, and if the issuing state did not require that the individual pass a state test as a condition of licensure or certification, the board shall require that the individual, within two years from the date of licensure, pass all state licensure tests normally required of applicants from this state.

c."

Page 2, line 21, after "years" insert "and is renewable if the licenseholder meets the reeducation requirements established for all five-year license renewals"

Renumber accordingly

2011 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: HOUSE EDUCATION

Bill/Resolution No. HB 1270 as (re) engrossed

Date: 4-6-11 / 4-11-11

Roll Call Vote #:

☒ **VOICE VOTE ON AMENDMENT**

Action Taken

- ☐ HOUSE accede to Senate amendments
- ☐ HOUSE accede to Senate amendments and further amend
- ☐ SENATE recede from Senate amendments
- ☐ SENATE recede from Senate amendments and amend as follows

House/Senate Amendments on HJ/SJ page(s)

☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) was placed on the Seventh order of business on the calendar

Motion Made by: SEN. G. LEE Seconded by: SEN. LUICK

Representatives	Yes	No	Senators	Yes	No
REP. R. KELSCH	X		SEN. G. LEE	X	
REP. HELLER	X		SEN. LUICK	X	
REP. MUELLER	X		SEN. HECKAMAN	X	

Vote Count Yes: No: Absent:

House Carrier Senate Carrier

LC Number of amendment

LC Number of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

VOICE VOTE TO ADOPT PURPOSED AMENDMENT:
4-11-11 MOTION CARRIES

2011 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: HOUSE EDUCATION

Bill/Resolution No. HB 1270 as (re) engrossed

Date: 4-11-11

Roll Call Vote #: _____

Action Taken

- ☐ HOUSE accede to Senate amendments
☐ HOUSE accede to Senate amendments and further amend
☐ SENATE recede from Senate amendments
☒ SENATE recede from Senate amendments and amend as follows

House/Senate Amendments on HJ/SJ page(s) 1046 --

☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) _____ was placed on the Seventh order of business on the calendar

Motion Made by: REP. MUELLER Seconded by: SEN. G. LEE

Representatives			Yes	No		Senators			Yes	No
REP. R. KELSCH			X			SEN. G. LEE			X	
REP. HELLER			X			SEN. LUCK			X	
REP. MUELLER			X			SEN. HECKAMAN			X	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier REP. R. KELSCH Senate Carrier SEN. G. LEE

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

HB 1270, as engrossed: Your conference committee (Sens. G. Lee, Luick, Heckaman and Reps. R. Kelsch, Heller, Mueller) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1046, adopt amendments as follows, and place HB 1270 on the Seventh order:

That the Senate recede from its amendments as printed on page 1046 of the House Journal and pages 743 and 744 of the Senate Journal and that Engrossed House Bill No. 1270 be amended as follows:

Page 2, line 19, after "2." insert:

"a."

Page 2, line 20, after the underscored period insert:

"b. Notwithstanding subdivision a, if the individual received a teaching license or certificate from another state on or after January 1, 2002, and if the issuing state did not require that the individual pass a state test as a condition of licensure or certification, the board shall require that the individual, within two years from the date of licensure, pass all state licensure tests normally required of applicants from this state.

"c."

Page 2, line 21, after "years" insert "and is renewable if the licenseholder meets the reeducation requirements established for all five-year license renewals"

Renumber accordingly

Engrossed HB 1270 was placed on the Seventh order of business on the calendar.

2011 TESTIMONY

HB 1270

Testimony on HB 1270

By

Dr. M. Douglas Johnson, Executive Director—NDCEL

Madame Chair Kelsch and members of the House Education Committee, for the record my name is Doug Johnson and I am the executive director of the ND Council of Educational Leaders which represents North Dakota's school leaders. I am apologize that I am not able to be present this morning due to an appointment scheduled months ago. For that reason, I have asked Warren Larson, of the NDCEL to present my written testimony in opposition to **HB1270**.

I must first say that the intent of this legislation certainly has gotten the attention of those of us who represent educators in our state. We in the education community have had much discussion since the bill was introduced last week Thursday. Second, I believe it important for you to know I have been deeply involved with the ESPB since its inception in 1995 and had I been able to testify in person could have perhaps provided additional background about the ESPB and its history. However, since I am not able to be present today I will provide you with a brief background of my knowledge and understanding of ESPB's policies and practice in my written testimony.

In 1993 I was appointed to serve as a board member on the pre-ESPB Teachers Professional Practices Committee (TPPC) and from the start of my term very involved with the transition of the state controlled TPPC to the newly established ESPB which was, by legislative design, to be an independent educator licensing board receiving no state funding. When the previous TTPC board transition to the newly formed ESPB in 1995, the board, consisting of five teachers, two school administrators, two school board members and a teacher educator set about developing procedures and policy for licensure, professional practice, program approval, and professional development for the educators it licenses. In addition, the board needed to develop sound fiscal practice which were reasonable and prudent to ensure the funds needed to carry out its mission and the requirements of

state law the ESPB as these funds were and still are raised from the licensure fees generated by the educators served by the ESPB. I happened to be the ESPB board chair in when the ESPB increased the licensure fee from five dollars to fifty dollars for a five year license. As I and other board members traveled the state explaining to teachers why this drastic increase in licensure fee was important and necessary for our profession we learned quickly such a change had on the educators in our state). I then served two more three year terms as, completing nine years of service between the TPPC and ESPB in 2002.

During those nine years of service with TPPC and ESPB I worked closely with the other board members in the development of what I believe to be sound policy, practice, and procedures for all aspects and problems related to teacher licensure. In addition we as a board had to establish protocols for disciplinary action for teachers who have not upheld the ethical standards and licensure requirements as set forth in North Dakota Century Code and ESPB's Administrative rule. I believe that in setting these policies, procedures, practices, and protocols past and present board members of the ESPB have had and still do have the best interest of the education profession who they represent in mind as they have worked to ensure that our state produces and licenses high quality educators. For that reason, I believe that it is premature to restructure the make-up of the ESPB membership as proposed in Section 1 of **HB1270** which proposes significant change to the current board composition. The proposed changes to the board would, in my opinion, make it almost too large to function efficiently and effectively. Further, this change in membership would almost certainly increase the cost of conducting board meetings and coupled with the list of issues for review in Section 4 of the bill, would either create the need for a substantial increase in licensure fees or require a significant infusion of state money to support should this bill be passed as written. In addition, the composition of the board membership proposed in Section 1 would put the

educators who are currently the funding source for the self funded ESPB at a minority on the board. It would be a difficult dilemma for the ESPB board to have to increase licensure fees for North Dakota educators to support the additional costs for a board on which they have a minority representation.

It should also be pointed out that Section 4 of **HB1270** provides a significant list of issues for which the new board would be required to review during the coming biennium. This would be not only a costly task but also an onerous one to complete in a single biennium for any board, let alone a newly restructured board which could possibly have entirely new membership and would take a herculean effort of the board to accomplish. I know from personal experience the frustrations, difficulties, and problems the newly formed ESPB board members encountered during the transition from the TPPC to the ESPB in the mid-nineties. For that reason I do not recommend making a change in current make up of the ESPB board member structure.

However, I believe there is no board or government body that should turn a blind eye or a deaf ear to constructive criticism. For that reason I would recommend that the issues listed in Section 4 of **HB1270** be made an interim review by the State Legislature. The review committee that would be assigned to tackle the review could be composed of the membership as outlined in Section 1 of this bill. This would, in my estimation, be an objective and productive learning experience for both the membership of the ESPB as well as those who have concerns about the current practices of the ESPB. This study could provide relevant recommendations for the ESPB in areas of current policy, procedures, and practice as it relates to the for enforcement of professional practices, teacher licensure as well as the responsibility for program approval of teacher of education programs and professional development opportunities for teacher support systems.

Madame Chair Kelsch and members of the House Education Committee, I am opposed to **HB1270** as it is currently drafted. However, I recommend that **HB1270** be made into interim review for further. If that is done, I believe I could support the bill.

TESTIMONY ATTACHMENT 2



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North Dakota Education Association

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House Education Committee
Testimony in OPPOSITION to HB 1270
January 18, 2011
Greg Burns, Executive Director

Madame Chair, members of the House Education Committee, for the record my name is Greg Burns, Executive Director of the North Dakota Education Association (NDEA). On behalf of our 8,800 members I come before you today to express our opposition to HB 1270 and to offer an alternative approach to the problems we see this proposed legislation attempting to address.

The NDEA has long believed in a teacher licensing board composed of practitioners. NDEA members have ratified and stood behind the following resolution, H-1:

The North Dakota Education Association believes that educators must have the power to evaluate and license candidates for the teaching profession. The Association supports the autonomous teacher-majority Education Standards and Practices Board.

While it can be argued that the present Education Standards and Practices Board (ESPB) does not have a majority of classroom teachers, at least the practitioners are not in the minority. HB 1270 reduces the number of classroom teachers from five members of a ten-member board to four members of a fifteen-member board. Another way of looking at this is that practitioner participation is reduced from 50% to about 30%. No other licensing agency in North Dakota that we are aware of would have practitioners in such a minority on their own licensing board. While the NDEA has no particular issue with any of the individual suggested additions to the ESPB, we do have a serious concern with the cumulative effect of adding such a massive number of participants.

We also understand that there are frustrations with some of the operations of the current ESPB. The NDEA has had differences with decisions of the ESPB at

different times. Any board that has to make decisions, especially standards-based decisions is going to cause ill-feelings in certain cases. There have been times when we have had strong debates with the teacher members of ESPB. But we also need to keep in mind that this board was very successful in implementing the teacher mentoring initiative from HB 1400 in the last session. We believe that it was the influence of the teacher members of the board that helped this to become reality.

Lines 9 through 27 on Page 3 of the bill outline various recommendations for study for the newly-constructed board. The NDEA agrees that the subjects listed are important subjects for further study. In fact we believe that letters a, b and c of Section 2 are critical areas for study and that f is a natural follow through for any new initiatives brought forward through future study.

However, we don't accept the premise of HB 1270 that a completely reconstructed ESPB is necessary to accomplish this. We believe that the areas involved in a, b and c are too large and too important for the ESPB to study alone, whether the board size is increased or not. The outside input of interested stakeholders is probably necessary.

The NDEA would like to propose that a, b and c become topics of study for the North Dakota Commission on Education Improvement. The Commission has made widely accepted recommendations on a wide range of important education issues. The Commission recommendations for the 2011 Legislative Assembly are far-reaching and include principal mentoring and a new way of compensating teachers. Item c in 1270 is the next critical and far-reaching element in the advancement of a highly-effective teaching force. Coming to agreement on who should enter teaching preparation and what that preparation should be is fundamental to assuring that North Dakota leads the nation in the quality of its teaching force. A group like the ND Commission on Education Improvement might be better-suited to make these types of recommendations than ESPB, because the variety of the stakeholders would be very broad and the size of the ESPB would not have to be increased.

The NDEA prides itself on being part of the solution to the many problems facing education and we have demonstrated our willingness to collaborate on many issues, no matter how thorny. Reducing the teacher voice on the licensing board

runs against the grain of collaborating on tough issues. The NDEA would like to see the issues in Part 2, a, b and c discussed, reviewed and then acted upon.

However the NDEA urges you not to "throw the baby out with the bath water." Diminishing the voice and participation of members on ESPB is not the way to get the change that we understand is the purpose of this legislation. We urge a DO NOT PASS recommendation on HB 1270.

Thank you for your time and I will be happy to answer any questions.



Education Standards and Practices Board
2718 Gateway Avenue, Suite 303
Bismarck, ND 58503-0585
(701) 328-9641 Fax (701) 328-9647
<http://www.nd.gov/espb>

Testimony

On

HB 1270

Good morning Madame Chair and Members of the House Education Committee. For the record, I am Janet Welk, Executive Director of the Education Standards and Practices Board and wish to testify in opposition of HB 1270.

The Education Standards and Practices Board is the regulatory independent licensing board for the profession of education. The Board's operating budget is comprised of teacher licensure fees. As with other professional boards, the Board is representative of the profession of education with four classroom teachers, one private school classroom teacher, two administrators, two school board members, and one dean or chair from an institution of higher education's teacher education program. The Board is responsible for teacher education program approval, educator licensure, the reeducation of educators, and professional practices. ESPB, also provides the National Board for Professional Teaching Certification process and during this last biennium, the Teacher Support System for mentoring and coaching.

Many requirements for teacher licensure have been handed down by the Federal Government since the passage of "No Child Left Behind." The Board is the regulatory agency for this process and has through state statute implemented those required federal changes at the State level. Because these are federal requirements, changes to the Board will not provide for licensure changes attached to federal requirement and federal dollars. Since 1998, ESPB reports annually through the Title II Higher Education Act, on the number of highly qualified teachers, teachers graduating from our institutions of higher education, teachers on alternate licenses, and how many teachers by institution are passing the tests. This coming year, ESPB will be reporting by institution of higher education, how many times teacher candidates have attempted the tests, how many teacher candidates are in programs, how many stay in the State, what content majors they are receiving, etc. Presently, there are 13 nationally and/or state approved teacher education programs in North Dakota. Education's new word is accountability.

House Bill 1270 would eliminate one school board representative, one school administrator, and all of the private school representation. It would require the only administrator on the Board to hold a doctorate degree.

HB 1270 would limit the number of educators on the Board to only six which would mean the majority of the board governing educators in North Dakota would not be educators. Under the Governor's Board and Commissions, there are approximately 145 boards and commissions. Of those, approximately 41 have the same authority as ESPB regulating their profession. Attach A is a

listing of the boards. There is no other professional board where the majority was not members from the profession.

HB 1270 would increase the size of the Board to 15, which would be the largest board or commission in the State of North Dakota. The largest board for the State of North Dakota, at the present time, is the State Board of Medical Examiners with 12 members, 10 of which are members of the profession.

HB 1270 would eliminate the administrator's in North Dakota from a representation by their peers in NDCC 15.1-13-29 with the elimination of one school board member and one administrator.

HB 1270 would require additional costs for nine members that would not be representative of the profession. These additional costs would include stipends, mileage for monthly meetings, per diem, lodging, and equipment for a total of \$107,216.64. These dollars will be an ongoing fiscal responsibility of the State.

The Education Standards and Practices Board is a small office. I have one executive assistant that provides all of the transcript analysis for out of state applicants and also all transcript analysis for minor equivalency endorsements when teachers want to add a new content area to their existing license. I have three administrative assistants who provide all of the data input, application analysis, fingerprint analysis and renewal analysis. They also work with the accountants and auditors for fiscal accountability on a daily basis. We hired the coordinator for the teacher support system but did not hire any administrative help as we do not have additional desk space. I try to contract with temporary,

parttime staff as needed to keep budget costs at a minimum.

HB 1270 will require extensive review of the present licensure system including provisional, reciprocal, and re-entry licenses; review the criteria and manner of disciplinary actions, evaluate established standards and compare with majors with major from other colleges; review the manner in which other licensing board provide licensure, determine professional development requirements, and provide for reporting of professional development activities for continued licensure; review the supporting organization to ensure that its overall structure, functionality, and leadership allow it to fully and capably meet all current and prospective duties; and recommend any statutory changes deemed necessary to the sixty-third legislative assembly.

Because of our size and capacity, ESPB will have to ask for additional state dollars to complete these duties. These additional dollars will be for salaries for one staff person and one person for administrative support; benefits, office space, supplies, equipment, travel, lodging, per diem (\$341,000.00); computer programming for additional reports to provide review of the criteria for the manner in which disciplinary action is taken against individuals (\$200,000.00); 33 standard evaluative teams from each of the 13 institutions of higher education, including stipends, travel, lodging, per diem to compare the curricular requirements for majors within the colleges of education to those of other colleges (\$1,222,650.00); dollars to provide for the review of the other approximate 45 professional licensing boards for all forms of licensure, determine professional development requirements, and provide for reporting of professional

development activities as a condition of continued licensure (\$50,000.00). There will also be additional dollars needed to provide the Board capacity to review the organization to ensure that its overall structure, functionality, and leadership allow it to fully and capably meet all current and prospective duties (\$62,000.00) and recommendation of any statutory changes. The total fiscal note for HB 1270 would be \$1,982,866.64.

The timeline with which to accomplish all of these items is a concern. Since this bill has an emergency attached, there will be approximately 14 months to complete all of the review and research. With the volume of review and research to be done, I am not confident it can be accomplished.

Fiscal Note:

Board (9)	\$	107,216.64
Staff, benefits, office supplies, equipment, travel		341,000.00
Disciplinary Action Computer Programming		200,000.00
Standards Teams		1,222,650.00
Professional Licensing Boards Review		50,000.00
Leadership Capacity review		62,000.00
Total	\$	1,982,866.64

Thank you for the opportunity to testify on HB 1270. I would be happy to answer any questions at this time.

ND Boards and Commission 2011

Regulatory Boards	Members	Members from Profession
Abstracters' Board of Examiners	3	2
State Board of Accountancy	5	4
Board of Addiction Counseling Examiners	7	5
State Board of Animal Health	9	9
State Board of Architecture	3	3
ND Board of Athletic Trainers	5	4
ND Atmospheric Resource Board	7	7
Board of Examiners on Audiology and Speech-Language Pathology	7	6
State Banking Board	6	5
Board of Barber Examiners	3	3
State Board of Chiropractic Examiners	5	5
North Dakota Board of Clinical Laboratory Practice	7	5
State Board of Cosmetology	3	3
Board of Counselor Examiners	5	3
State Credit Union Board	4	4
State Board of Dental Examiners	7	6
Dietetic Practice Board	5	4
Education Standards and Practices Board	10	7
State Electrical Board	5	4
State Board of Registration for Professional Engineers and Land Surveyors	5	5
State Board of Funeral Service	4	4
Board of Hearing Aid Specialists	10	8
Marriage and Family Therapy Licensure Board	5	4
Board of Massage	5	3
State Board of Medical Examiners	12	10
State Board of Examiners for Nursing Home Administrators	9	9
State Board of Nursing	9	8
Board of Occupational Therapy Practice	5	4
ND State Board of Optometry	7	5
State Board of Pharmacy	7	6

ND State Board of Physical

Therapists

6

5

State Board of Plumbing

4

3

ND Board of Podiatric Medical

Examiners

5

5

Private Investigative and Security
board

no more than

11, not less

than 5

Majority

State Board of Psychologist

Examiners

5

5

ND Board of Reflexology

3

3

State Board of Respiratory Care

7

6

ND Board of Social Work Examiners

6

4

State Board of Registration for

Professional Soil Classifiers

5

3

State Board of Veterinary Medical

Examiners

3

3

State Board of Water Well

Contractors

5

4

INSTITUTIONS	Agriculture Education	Art (Visual Arts)	Bilingual/ESL	Business Education	Coaching Athletics	Drama/Theater	Driver Education	Early Childhood/Kindergarten	Elementary Education	English	Exceptional Child/Special Ed	Languages	Health Education	Family & Consumer Sciences	Library Science	Marketing Education	Mathematics	Middle Level Education
Dickinson State University (NCA/E/State Accreditation Fall 2010)		X		X	X	X			X	X		Spanish					X	
Fort Berthold College (Fall 2012)								approved minor	X								X	
Jameson College (Fall 2011)			approved endorsement					approved minor	X	X			X		approved minor		X	
Mayville State University (NCA/E/State Accreditation with Candidate Review Status)					X			approved minor	X	X			X				X	
Minot State University (NCA/E/State Accreditation Fall 2010)		X		X			approved minor		X	X	X	French, German Spanish					X	
North Dakota State University (NCA/E/State Accreditation Spring 2012)									with VCSU	X		French, German Spanish Greek Latin	X	X			X	
Sitting Bull College/Sinte Gleske University (State Provisional Approval)	X							X	X		MR							
Trinity Bible College (State Approval Spring 2010)									X									
Upper Meridian Community College (Spring 2010)								X	X									
United Tribes Technical College (Spring 2012)									X									
University of Mary (State Approval Fall 2011)				X (2009)	Minor			X	X	X	MR		Minor				X	
University of North Dakota (NCA/E/State Accreditation Spring 2015)		X	approved endorsement	X				X	X	X	X	French German Spanish Greek Latin				X	X	X
Valley City State University (NCA/E/State Accreditation Fall 2015)		X	approved endorsement	X	X			approved minor	X	X		Spanish	X		approved minor		X	

INSTITUTIONS	Music	Physical Education	Science	Social Studies	Speech	Technology Education	Instructional Technology	Health	TOTAL	Advanced Teacher Ed	School Counselors	Educational Leaders	Reading Specialists	Special Education	School Psychology	Speech-Language Pathology
Dickinson State University (NCATE/State)	X Composite	X	Biology Chemistry Composite	History Composite	X	x (w/VCSU)			17							
FBCC									1							
Jameson College (State)	X	X	Biology Chemistry	History					10	Curriculum and Instruction						
Mayville State University (NCATE/State)		X	Biology Chemistry	History Geography Composite					13							
Minot State University (NCATE/State)	Composite	X	Biology Chemistry Earth Composite Physical	History Psychology Composite	X				21	Comm. Dis/Elem Ed/Math Music/Sch. Psych/Soc/ECSP/Ed Dead/SLD/SMH				X	X	X
North Dakota State University (NCATE/State)	X	X	Biology Chemistry Earth Composite Physics	History Composite	X				21	Ag Ed/ Bio/Chem/ Earth Sci/Eng/Hist/FACS/ Math/Mus/ PE/Phys/ Soc Sci	X	X				
Sitting Bull College/Sinte Gleske University (State)			Composite						4							
Trinity Bible College (State)		X							2							
United Mountain Community College (State)			Composite						3							
UNIC									1							
University of Mary (State)	X	X	Biology	History Composite	Minor				14	C & I, Elem Ed, ECE, ED, LD	X	Elem & Sec	X	X		
University of North Dakota (NCATE/State)	X	X	Biology Composite Physics Earth Chemistry	History Geography Composite	X	X		X	28	Bus Ed/Eng/Math/Soc St /PE/Sci/Speech/Voc Ed/ Child Study/ Teaching & Learning/ Research Methods	X		X			Master's level: Early Childhood SPED, ED, LD, MR and Visual Impairment Comm. Disorders
Valley City State University (NCATE/State)	Composite	X	Biology, Chemistry, Composite	History Composite		X		X	21	Master's level Teaching and Technology, Technology Education						
									156							

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1270

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-13-09 and 15.1-13-20 of the North Dakota Century Code, relating to the licensing of teachers from other states; and to repeal section 15.1-13-21 of the North Dakota Century Code, relating to reciprocal teaching licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-13-09 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-09. Board powers.

The board may:

1. Adopt rules in accordance with chapter 28-32.
2. ~~Contract with other states for the reciprocal approval of teacher preparation programs.~~
3. Apply for and receive federal or other funds on behalf of the state for purposes related to its duties.
- 4.3. Perform any duty related to the improvement of instruction through teacher education, professional development, and continuing education programs.

SECTION 2. AMENDMENT. Section 15.1-13-20 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-20. ~~Interim reciprocal teaching license—Period of validity~~Applicants licensed in other states.

1. The board shall grant ~~an interim reciprocal~~ a teaching license in accordance with sections 15.1-18-02 and 15.1-18-03 to an individual ~~to an applicant~~ who holds a regular teaching license or certificate from another state, provided:
 - a. The individual's ~~applicant's~~ licensure or certification is based upon a minimum of a bachelor's degree with a major that meets the issuing state's requirements in early childhood education, elementary education, middle level education, or a content area taught at a public high school;
 - b. The individual's ~~applicant's~~ licensure or certification is based upon the completion of a professional education sequence from a state-approved teacher education program and includes supervised student teaching;

- c. ~~The individual applicant submits to the required fee and a criminal history record check, as required of initial applicants by this chapter; and~~
 - d. ~~The criminal history record check reveals nothing for which a North Dakota applicant would be denied initial licensure; and~~
 - e. ~~The individual submits a plan for meeting all requirements necessary to become a licensed teacher in this state.~~
- ~~2. An interim reciprocal license granted under this section is valid for two years.~~
 - ~~3. The individual shall submit evidence of progress on the plan required by subsection 1 to the board prior to renewal of the interim reciprocal license.~~
 - ~~4. The board may renew the interim reciprocal license for one additional two-year period if the board finds that the individual has demonstrated satisfactory progress.~~
 - ~~5. Notwithstanding any other law, an interim reciprocal license granted under this section is the equivalent of a teaching license granted under this chapter.~~
- 2. A license granted under this section is valid for two years if the applicant has not been licensed in another state for at least eighteen months. In all other cases, a license granted under this section is valid for five years.

SECTION 3. Section 15.1-13-21 of the North Dakota Century Code is repealed."

Renumber accordingly



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Testimony on HB 1270

By

Janet Placek Welk

Good morning, Mister Chairman and Members of the Senate Education Committee. For the record, I am Janet Welk, Executive Director of the Education Standards and Practices Board and wish to provide testimony in support of HB 1270.

The Education Standards and Practices Board met on March 10, 2011 and respectfully asks for the following amendments:

1. Page 2, line 20, after "and " insert "if the applicant graduated after 2002 and has not completed the test requirements in the state where they hold a license, they will need to complete the licensure tests and the native american requirement required by section 15.1-13-10 during the two year period. If the applicant graduated during 2002 or prior, they would be granted a license valid for two years during which time they would be required to complete the native american requirements required by section 15.1-13-10 for licensure in North Dakota.
2. Page 2, line 21, after "years" insert "if the applicant meets the re-education requirements of the five year license."

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The requested amendments would require the teachers coming into ND to complete our tests if they have not tested in their own states and also they would be required to complete our Native American coursework. Once on a five year license, they would be required, as all other ND teachers, to complete the re-education requirements for licensure. The Board feels this would be equitable and fair considering the teachers in North Dakota began testing in 2002, have been required to complete the Native American/Multicultural coursework since 1980, and also must complete re-education coursework to maintain their five year licenses.

Thank you for the opportunity to testify today and I would be happy to answer any questions. If you have questions after my testimony today, I can be reached at 328-9646 or jwelk@nd.gov.

15.1-13-21. Reciprocal acceptance of teaching licenses. The board shall pursue the reciprocal acceptance of teaching licenses issued by other states.