



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>

#### Administrative Rules Committee

Thursday, December 15, 2011

Roughrider Room, State Capitol

Good afternoon, Mr. Chairman and Members of the Administrative Rules Committee. For the record, I am Dr. Janet Welk, Executive Director of the Education Standards and Practices Board.

The Education Standards and Practices Board is in the process of adopting Administrative Rules as required by NDCC 28-32. That process began as soon as the session ended. Draft rules were developed, reviewed, and approved during the summer with final approval of the proposed rules for public review process at their August 11<sup>th</sup> meeting. The following is the timeline:

August 11	Board approved final draft of rules for public comment.
September 26	Full notice of proposed rules submitted to Legislative Council, Newspaper Association, and Legislators.
November 7	Public Hearing
November 21	Written Comments

ESPB became aware of an issue with the special education degrees coming in from non-categorical states in October when schools were required to

complete the MIS03 reports for the Department of Public Instruction. Because of the issue, Mike Bitz and Mike Heilman, ESPB members, submitted oral comments at the November 7<sup>th</sup> hearing.

The Board at their November and December meetings met with the Department of Public Instruction's Director of Special Education Dr. Alison Dollar and Dr. Tracy Klein, Special Education Director, Morton and Sioux Special Education Unit.

The issue concerning the special education licenses is North Dakota has been a categorical state since 1976, when IDEA was authorized. In special education, categorical means the teacher has been prepared to work with children with disabilities in a specific area such as intellectual disabilities. In 2001, ND passed legislation adopting a special education strategist credential (NDCC 15.1-18-06). This allows a teacher to work with children who have intellectual disabilities, emotional disabilities, and learning disabilities.

Non-categorical means the teacher has been prepared in special education without any specific categorical background and is allowed to work with all types of children with disabilities. Each state seems to have a different definition.

The issue is more complex than originally thought. State reporting requirements for federal legislation will need to be changed within the Department of Public Instruction if ND moves to a non-categorical state, institutions of higher education special education programs may be affected, current teachers with special education degrees in North Dakota will be affected,

as well as special education directors will be affected. We will be changing processes implemented in 1976 and want to make sure we understand all of the issues and everyone affected is aware of the new processes.

ESPB has not completed their discussions and will be inviting additional special education stakeholders to discuss the issues at their January 12, 2012 meeting. In addition, legislators that are or have been educators, have been invited to meet with the Board on January 11 to discuss licensure issues. Representative RaeAnn Kelsch has been invited to the Board meeting on January 12.

At their December 8 meeting, the Board discussed the administrative rules process with the Attorney General's office. It was recommended the Board start the administrative rules process over because of all of the possible changes.

This concludes my testimony. Mike Bitz, Assistant Superintendent of Mandan and ESPB Member is also present today if you have additional questions. Thank you for this opportunity and I would be happy to answer any questions at this time.