

## NORTH DAKOTA LEGISLATIVE MANAGEMENT

## Minutes of the

**EDUCATION POLICY COMMITTEE**

Tuesday, January 7, 2020  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative David Monson, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Representatives David Monson, Ron Guggisberg, Donald W. Longmuir, Andrew Marschall, Mark S. Owens, Brandy Pyle, David Richter, Cynthia Schreiber-Beck, Michelle Strinden; Senators Kyle Davison, Robert O. Fors, Richard Marcellais, Erin Oban, David S. Rust, Donald Schaible

**Members absent:** Representatives Pat D. Heinert and Daniel Johnston

**Others present:** Representative Josh Boschee, Fargo; Senator Joan Heckaman, New Rockford, members of the Legislative Management; Representative Mark Sanford, Grand Forks  
See [Appendix A](#) for additional persons present.

**It was moved by Senator Schaible, seconded by Senator Rust, and carried on a voice vote that the minutes of the October 2, 2019, meeting be approved as distributed.**

**DEPARTMENT OF PUBLIC INSTRUCTION REQUIRED REPORTS****Assessment Data**

Chairman Monson called on Mr. Rob Bauer, Director, Office of Assessment, Department of Public Instruction, for a presentation ([Appendix B](#)) regarding a required report on assessment data. Mr. Bauer said the vertical blue line in some of the graphs from his presentation represent a demarcation point of the change to a new assessment for English language arts (ELA) and mathematics. He said it is important to note the demarcation because it is difficult to compare score results and establish trends between different assessments.

In response to a question from Chairman Monson, Mr. Bauer said he would not recommend drawing many conclusions when comparing results from the 2016-17 school year to the last two school years because the results are not comparing the same assessments or standards. He said only the assessment and standards for science have remained the same.

In response to a question from Senator Davison, Mr. Bauer said there are no data sets based on the size of the school or whether the school is in an urban or rural area. He said it is possible to analyze the data further and provide information at a future meeting.

Senator Schaible said data sets based on school districts, school buildings, and size are provided on the statewide dashboard and data can be compared if an individual knows which districts are urban versus rural.

In response to a question from Representative Boschee, Mr. Bauer said North Dakota students perform much higher on science assessments than on mathematics or ELA, in part, because the science assessment is more antiquated and was developed approximately 15 years ago. He said a new assessment and standards are being developed for science.

In response to questions from Senator Rust, Mr. Bauer said assessments for ELA and mathematics used to be given only to students in grade 10. He said districts now may use the ACT as the assessment for accountability and students may be tested in grade 10 or 11. He said students are tested in grade 10 using the state assessment unless the school chooses to use the ACT for accountability, in which case the students are tested in grade 11. He said assessment results are a combination of the results of the state assessment and the ACT given to students in grades 10 and 11. He said all grade 11 students take the ACT, but only the results of students from schools using the ACT in lieu of the state assessment are included in the provided data.

In response to a question from Chairman Monson, Mr. Bauer said the assessment results could be separated and distinguished between the state assessment and ACT scores. He said the National Assessment of Educational

Progress scores are North Dakota students, but the scores are distinguished because the students are taking a different test.

In response to a question from Senator Schaible, Mr. Bauer said the ACT and the SAT are the only nationally recognized high school assessments.

### **Waivers and the Innovative Education Program**

Chairman Monson called on Mr. Joe Kolosky, Director, Office of School Approval and Opportunity, Department of Public Instruction, for a presentation ([Appendix C](#)) regarding required reports on waivers and the innovative education program. Mr. Kolosky said "PCBL" is the acronym for personalized competency based learning.

In response to a question from Senator Davison, Mr. Kolosky said program evaluations address the evaluations of the innovative education programs that schools are attempting to implement and for which the school is applying for a waiver. He said a school must meet certain criteria to be eligible to implement an innovative program and receive a waiver.

### **TEACHER INCENTIVE FOR LEADERSHIP PROGRAM STUDY North Dakota Teacher Support System**

Chairman Monson called on Ms. Erin Jacobson, Coordinator, North Dakota Teacher Support System, Education Standards and Practices Board; and Dr. Marijke Leibel, Assistant Coordinator, North Dakota Teacher Support System, Education Standards and Practices Board, for a presentation (Appendices [D](#) and [E](#)) regarding the teacher support system mentoring program, issues faced by the teacher support system, and whether the teacher support system mentoring program would be compatible with a teacher incentive for leadership program.

In response to a question from Senator Davison, Ms. Leibel said it is up to the first-year teacher and the teacher's administrator to determine if the first-year teacher will participate in the mentoring program. She said substitute reimbursement pay is provided to the school district for teachers who miss classroom time while participating in the program. She said the only cost to the school district for allowing a teacher to participate in the program is time away from the classroom.

In response to a question from Chairman Monson, Ms. Jacobson said funding to provide stipends to participants of the program comes from a grant administered by the Education Standards and Practices Board (ESPB). She said the budget for the program is provided by legislative appropriation to the Department of Public Instruction.

In response to a question from Senator Rust, Ms. Jacobson said the program received \$2,050,000 for this biennium.

In response to a question from Senator Oban, Ms. Jacobson said the funding for the mentoring program is insufficient to accommodate all first-year teachers.

In response to a question from Senator Heckaman, Ms. Jacobson said the mentoring program is undertaking a small pilot program in the Fargo Public Schools to train student teacher supervisors to improve support for student teachers.

In response to a question from Senator Marcellais, Ms. Jacobson said whether to enroll a first-year teacher into the mentoring program is a school administrator decision. She said all teachers licensed in North Dakota who are in their first year of contracted teaching are eligible for the program.

In response to a question from Senator Davison, Ms. Jacobson said the goal of the pilot program in Fargo for student teacher support is to increase the ability of student teacher supervisors to give effective feedback to student teachers. She said many student teacher supervisors have an opportunity to grow and increase leadership abilities.

In response to a question from Chairman Monson, Ms. Jacobson said the student teacher supervisors from Fargo Public Schools and the colleges in the surrounding area are collaborating to make the program and support for teachers more seamless.

In response to questions from Senator Oban, Ms. Jacobson said some school districts do not register any first-year teachers for the mentoring program due, in part, to misunderstandings and a false belief the school district or administrator would be responsible for bearing the cost of enrolling the teacher in the program. She said in some small and rural districts it can be difficult to find a mentor teacher for a participating first-year teacher. She said she is attempting to determine how to equitably enroll teachers who want to participate in the program to provide the most benefit within the budget. She said some larger school districts have district mentoring programs. She said

most of the school district mentoring programs use the teacher support system program for first-year teachers, and use the district program to provide additional support for second-year teachers.

In response to questions from Senator Rust, Ms. Jacobson said the program uses some retired teachers as mentors. She said most first-year teachers and mentors work in the same building.

In response to a question from Representative Guggisberg, Ms. Jacobson said serving all first-year teachers who want to participate in the program would require funding for approximately 375 first-year teachers each year. She said currently the program is able to serve 275 teachers each year. She said the majority of money in the budget is spent on stipends for mentor teachers and mentor training costs.

### **Committee Discussion, Directives, and Comments By Interested Persons**

Chairman Monson said regional education associations could provide mentoring and support services for first-year teachers in smaller school districts having difficulty locating mentors.

Senator Oban said the presentation shows the effectiveness of recruiting and retaining teachers through the mentoring program in place. She said the Legislative Assembly could provide more resources and funding for the mentoring program instead of working on legislation to implement and fund additional programs. She said the mentoring program is doing many of the things being proposed by the teacher incentives for leadership in education (TILE) program. She said for the next meeting she would like a cost estimate of funding the mentoring program completely and for enrolling all first-year teachers in the program.

Senator Rust said an additional \$745,000 would be needed to fully fund the mentoring program so all first-year teachers could participate. He said the Legislative Assembly should consider increasing funding for the program.

Ms. Jacobson said the program enrolls 275 teachers annually with its \$2,050,000 budget for the biennium.

Dr. Andi Dulski-Bucholz, Dean and Division Chair, Division of Education, and Associate Professor of Education, Mayville State University, said the mentoring program has a large positive impact on first-year teachers and mentor teachers. She said Mayville State University trained teachers who are not enrolled in the teacher mentoring program as a first-year teacher often reach out to Mayville State University to receive mentoring.

Representative Mark Sanford, said he is a proponent of mentoring programs. He said Valley City State University has a 3-year accelerated program that requires students to take courses year round to graduate. He said students in the accelerated program need to be more prepared for student teaching than students in the traditional model. He said some districts are implementing programs to use student teachers as licensed substitutes when contracted teachers are out for professional development and other circumstances. He said there is opportunity to merge programs to get teachers necessary experience, integrate higher education, and make the supervision of student teachers and the mentoring of first-year teachers more seamless.

Senator Schaible requested a comparison from entities such as the Education Commission of the States, Council of State Governments, and the National Conference of State Legislatures on what other states are doing regarding TILE programs.

## **DUAL-CREDIT, ADVANCED PLACEMENT, AND DISTANCE EDUCATION COURSES STUDY North Dakota University System**

Chairman Monson called on Ms. Lisa Johnson, Vice Chancellor for Academic and Student Affairs/Director of Academic Affairs, North Dakota University System; and Dr. Mark Hagerott, Chancellor, North Dakota University System for a presentation ([Appendix F](#)) regarding online masters level courses being developed for teacher credentialing in relation to the committee's study of dual-credit, advanced placement, and distance education courses. Ms. Johnson said Senate Bill No. 2244 (2017) was passed in response to the Higher Learning Commission requiring all faculty teaching dual-credit courses to have a master's degree in the content area they are teaching, or a master's degree in a content area other than the area in which they are teaching, plus 18 additional credits in the content area they are teaching. She said North Dakota applied to the Higher Learning Commission and was granted an extension until 2022 to allow teachers to become compliant with the commission requirements. She said approximately 20 percent of the vouchers are being used by individuals who earned the vouchers to earn credits to become compliant with the commission requirements, and the other 80 percent of the vouchers are being redesignated to others in need of the credits. She said "synchronous" means students need to be logged in and learning online at specific designated times, while "asynchronous" means logging on, learning, and submitting lessons online at the convenience of the student.

In response to questions from Senator Schaible, Ms. Johnson said master's level courses only can be taught by 4-year universities and research institutions. She said she is soliciting those entities and the instructors who teach master's level courses face-to-face to develop and teach online master's level courses for teachers to become dual-credit compliant. She said if the demand for developing online master's level courses cannot be met, by in-state institutions, they may have to consider out-of-state institutions.

In response to a question from Representative Schreiber-Beck, Ms. Johnson said approximately 20 percent of high school students took dual-credit courses last year. She said students in the state who want to take core dual-credit courses have access through online courses offered by the North Dakota University System institutions and by the Center for Distance Education.

In response to a question from Representative Boschee, Ms. Johnson said 60 percent of dual-credit courses are taught by high school instructors who have met the credential requirements, and 40 percent are taught by university faculty members.

In response to questions from Senator Schaible, Dr. Hagerott said the University of North Dakota is doing very good work in developing and offering coursework online as it tries to balance the needs of face-to-face students and focusing on online coursework development. He said schools in eastern North Dakota and schools in other states are beginning to attract more students from western North Dakota. He said the University System is working to fill gaps and areas of critical need for online coursework in the western part of the state so students are not poached by institutions in other states. He said the University System would prefer not to look out of state to fill gaps in online agriculture-related coursework in the western part of the state because North Dakota has one of the highest ranked agricultural programs in the nation. He said the University System is requesting North Dakota State University bolster its agriculture program online to be able to offer coursework to students all over the state. He said the University System also is considering partnering with institutions in other states to fill certain online coursework gaps while keeping students in state.

In response to questions from Representative Boschee, Dr. Hagerott said because western North Dakota is more sparsely populated, it likely would not be feasible economically to create an entirely online agriculture program for students in western North Dakota. He said it may be feasible to develop a program to serve students in North Dakota and the surrounding states.

### **Committee Discussion, Directives, and Comments By Interested Persons**

Representative Richter requested a report from Ms. Johnson and the University System at the next meeting regarding trends and the decline in interactive television and interactive video network usage to provide students access to distance education courses.

Senator Davison said the state pays for one advanced placement test for each student in the state. He said the purpose of the study is to determine the cost of providing students in the state dual-credit courses, to get more students involved in dual credit, and to determine the models from other states to use in providing and paying for dual-credit courses. He said it would be beneficial to determine the cost to provide dual credit and career and technical education courses, what is the cost to the student to take a dual-credit course, how are student enrollments determined, and who is eligible to take the dual-credit courses.

Chairman Monson requested the Legislative Council staff work with Senator Davison, the University System, and the Department of Public Instruction to compile information for the next meeting regarding costs to students for dual-credit and advanced placement courses, enrollments, how many students cannot afford to enroll in dual-credit courses, and models for the state to use in providing dual-credit and advanced placement courses to all students.

Representative Schreiber-Beck said she would like information from the University System regarding the cost of developing an online course.

## **STUDENT BEHAVIORAL HEALTH ISSUES STUDY**

### **University System**

Chairman Monson called on Dr. Dulski-Bucholz; Dr. Jeanette Hoffman, Associate Professor of Practice, Teacher Education Program, and Certification Officer, North Dakota State University; and Dr. Lori Garnes, Associate Director of Development, North Dakota Center for Persons with Disabilities, and Associate Professor, Minot State University for a presentation ([Appendix G](#)) regarding how University System educational institutions address student behavioral health issues when training potential new teachers.

Dr. Dulski-Bucholz said Senate Bill No. 2048 (2017) required teacher licensure candidates to demonstrate certain competencies in youth mental health. She said Mayville State University mapped course offerings for the teaching program and incorporated the requirements of Senate Bill No. 2048 into the updated curriculum to ensure students in the teaching program are receiving the most current and necessary youth mental health training. She said Mayville State University also holds special seminars, schedules guest speakers on youth mental health topics, and collaborates with regional education associations on professional development.

Dr. Garnes said Minot State University always has required at least one special education course for students in the teaching program. She said Minot State University is embedding coursework in the curriculum for diverse learners, classroom management, and addressing student behavioral health issues. She said Minot State University also has a trauma-based module all students must take before student teaching.

Dr. Hoffman said three North Dakota State University faculty attended a trauma-sensitive schools training in 2016. She said the faculty members now deliver the trauma-sensitive training through three courses in the teacher preparation program at North Dakota State University.

In response to questions from Senator Oban, Dr. Hoffman said North Dakota State University receives information from the Department of Public Instruction regarding teacher graduates from North Dakota State University who have received a license to teach and are first-year teachers in the state. She said North Dakota State University is able to track 90 percent of students who graduate from the program.

In response to a question from Chairman Monson, Dr. Hoffman said Senate Bill No. 2048 has helped require support for future teachers and training to be prepared for mental and behavioral health issues the teachers may encounter in the classroom.

### **West Fargo**

Chairman Monson called on Ms. Rachel Kjonaas, Director of Special Education, West Fargo School District; and Ms. Annie Richards, Behavior Specialist, West Fargo School District, for a presentation ([Appendix H](#)) regarding student behavioral health and a pilot program operating in the district regarding student incident data collection. Ms. Kjonaas said half the students in West Fargo require special education services.

Ms. Richards said West Fargo Schools use the School-Wide Information System (SWIS) Suite to collect data on student behavior escalation in the categories of anxiety and rising tension/agitation in relation to office referrals. She said when an incident rises to the level of an active crisis, the data collection shifts to impacts of the behaviors. She said the data analyzes whether a physical intervention or restraint was required to de-escalate the situation. She said the room clear data refers to the 2019-20 school year in West Fargo Public Schools whether the room clear was related to a behavioral incident with a special education student or a non-special education student, whether the room clear occurred in a general or special education classroom, and the duration in minutes of room clears. She said the time lost in minutes for room clears can be multiplied by the number of students in a classroom to determine total instructional time lost for room clears related to behavioral incidents.

In response to questions from Senator Oban, Ms. Kjonaas said West Fargo averages between 40 and 50 room clears per month. She said the district tracks the data by student. She said some students heavily impact the room clear data.

In response to a question from Representative Pyle, Ms. Richards said the district does not track or collect data on other students affected by the room clears caused by behavioral incidents of peers, and does not track or collect data on staff injuries caused by the incidents.

In response to a question from Senator Oban, Ms. Kjonaas said the SWIS Suite data collection software costs approximately \$250.

In response to questions from Senator Davison, Ms. Kjonaas said room clear and restraint data is reported to each school in the district to be discussed at meetings of elementary, middle, and high school staff. She said the first grade level had the largest prevalence of room clears this year. She said West Fargo uses the data to investigate and determine why certain student populations have more behavioral incidents, and how best to mitigate the incidents to help both students and staff. She said if the district had access to more resources, the resources would be used to provide staff with more information and training on best practices.

In response to a question from Senator Schaible, Ms. Kjonaas said data collected contains both subjective and objective elements. She said data regarding whether a room clear occurred and the duration are objective, while data regarding severity of an incident, and whether an intervention or room clear needed to occur may be more of a subjective perception of the reporting teacher.

In response to a question from Representative Pyle, Ms. Kjonaas said West Fargo has a policy to communicate with parents within 24 hours of an incident requiring a physical restraint involving the parent's child. She said the best practice is to make contact within the same school day.

In response to a question from Representative Longmuir, Ms. Kjonaas said support staff receive the state-mandated 20 hours of training because support staff often have the closest contact with students.

In response to a question from Senator Oban, Ms. Kjonaas said it is not current practice to notify parents of every room clear situation.

In response to questions from Senator Heckaman, Ms. Kjonaas said SWIS Suite data regarding room clears or restraints are not reported to the United States Department of Education's Office of Civil Rights unless there is a complaint issued regarding a potential civil rights violation. She said the district collects restraint data from each school within the district, but the data is not reported to the Office of Civil Rights unless there is an open investigation.

### **School Safety**

Chairman Monson called on Ms. Heather Leas, School Safety and Security Coordinator, West Fargo School District; Officer Josh Brown, School Resource Officer, Bismarck Public Schools, and President, North Dakota Association of School Resource Officers; and Mr. Darin Hanson, Critical Infrastructure Program and Security Manager, Homeland Security, Department of Emergency Services, for a presentation ([Appendix I](#)) regarding student behavioral health, school safety, and the concept of a state-level school safety center.

In response to questions from Senator Oban, Ms. Leas said North Dakota does not excel at mitigating circumstances and incidents impacting safety and security in kindergarten through grade 12. She said North Dakota does not spend as much staff time on preventative measures as it should. She said the majority of resources are designated to responding to incidents. She said the goal is to collaborate between districts to increase school safety for all districts.

In response to a question from Chairman Monson, Ms. Kirsten Baesler, Superintendent of Public Instruction, said the school safety partners started as a task force in 2018 as a proactive approach to school safety. She said the members of the task force, which continues to meet, are education stakeholders from around the state. She said the goal of a school safety center would be to become more collaborative and efficient in the offering of school safety services around the state instead of the loose collaboration taking place which may lead to the duplication of services.

In response to a question from Senator Oban, Ms. Baesler said the proposal is from the school safety partners and specialists in behavioral health.

### **Committee Discussion and Comments by Interested Persons**

Ms. Roxane Romanick, Executive Director, Designer Genes of North Dakota, provided written testimony ([Appendix J](#)).

In response to questions from Senator Davison, Ms. Romanick said any student whose behavior results in the clearing of a room should be considered to have a disability and have appropriate structures and protocols in place to help. She said the federal law determines what is required for screening and identification of students with disabilities. She said school districts need to be responsible for adhering to the requirements.

Ms. Pamela Sagness, Director, Behavioral Health Division, Department of Human Services, said it is important to be consistent and clear with language used in discussions related to behavioral health. She said special education, behavioral health, and trauma are being used synonymously at times. She said the terms are distinct and distinguishable. She said the department is developing a center of resources for behavioral health coordinators consisting of videos and trainings on how to connect with local human service centers and public behavioral health providers. She said the testimony related to a development of a school safety center indicates the center may duplicate some of the behavioral health services being developed by the Department of Human Services.

Representative Guggisberg provided a memorandum ([Appendix K](#)) for committee consideration from the Fargo Board of Education regarding recommendations and a proposed expansion of Lewis and Clark Elementary School to establish "Setting D" services under the Individuals with Disabilities Education Act of 1990. He said the committee may wish to receive testimony and learn more about the topic at a future meeting.

In response to a question from Representative Richter, Ms. Baesler said legislation was passed during the 2017 legislative session requiring support staff to undergo training in behavioral health.

Representative Richter said the statutory provision says "shall encourage" support and ancillary staff to undergo training, but it is not a mandate.

**NORTH DAKOTA CENTURY CODE PROVISIONS THAT RELATE  
TO ELEMENTARY AND SECONDARY EDUCATION STUDY  
Committee Discussion and Comments by Interested Persons**

Senator Schaible said he contacted several individuals and stakeholders to review statutory provisions in Title 15.1 pursuant to the study directive assigned to the committee. He said the stakeholders were asked to look at provisions that may be obsolete or redundant and could be amended without making substantive changes to the provisions. He said the stakeholders have several recommendations. He said the committee should ensure all stakeholders are invited to come make suggestions at a future meeting regarding revisions to North Dakota Century Code Title 15.1.

Mr. Jeff Fastnacht, Assistant Superintendent, Mandan Public Schools, said he was part of the stakeholder group that reviewed provisions in Title 15.1. He provided documentation regarding the review and recommendations (Appendices [L](#) and [M](#)). He said the review identified six nonsubstantive changes that could be made to Title 15.1 by repealing obsolete and redundant provisions ([Appendix L](#)). He said the group also compiled a summary list of reports required in Title 15.1 ([Appendix M](#)). He said there is concern the reporting requirements may not be necessary.

Senator Schaible said there are additional provisions that may require substantive changes, such as several provisions discussing school district ending fund balances. He said each provision has a different amount for the acceptable ending fund balance, which is an inconsistency that should be addressed.

Chairman Monson requested the Legislative Council staff to prepare a bill draft for the next meeting which includes the nonsubstantive changes to provisions in Title 15.1 as suggested by Mr. Fastnacht.

No further business appearing, Chairman Monson adjourned the meeting at 3:55 p.m.

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Dustin Assel  
Counsel

ATTACH:12