



EDUCATION COMMITTEE

Wednesday, December 20, 2023
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Michelle Axtman, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Michelle Axtman, Todd Beard, Cole Conley, Jay Elkin, Judy Estenson, Justin Gerhardt, Kent Weston; Representatives LaurieBeth Hager, Patrick Hatlestad, Dori Hauck, Pat D. Heinert, Donald W. Longmuir, Andrew Marschall, David Monson, Eric James Murphy, Mitch Ostlie, David Richter, Cynthia Schreiber-Beck, Kelby Timmons

Members absent: Representatives Jim Jonas

Others present: Senator Donald Schaible, [Mott, member of the Legislative Management](#)

~~;~~ [See Appendix A \(hard copy\) for additional persons present.](#)

It was moved by Representative Marschall, seconded by Representative Schreiber-Beck, and carried on a voice vote that the minutes of the August 29, 2023, meeting be approved as distributed.

REQUIRED REPORTS Education Standards and Practices Board

Satisfaction Survey Results

Dr. Rebecca Pitkin, Executive Director, Education Standards and Practices Board, ~~presented~~[provided](#) a report (Appendix B - LINK) [as required under North Dakota Century Code Section 15.1-13-36](#) regarding satisfaction survey results of individuals seeking information or services from the board ~~as required under North Dakota Century Code Section 15.1-13-36~~. In response to questions from committee members, she noted:

- 546 teachers applied for an initial teaching license in 2023.
- There are approximately 11,000 ~~to~~ 13,000 total licensed teachers in the state.
- ~~The board does not support a lifetime teaching license because of the importance of~~ [The issuance of lifetime teaching licenses would undermine the board's support of](#) continuing education and periodic background checks.

Department of Public Instruction

School Safety and Security Spending

Mr. Adam Tescher, School Finance Officer, Department of Public Instruction, ~~presented~~[provided](#) a report (Appendix C - LINK) [as required under Section 15.1-07-36](#) regarding ~~the amount spending~~ on school safety and security measures during the previous school year ~~as required under Section 15.1-07-36~~. He noted:

- [As introduced,](#) House Bill No. 1337 (2023), which was amended to require this report, ~~as introduced~~ would have required schools to allocate a ~~certain~~ percentage of funding ~~to~~[for](#) safety and security ~~measures~~.
- The purpose of the report is to determine ~~an~~[the](#) appropriate percentage ~~for schools to spend on~~[of funding to spend on](#) allocate to school safety and security.
- Due to the recent enactment of this reporting requirement, spending for the 2022-23 school year ~~may~~[might](#)

be under-reported ~~assince~~because schools were already in session and not tracking ~~this~~the spending separately during the school year.

- Statewide safety and security spending for 2022-23 ~~total~~ed ~~was~~ \$23.4 million.

In response to questions from committee members, Mr. Tescher noted:

- School districts did not report ~~they are lacking funding~~a lack of funds for safety and security~~for safety and security measures.~~
- School districts reported ~~they spent~~ significant amounts of Elementary and Secondary School Emergency Relief Fund grants being spent on safety and security ~~prior to~~before the 2022-23 school year.
- ~~A~~For a more accurate representation of a school's safety and security readiness, it may~~might~~ be beneficial to include ~~accounting for~~ past expenditures, adjustments to ~~costs of remodeling or maintenance~~remodeling and maintenance costs based on building age, and expenditure trends over a longer time-span.

Professional Development and Improved Educational Outcomes Related to Direct Literacy Instruction

Ms. Ann Ellefson, Director, Office of Academic Support, Department of Public Instruction, ~~presented~~provided a report regarding reading curriculum and professional development (Appendix D - LINK) and a summary of Science of Reading activities (Appendix E - LINK) to demonstrate the implementation and effectiveness of the appropriation provided to the department ~~to support~~for professional learning and ~~improve~~ educational outcomes improvement as required under Section 18 of Senate Bill No. 2284 (2023). She noted:

- Reading curriculum professional development is ~~commonly~~ known as the Science of Reading.
- Section 15.1-21-12.1, enacted in 2021, requires professional development for all Kindergarten through grade ~~three~~3 principals and teachers, curriculum supported by science, and assessments to diagnose and monitor student needs. ~~All teachers~~The requirement also applies to ~~includes~~ special content area teachers ~~in addition to~~and classroom teachers.
- Public and nonpublic school districts educating Kindergarten through grade ~~three~~3 students are required to demonstrate to the Superintendent of Public Instruction ~~that~~ they are in compliance with Section 15.1-21-12.1. Districts ~~receive~~are approved from one approval~~approval~~ in 1- ~~to three~~3- years intervals at a time based on how well they ~~are implementing~~implement the requirements.
- The Department of Public Instruction and North Dakota Regional Education Associations (~~NDREAs~~) are ~~working together~~collaborating to provide North Dakota Science of Reading, ~~which is a~~ low ~~cost~~ and no ~~cost~~ professional development and curriculum for educators.

In response to a question from a committee member, Ms. Ellefson noted some larger school districts obtain initial reading curriculum training ~~through~~from an REA ~~to begin curriculum development~~ while many rural school districts rely permanently on REAs ~~to provide for~~ training ~~permanently~~.

Ms. Ellefson ~~presented~~provided testimony regarding ~~required~~ dyslexia screening requirements under Section 15.1-32-26, which was enacted in 2023. She noted:

- Professional development is available to school districts at no cost.
- School districts ~~are screening~~screen for but do not ~~diagnosing~~diagnose dyslexia.
- A dyslexia credential is available for educators ~~interested in~~ specializing in dyslexia.

Ms. Ellefson ~~presented~~provided testimony regarding Language Essentials for Teachers of Reading and Spelling (LETRS) training. She noted 226 public elementary schools ~~opted to receive~~received funding for LETRS training and the department also is offering LETRS training for higher education faculty. She also presented testimony regarding Amira Learning, ~~which is~~ an artificial intelligence ~~reading tool~~electronic device ~~that for~~ tutorings students

~~to reading on read aloud an electronic device.~~ She noted 102 districts have committed to using Amira Learning.

School Choice Models Study

Mr. Russ Simnick, Senior Director of State Advocacy, National Alliance for Public Charter Schools, ~~presented~~ provided testimony (Appendix F - LINK) supporting public charter schools. He noted:

- Charter schools are tuition free, available to all students, accountable to education standards, and innovative.
- North Dakota is one of four states ~~that do not have~~ without charter school laws. ~~Model laws are the guidelines and principles for operating a charter school and authorizers are entities that can start a charter school, set academic and operational expectations, and oversee school performance.~~
- ~~Charter schools are free, open to all students, accountable to education standards, and innovative.~~
- Model laws should ensure strong authorizers exist, provide autonomy, require schools to demonstrate high student achievement, provide equitable funding for new and existing charter schools, and ensure student accessibility to facilities. ~~Autonomy is crucial for charter schools.~~

In response to questions from committee members, Mr. Simnick noted:

- ~~Charter schools have zero fiscal impact on the state because the same amount of state funding follows the student from a public school to a charter school.~~ State funds are not impacted by charter schools because since the state's per pupil payment transfers with the student from a public school to a charter school with the student, there is no impact on state funds.
- Charter schools traditionally ~~are traditionally~~ organized as a 501(c)(3) with a founding board and a governing board. Most boards are self-perpetuating although ~~some states'~~ board members in some states are elected by the teachers and parents of the school.
- Charter schools are responsible for providing buildings education facilities for the schools. ~~School buildings~~
- The facilities could ~~may~~ be established in vacant buildings, church basements, or as new construction funded with private loans.
- Depending on how the funding formula directs funds to charter schools, state funding ~~may not~~ might not include revenue from local property taxes.

In response to a question from a committee member, Ms. Kirstin Baesler, Superintendent of Public Instruction, noted:

- ~~The waivers currently available permit schools to operate with the same autonomy charter schools do while maintaining a high level of accountability.~~ Available waivers allow public schools to operate with the same autonomy as charter schools while maintaining a high level of accountability.
- Charter schools ~~are held to~~ have the same accountability standards as public schools. ~~An advantage a~~ One advantage of charter schools ~~has~~ is ~~its~~ the ability to implement innovative instructional methods, ~~unlike without modifying a traditional instructional system~~ the, which has the challenges ~~of modifying a traditional instructional system with of requiring the~~ support of ~~the~~ an entire community.

Dr. Aimee Copas, Executive Director, North Dakota Council of Educational Leaders (~~NDGEL~~), presented survey results (Appendix G - LINK) and data (Appendix H - LINK) related to the Center for Distance Education (CDE). She noted:

- Survey results indicated ~~2,106~~ students enrolled in CDE ~~to take for~~ a course also offered by ~~the school the student attends~~ participating schools. Because schools ~~are required to~~ must pay ~~the~~ a student's CDE course fee ~~for CDE on behalf of the student, enrollments have cost~~ schools ~~between approximately~~ have expended an estimated \$482,000 ~~and to~~ \$545,000 in enrollment costs.
- Students enrolled in CDE courses for a variety of reasons: 391 to avoid a teacher, 325 ~~because of~~ due to

mental health factors, 317 ~~because of~~due to scheduling conflicts, 189 for an alternative setting, 105 ~~because of~~due to physical health limitations, and 58 ~~because of~~due to peer issues.

- Parental approval is not required for schedule changes, including enrolling in CDE.

In response to a question from a committee member, Dr. Jeff Fastnacht, Superintendent, Bismarck Public Schools, noted:

- ~~Some students are avoiding teacher expectations by enrolling in CDE and bypassing the social-emotional learning that comes with learning~~enrolling in CDE to avoid traditional classroom teacher expectations, bypassing the social and emotional development that comes from learning to meet expectations or deal with handle related consequences.
- Students should ~~be responsible for paying~~pay for CDE courses if ~~the student is~~they ~~enrolling~~enroll to avoid teacher expectations or disciplinary action.

Mr. Mike Heilman, Small Organized Schools, ~~presented~~provided testimony regarding open enrollment. He noted when students attend CDE to opt-out of a ~~rigorous~~ teacher's rigorous class ~~to attend CDE~~, it ~~puts places a schools~~ in a difficult position, ~~especially~~ because the school is required to pay for CDE courses.

In response to a question from a committee member, Mr. Tescher noted some communities, such as ~~oil-rich~~ communities with abundant oil, solely rely on local contributions for school funding. Therefore, charter schools would create a cost to the state if the state allocates a per pupil amount for each student attending a charter school regardless of local contributions for public school students.

SCHOOL DISTRICT ENDING FUND BALANCE STUDY

Mr. Brandt Dick, President, North Dakota Small Organized Schools, ~~presented~~provided testimony (Appendix I - hard copy) regarding the school district ending fund balance limitation. He noted small schools ~~have~~ appreciatedappreciate the moratorium on the ending fund balance and hope to see the limitation on a school's ending fund balance repealed permanently.

In response to a question from a committee member, Mr. Dick noted hasty spending decisions ~~tend to be~~are made ~~hastily~~ in June before the ending fund balance limitations go into effect.

REPLACEMENT OF STORM MAKE UP DAYS WITH VIRTUAL INSTRUCTION DAYS STUDY

Mr. Dewitt Mack, ~~C~~chemistry ~~T~~teacher, Mandan High School, ~~presented~~provided testimony (Appendix J - LINK) regarding his use of Mandan Public Schools' virtual learning model, Canvas, on virtual days. He noted:

- Lesson plans for a typical virtual instruction day closely follow lesson plans for a typical classroom day.
- A typical virtual day begins with reviewing the day's agenda ~~on~~in Canvas, ~~then~~transitions to student instruction, and ~~finally~~ends with an assessment, which is completed on the student's school-issued iPad and submitted ~~on~~using Canvas.

In response to questions from committee members, Mr. Mack noted:

- Administrators ~~are able to~~can seeview in Canvas ~~whether~~if a student is viewingusing ~~the~~ module ~~on~~ Canvas.
- ~~Students are encouraged to complete and turn in assignments. However, like in the~~Like a classroom, some students are reluctant to engage in student participation opportunities.
- Students can access the module at any time at an individualized pace throughout the day.
- Students are encouraged to complete and remit assignments.
- Students can review instructional materials on Canvas for learning reinforcement.

Ms. Lauren Lingen, ~~K~~kindergarten ~~T~~teacher, Red Trail Elementary School, ~~presented~~provided testimony

regarding her use of Canvas on virtual days. She noted she teaches ~~K~~kindergarten students to navigate use an iPad and Canvas, beginning with very basic iPad use instructions ~~when the school year starts~~ at the start of the school year.

In response to questions from committee members, Ms. Lingen noted:

- She watches monitors the weather and sends issues iPads ~~home with~~ to students if she anticipates a virtual learning day is possible the next day. ~~Because of the classroom training on iPads,~~ The classroom iPad training enables students ~~knew how~~ to complete their lessons at home on ~~a~~ virtual learning days.
- During the Coronavirus (COVID-19) pandemic, she created many reusable virtual learning content consisting of lessons and instructional videos ~~for virtual learning, which include instructional videos of herself, and the content is reusable.~~
- Classroom and virtual instruction provide equivalent learning experiences. For example, she instructs students to read for 10- to 15 minutes in the classroom and instructs students to read for ~~ten~~ 10 minutes virtually.

In response to questions from committee members, Mr. Mike Bitz, Superintendent, Mandan Public Schools, noted:

- Students can access Canvas without ~~i~~ Internet access and from any electronic device.
- The district pays for Canvas ~~out of~~ from its budget.
- Teachers can share instructional videos with each other.
- Students ~~have the opportunity to~~ can connect with their teacher on ~~a~~ virtual learning days.

Dr. Perry Just, Director of Curriculum and Assessment, presented provided testimony regarding educator use of Canvas. He noted:

- Specialists and interventionists provide 15-minute one-on-one online services ~~on a one-to-one basis~~ on virtual days.
- A learning management system like Canvas provides more study resources than ~~the~~ traditional textbooks and student notes.
- 59 percent of students in higher education nationwide are enrolled in online learning ~~nationwide~~.

Dr. Copas presented provided testimony (Appendix K - LINK) regarding virtual instruction survey results. She noted:

- 75 of 89 reporting school districts ~~reporting currently~~ have a policy to use make-up days before implementing virtual instruction days.
- The North Dakota Council of Educational Leaders ~~NDCEL~~ is working with the Department of Transportation to better define "No Travel Advised" as it pertains to school attendance.

In response to a question from a committee member, Dr. Copas noted:

- School districts are continuously gaining experience to improving improve ~~their use of~~ learning management systems ~~as they gain experience~~.
- 98 percent of school leaders support ~~the ability to use~~ a virtual instruction option.
- School districts agree ~~that~~ a statewide learning management system would be beneficial.

Ms. Alexis Baxley, Executive Director, North Dakota School Boards Association, presented provided testimony (Appendix L - LINK) regarding school board policy-making and involvement in virtual instruction and make-up days.

She noted school board policies should not change often but should allow ~~for~~ flexibility in implementation, and NDSBA provides a model policy for virtual learning.

Mr. Joe Kolosky, Director of the Office of School Approval and Opportunity, Department of Public Instruction, and Ms. Baesler ~~presented~~provided testimony (Appendix M - LINK) regarding constituent feedback related to virtual instruction and make-up days. Ms. Baesler noted:

- Communication ~~between~~from schools ~~and to the~~ parents and students; ~~educator training;~~ teacher accountability; and student feedback are vital to successful virtual instruction.
- Schools should limit the number of virtual instruction days ~~used and use~~ by using built-in make-up days first ~~before choosing virtual instruction.~~

No further business appearing, ~~Senator Michelle~~Chairman Axtman adjourned the meeting at 3:12 p.m.

Liz Fordahl
Counsel

ATTACH: