



EDUCATION COMMITTEE

Wednesday, August 14, 2024
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Michelle Axtman, Chairman, called the meeting to order at 9:03 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, Jim Jonas, Donald W. Longmuir, Andrew Marschall, David Monson, Eric James Murphy, Mitch Ostlie, David Richter, Kelby Timmons*

Member absent: Representative Schreiber-Beck

Others present: Luke Schaefer, Kindergarten Through Grade Twelve Education Coordination Council; and Kirstin Baesler, Joe Kolosky, and Amanda Peterson, Department of Public Instruction

**Attended remotely*

It was moved by Representative Hatlestad, seconded by Representative Marschall, and carried on a voice vote that the minutes of the March 6, 2024, meeting be approved as distributed.

REPORTS

Kindergarten Through Grade Twelve Education Coordination Council

Mr. Luke Schaefer, Director, Central Regional Education Association, provided a report ([Appendix A](#)), as required under North Dakota Century Code Section 15.1-01-04(9), regarding the activities of the Kindergarten Through Grade Twelve Education Coordination Council. He noted:

- The council is comprised of 20 stakeholders from various backgrounds, including legislators, the Governor, the Superintendent of Public Instruction, school administration, teachers, and education associations, who are required to:
 - Assist with the implementation, dissemination, and communication of the statewide strategic vision and evaluate its progress;
 - Perform a review of the access and delivery of education in the state;
 - Identify opportunities for collaboration;
 - Identify gaps and duplications;
 - Evaluate initiatives and trends; and
 - Support local or regional initiatives and practices.
- The council focused its 2024 efforts on the future of school staffing, including recruitment and retention initiatives for teachers and other employees.
- If the council reaches unanimous agreement on an issue, the council will make a recommendation based on its findings.
- External facilitators sometimes are used to facilitate difficult discussions, and the facilitators are paid from the council's executive director's contract because the council does not have authority to contract with any entities, including education experts.
- The council has drafted working definitions for terms under Section 15.1-01-04 it finds ambiguous.

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

- Before the 2023-25 biennium, the council was funded with a direct line item under the Department of Public Instruction's (DPI) budget. Beginning with the 2023-25 biennium, DPI determines the council's budget and pays for travel reimbursement, publishing costs, and the cost of the executive director from DPI's operating budget.
- Before making a recommendation, the council fully vets each idea hearing all perspectives, including misgivings and minority opinions. A strong minority voice may prevent a recommendation from proceeding. If the council does not advance a recommendation, legislator members of the council may present the idea for further discussion during the legislative session.
- A representative of North Dakota United and two highly respected and vocal teachers are members of the council, who directly represent teachers.
- The council acts according to statutory directives. For example, the Legislative Assembly could direct the council to review provisions of the Century Code related to education for inconsistencies, duplications, and outdated statutes.

Department of Public Instruction

Ms. Amanda Peterson, Director of Educational Improvement and Support, Department of Public Instruction, provided a report ([Appendix B](#)), as required under Section 15.1-02-23(5), regarding North Dakota Fostering Improved Results for School Transformation (ND FIRST), which is the implementation of intervention measures for chronically low-performing schools. She noted:

- DPI has incorporated ND FIRST into the continuous improvement plan, consisting of:
General support and improvement;
Targeted support and improvement; and
Comprehensive support and improvement.
- Schools performing in the bottom 10 percent receive targeted support and improvement for 1 year.
- Schools performing in the bottom 5 percent receive comprehensive support and improvement for 3 years.
- ND FIRST has not been implemented yet.
- A school that would receive comprehensive support and improvement for a second consecutive 3-year cycle in August 2025 will enter a ND FIRST Partnership Agreement.
- Additional opportunities for public comment will be available from January through March 2025.
- "Chronically low-performing district" is a term used by the federal government indicating a district has inadequate services; consistent mishandling of processes, reporting, or funds; or low-performing schools.

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

- ND FIRST interventions will be data driven and highly personalized to the needs of the district, and not all methods of intervention will be implemented in every scenario. Although removal of a teacher or administrator would be an extreme measure, DPI may place a teacher in a different grade level or class to improve student learning.
- 7 of the 15 schools have been receiving comprehensive support and improvement for the past two cycles, but DPI does not have data showing how many schools will be in the bottom 5 percent for the second cycle when ND FIRST is implemented.

Mr. Joe Kolosky, Director of School Approval and Opportunity, Department of Public Instruction, provided a report ([Appendix C](#)), as required under Section 15.1-07-35, regarding Learn Everywhere, a program that allows students enrolled in grades 6 through 12 to earn course credit through educational opportunities with a sponsoring entity. He noted:

- Students may earn course credits for completing work-based learning, apprenticeships, internships, industry certifications, or other educational opportunities outside the classroom under Learn Everywhere. Examples include working as an emergency medical technician or participating in extracurricular athletic activities.

- Learn Everywhere began as a program offered to Career and Technical Education students. The enactment of House Bill No. 1478 (2021) made Learn Everywhere available to general education students.
- The enactment of House Bill No. 1521 (2023) made the program easier for schools to implement, by eliminating the requirement for a school board to receive approval from the Superintendent of Public Instruction for a proposal, but retaining the Superintendent of Public Instruction's authority to revoke approval.
- A school board may adopt a policy to allow students to participate in Learn Everywhere. An eligible sponsoring entity may submit a proposal to the school board. The proposal must identify a certified teacher who has approved the proposal, provide increased educational opportunities for students, and improve the academic success of students. A school participating in Learn Everywhere must provide the approved proposal and evaluation data to the Superintendent of Public Instruction.

UPDATE

Chairman Axtman provided an update regarding The Hunt Institute's work on the school choice models study. She noted:

- The task force, which is not legislatively driven but includes some members of the Legislative Assembly, is working on legislation for educational opportunities.
- One bill draft includes a three-tiered approach designed for three different types of students--public school, private school, and home school.
- Families in each tier will be allocated funding that will be deposited into an educational savings account for the purchase of educational products from an online marketplace of approved vendors.
- To qualify for the marketplace program, a student must complete the state assessment.
- The number of students eligible for the program will be phased in, with eligibility initially being based on family income before eligibility becomes universal.
- The task force also is considering charter school legislation.
- The task force will host listening groups with stakeholders in the upcoming month.

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

- DPI and members of the Governor's office recommended stakeholder groups that should be included in the task force to Senator Axtman, who sent invitations to individuals to participate in the task force.
- DPI contracted with The Hunt Institute to facilitate the task force.
- The Hunt Institute documented key takeaways that serve as the task force meeting minutes.

In response to questions from a committee member, Senator Axtman noted:

- The Legislative Council does not publish meeting minutes on its website for meetings that are not organized by the Legislative Council.
- Once the task force has completed its work, The Hunt Institute will provide a report, including the key takeaways.
- The task force includes representation from public schools, private schools, tribal schools, military schools, the Governor's office, DPI, and members of the Legislative Assembly.

No further business appearing, Chairman Axtman adjourned the meeting at 11:46 a.m.

Liz Fordahl
Counsel

ATTACH:3