

**2023 HOUSE EDUCATION**

**HB 1521**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau AB Room, State Capitol

HB 1521  
2/7/2023

Relating to alternative curriculum outside of a classroom.

9:30 AM

Chairman Heinert opened the hearing. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

**Discussion Topics:**

- Learning Everywhere
- Hands on education
- CTE teacher
- Local control issue
- Reporting requirements

Rep Murphy, District 43, introduced HB 1521, Testimony 19462

Kevin Hohertz, NDCEL, oral testimony

Alexis Baxley, Executive Director NDSBA, oral testimony

Lisa Feldner, representing Every Kid - In Support, Testimony 19750

Joe Kolosky, Director of School of Opportunity, Testimony 19500, 19501

**Additional written testimony:**

Dr. Aimee Copas, Executive Director, NDCEL, Testimony 19487

Dave Wheeler, Testimony 19372

9:59 AM Chairman Heinert closed the hearing.

*Kathleen Davis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

HB 1521  
2/8/2023

Relating to alternative curriculum outside of a classroom.

Chairman Heinert opened the hearing at 11:06 AM

Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

### Discussion Topics:

- Committee action
- Amendment (23.0924.01001)

Representative Hoverson moves a do pass on HB 1521.

Representative Dyk seconds motion.

Motion was withdrawn.

Representative Murphy moved to adopt amendments (23.0924.01001)

Representative Conmy second's motion

Voice vote: Motion carries

Representative Timmons moves a do pass as amended.

Representative Jonas seconded motion.

Roll call vote:

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	Y
Representative LaurieBeth Hager	Y
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	Y

Representative Anna S. Novak	Y
Representative Kelby Timmons	Y

Motion carries: 14-0-0

Bill carrier: Schreiber Beck

Chairman Heinert closes meeting at 11:14 AM

*Kathleen Davis, Committee Clerk By: Leah Kuball*

February 8, 2023

JA  
2-8-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1521

Page 2, line 20, after "6." insert "Upon approval by the board of a public school district or governing board of a nonpublic school, the proposal must be submitted to the superintendent of public instruction.

7."

Page 2, line 22, remove "unless the program has"

Page 2, line 23, remove "been approved by the department of career and technical education"

Page 2, line 24, replace "7." with "8."

Page 2, line 28, remove "unless the program has been approved by the department of career and"

Page 2, line 29, remove "technical education"

Page 3, line 4, after "12." insert "9."

Page 3, line 4, remove the overstrike over "~~The superintendent of public instruction shall provide~~"

Page 3, line 5, after "in" insert "a"

Page 3, line 5, remove the overstrike over "~~biennial~~"

Page 3, line 5, after "reports" insert "report"

Page 3, line 5, remove the overstrike over "~~to the legislative~~"

Page 3, remove the overstrike over line 6

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1521: Education Committee (Rep. Heinert, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1521 was placed on the Sixth order on the calendar.

Page 2, line 20, after "6." insert "Upon approval by the board of a public school district or governing board of a nonpublic school, the proposal must be submitted to the superintendent of public instruction.

7."

Page 2, line 22, remove "unless the program has"

Page 2, line 23, remove "been approved by the department of career and technical education"

Page 2, line 24, replace "7." with "8."

Page 2, line 28, remove "unless the program has been approved by the department of career and"

Page 2, line 29, remove "technical education"

Page 3, line 4, after "42." insert "9."

Page 3, line 4, remove the overstrike over "~~The superintendent of public instruction shall provide~~"

Page 3, line 5, after "~~in~~" insert "a"

Page 3, line 5, remove the overstrike over "~~biennial~~"

Page 3, line 5, after "~~reports~~" insert "report"

Page 3, line 5, remove the overstrike over "~~to the legislative~~"

Page 3, remove the overstrike over line 6

Renumber accordingly

**2023 SENATE EDUCATION**

**HB 1521**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Room JW216, State Capitol

HB 1521  
3/13/2023

Relating to alternative curriculum outside of a classroom.

2:30 PM Chair Elkin opened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

### Discussion Topics:

- Local control
- Course content standards
- Committee action

Rep Murphy, Dist 43, bill sponsor, testified in support #24432.

Lisa Feldner, Yes, Every Kid, testified in support #23851.

Kevin Hoherz, ND Council Educational Leaders, testified in support #23988.

Joe Kolosky, ND Dept Public Instruction, Approval/Opportunity testified in support #24334.

Sen Conley moved a DO PASS. Sen Axtman seconded.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Conley will carry the bill.

3:15 PM Chair Elkin closed the hearing.

*Pam Dever, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1521, as engrossed: Education Committee (Sen. Elkin, Chairman) recommends DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1521 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**TESTIMONY**

**HB 1521**

# Manvel Public School

Inspiring 21st Century Learners to Influence 22nd Century Successes



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Feb 6th, 2023

Good morning Chairman Heinert and members of the committee,

My name is Dr. Dave Wheeler and I am the Superintendent for Manvel Public School. This testimony is in support of HB 1521.

Local school boards have had the authority to make decisions like this for their district for many years without the state intervening and controlling their decisions. Improving the educational opportunities for the students of their school district has always been at the forefront of what school boards do. Please continue to allow these decisions for schools to be done at the local level of government and not at the state level of government.

Dr. Dave Wheeler  
Superintendent  
Manvel Public School

Testimony for Hearing on HB1521

Eric J. Murphy, District 43

Thank you, Chairman Heinert and my honorable colleagues on the Education Committee. For the record, my name is Eric James Murphy, representative from District 43, Grand Forks.

As we learned, Learning Everywhere is an important educational opportunity for high school students that incorporates hands on learning at a location that is not in a traditional school setting. For instance, a student who may want to become a nurse by have an educational experience for part of the school day in an health care setting or perhaps it is a student who wants to study journalism and has a full immersion experience with the local newspaper. The potential for this program is vast. Yet despite the potential, in its two years of existence, only one school district has chosen to implement this program.

Why? Why only one school district?

Part of this reason appears to be the lengthy approval process for an educational opportunity for a student. Currently, the local school board approves the proposed opportunity, then the K12 Educational Education Coordination Council must review the proposal. Then the Superintendent of Public Instruction has 90 days to approve the proposal approved by the school district. Time sort of passes by and the opportunity goes from perhaps a fall semester start to a spring semester start. Sort of a problem, eh!

This bill streamlines the approval process, allowing the school district's board of education to approve the program without additional approval. The Superintendent of Public Instruction still has oversight over the program approved by a school district and can suspend the program if it does not meet the intended requirements for credit. In other words, academic rigor is maintained by the State Superintendent of Public Instruction.

If the program falls into a CTE category, the authority over the program is through the department of career and technical education. Hence, reporting would be to this Director of Career and Technical Education. Additional to the CTE component herein adds an additional educational opportunity as these programs may be at the CTE and traditional academic education opportunity.

In the end, bill HB1521 will amend and reenact section 15.1-07-35 of North Dakota Century Code in a manner that will hopefully add to this unique educational opportunity.



1 HB 1521

2 Testimony in support – Learn Everywhere

3 Chairman Heinert and members of the House Education Committee. I am here  
4 representing your school leaders in support of this bill. The learn everywhere bill was  
5 passed last session to provide a pathway for enhanced opportunities for business and  
6 industry to partner with schools and students and for students to be able to earn credit  
7 in school for appropriate experiences. Education and business and industry  
8 enthusiastically supported the bill. However, last session we were unsure of the  
9 rationale to have so many layers of approval in the process when local districts really  
10 already had all the authority they needed to do the spirit of the bill.

11 What passed was a method for approval that has proven to be cumbersome and  
12 unnecessary. In fact, districts have been doing internships and apprenticeships for years.  
13 Many of you might be familiar with the “school to work program.” Schools are not  
14 using the Learning Continuum program because the process proved to have enough red  
15 tape that they continued to use processes already in place to perform the same work.  
16 How it exists in law currently is after the board of a district has approved a proposal –  
17 that proposal was to go to the K12 coordination council for review and then to the  
18 superintendent of public instruction for approval or denial, and that the superintendent  
19 of public instruction could intervene and end a school/work partnership.

20 **Issues with current law:**



- 1 • Board of a local district should have the authority to do this without further  
2 approvals in place. This is the case in other areas of century code that share  
3 similarity in nature.
- 4 • This responsibility is beyond the scope of the K12 coordination council. Further  
5 their meeting structure and timing doesn't match to do such work.
- 6 • This process should be handled locally.

7

8 **What the bill does:**

9 This bill very simply removes the layered process of approval and leaves that awarding  
10 of credit for experience and achievement of the standard when there is cooperation with  
11 outside business and industry to be at the discretion of the locally elected school board  
12 and school district. The state superintendent retains authority to intervene in cases  
13 where the partnership is outside of the current authority that exists with career and  
14 technical education programs.

15 If the state is looking for more schools utilizing this authority, getting rid of the red tape  
16 and respecting the decision making of our local boards. Thank you for considering this  
17 testimony. We ask respectfully for a DO PASS recommendation of this bill.

**TESTIMONY ON HB 1521  
HOUSE EDUCATION COMMITTEE**

**February 7, 2023**

**By: Joe Kolosky, Director of School Approval & Opportunity**

**701-328-2755**

**North Dakota Department of Public Instruction**

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Mr. Chairman and Members of the Committee:

My name is Jim Joe Kolosky and I am the Director of School Approval & Opportunity with the Department of Public Instruction (DPI). I am here to speak in favor of House Bill 1521 regarding alternative curriculum outside of a classroom, or the “Learn Everywhere” bill.

We feel this bill alleviates some red tape and streamlines the process to allow more districts to take advantage of opportunities to enable students to earn valuable work and life experiences and earn graduation credit at the same time.

In addition, for your consideration, I have included an amended bill that requires districts to submit their program proposals to the superintendent of public instruction after the public school board or governing board has approved the program. We also request that the last two subsections stay intact, which requires evaluation data to be submitted to the superintendent of public instruction, and allows the superintendent to revoke programs that fail to comply with the agreed-upon terms of the original proposal.

Mr. Chairman and members of the committee, this concludes my prepared testimony, and I am glad to stand for any questions you may have.

23.0924.01000

Sixty-eighth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1521**

Introduced by

Representatives Murphy, Dyk, Longmuir, Sanford

Senator Meyer

1 A BILL for an Act to amend and reenact section 15.1-07-35 of the North Dakota Century Code,  
2 relating to alternative curriculum outside of a classroom.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 15.1-07-35 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15.1-07-35. School districts - Policy - Alternative curriculum outside the classroom -**  
7 **Participation - Report to legislative management.**

8 1. For purposes of this section:

9 a. "Educational opportunity" means instruction outside the classroom which meets  
10 course content standards, as determined by the superintendent of public  
11 instruction. The term includes work-based learning, pre-apprenticeships,  
12 apprenticeships, internships, industry certifications, and community programs.

13 b. "Sponsoring entity" means a business, for-profit organization, nonprofit  
14 organization, trade association, parent of a student, teacher, or administrator that  
15 partners with a school district or governing board of a nonpublic school to provide  
16 educational opportunities for students.

17 2. The superintendent of public instruction shall adopt rules to administer this section.

18 3. The board of a school district or governing board of a nonpublic school may adopt a  
19 policy to allow students enrolled in grades six through twelve to earn course credit  
20 through educational opportunities with a sponsoring entity.

21 4. A policy adopted under this section must provide criteria for:

22 a. The submission, approval, and evaluation of proposals for educational  
23 opportunities by sponsoring entities for which a student may earn course credit;

24 b. Sponsoring entity eligibility; and

1 c. Educational opportunity accountability.

2 5. The board of a school district or governing board of a nonpublic school may  
3 ~~accept~~approve a proposal from any eligible sponsoring entity. To be approved, a  
4 proposal must:

5 a. Provide increased educational opportunities for students;

6 b. Improve the academic success of students; and

7 c. Identify a teacher of record who is employed by the school district or nonpublic  
8 school, is licensed under chapter 15.1-18, and has approved the proposal.

9 ~~6. Upon approval by the board of a school district or governing board of a nonpublic  
10 school, the proposal must be submitted to the kindergarten through grade twelve  
11 education coordination council for review and to the superintendent of public  
12 instruction for approval before implementation. The superintendent of public instruction  
13 shall approve or deny a proposal under this section within ninety days of submission.~~

14 6. Upon approval by the board of a public school district or governing board of a  
15 nonpublic school, the proposal must be submitted to the superintendent of public  
16 instruction.

17 ~~7. If a proposal is denied under subsection 6, the superintendent shall provide the board  
18 of a school district or governing board of a nonpublic school with a written explanation,  
19 including the reasons for denial.~~

20 ~~8. If a proposal is approved by the superintendent of public instruction, the board of a  
21 school district or governing board of a nonpublic school shall implement the proposal  
22 and allow students to participate in the educational opportunity for course credit.~~

23 ~~9.6.~~

24 7. Any school district or nonpublic school participating in the program shall provide  
25 evaluation data to the superintendent of public instruction at the time and in the  
26 manner requested by the superintendent of public instruction unless the program has  
27 been approved by the department of career and technical education.

28 ~~10.7.~~

29 8. The superintendent of public instruction may revoke ~~proposal~~program approval if the  
30 superintendent of public instruction determines the school district, nonpublic school, or  
31 sponsoring entity failed to comply with the agreed upon terms of the educational  
32 opportunity proposal or the school district policy, or failed to meet the requirements of

Sixty-eighth  
Legislative Assembly

33           this section unless the program has been approved by the department of career and  
34           technical education.

Sixty-eighth  
Legislative Assembly

- 1        11. ~~If approval of a proposal is revoked under subsection 10, the superintendent of public-~~  
2            ~~instruction shall provide a report to the legislative management regarding the~~  
3            ~~revocation.~~
- 4        12. ~~The superintendent of public instruction shall provide information on the~~  
5            ~~superintendent of public instruction's website and in biennial reports to the legislative~~  
6            ~~management regarding proposals under this section.~~

**House Education Committee  
Testimony in Support of HB 1521  
February 7, 2023**

Chairman Heinert & Members of the House Education Committee,

My name is Lisa Feldner. I'm testifying on behalf of yes. every kid. We are excited to support this bill.

yes. every kid. supports Learn Everywhere initiatives across the country. North Dakota was one of the first states to approve this legislation. Unfortunately last session, the bill was amended and prescribed a very cumbersome process, not to mention what followed in administrative rule. As a result, only one school district was able to take advantage of Learn Everywhere.

We welcome this bill as it removes the barriers in the initial bill and will allow students to get credit for learning outside the classroom.

We ask for a Do Pass recommendation on HB 1521. Thank you.

**yes. every kid.**

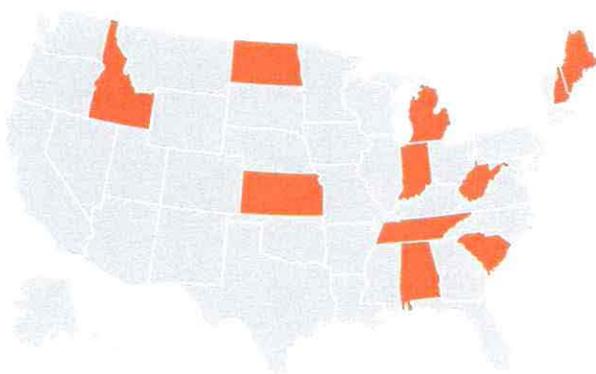
Where did your most important life lessons come from: inside or outside of a classroom? For most of us, a lot of learning happens outside of school. Students should get credit for learning no matter where learning happens. It should be easy for students to demonstrate that their experience outside of school has already taught them the knowledge and skills that some of their academic courses are intended to provide.

Learn Everywhere policies give students the opportunity to earn credit for the skills they developed outside the classroom.

## THE IDEAL POLICY

- A state establishes criteria and a process for organizations (public, private, nonprofit, and for-profit) to apply to be Learn Everywhere providers.
- The state creates a public online catalog featuring all approved Learn Everywhere providers.
- Students in all grade levels may earn education credit from these approved Learn Everywhere providers.

## WHERE IT'S DONE



Eleven states have passed laws creating Learn Everywhere programs.

However, Idaho and Alabama are the only states that require students in all grades to receive credit for their Learn Everywhere experiences.



**Senate Education Committee  
Testimony in Support of HB 1521  
March 13, 2023**

Chairman Elkin & Members of the Senate Education Committee,

My name is Lisa Feldner. I'm testifying on behalf of [yes. every kid.](#) We are excited to support this bill. This bill allows students to get credit for learning outside of the classroom. Programs like 4H, Gateway to Science, Youth Symphony, internships, and others provide valuable learning experiences that are certainly credit-worthy. We already provide credit for CTE internships, but this bill would expand the opportunities in other curricular areas.

[yes. every kid.](#) supports Learn Everywhere initiatives across the country. North Dakota was one of the first states to approve this legislation. Unfortunately last session, the bill was amended and prescribed a very cumbersome process, not to mention what followed in administrative rule. As a result, only one school district was able to take advantage of Learn Everywhere.

We welcome this bill as it removes the barriers in the initial bill and will allow students to get credit for learning outside the classroom.

We ask for a Do Pass recommendation on HB 1521. Thank you.



Lisa Feldner

[lisa@olsoneffertz.com](mailto:lisa@olsoneffertz.com)

[yeseverykid.com](http://yeseverykid.com)



1 HB 1521

2 Testimony in support – Learn Everywhere

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9 supported the bill. However, last session we were unsure of the rationale  
10 to have so many layers of approval in the process when local districts really  
11 already had all the authority they needed to do the spirit of the bill.

12 What passed was a method for approval that has proven to be  
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14 internships and apprenticeships for years. Many of you might be familiar  
15 with the “school to work program.” Schools are not using the Learning  
16 Continuum program because the process proved to have enough red tape  
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18 work. How it exists in law currently is after the board of a district has  
19 approved a proposal – that proposal was to go to the K12 coordination  
20 council for review and then to the superintendent of public instruction for  
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22 intervene and end a school/work partnership.



1 **Issues with current law:**

- 2 • Board of a local district should have the authority to do this without  
3 further approvals in place. This is the case in other areas of century  
4 code that share similarity in nature.
- 5 • This responsibility is beyond the scope of the K12 coordination  
6 council. Further their meeting structure and timing doesn't match  
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15 superintendent retains authority to intervene in cases where the  
16 partnership is outside of the current authority that exists with career and  
17 technical education programs.

18 If the state is looking for more schools utilizing this authority, getting rid  
19 of the red tape and respecting the decision making of our local boards.

20 Thank you for considering this testimony. We ask respectfully for a DO  
21 PASS recommendation of this bill.

**TESTIMONY ON HB 1521  
SENATE EDUCATION COMMITTEE**

**March 13, 2023**

**By: Joe Kolosky, Director of School Approval & Opportunity**

**701-328-2755**

**North Dakota Department of Public Instruction**

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Chairman Elkin and Members of the Committee:

My name is Joe Kolosky, and I am the Director of School Approval & Opportunity with the Department of Public Instruction (DPI). I am here to speak in favor of House Bill 1521 regarding alternative curriculum outside of a classroom, or the “Learn Everywhere” bill.

We feel this bill alleviates some red tape issues and streamlines the process to allow more districts to take advantage of opportunities to enable students to earn valuable work and life experiences and earn credit for graduation at the same time.

In addition, the House kept in the bill the requirement for districts to submit their program proposals to the superintendent of public instruction after the public school board or governing board has approved the program. We agree with this requirement. We also request that the subsections stay intact which requires evaluation data to be submitted to the superintendent of public instruction, and allows the superintendent to revoke programs that fail to comply with the agreed-upon terms of the original proposal.

Mr. Chairman and members of the committee, this concludes my prepared testimony, and I am glad to stand for any questions you may have.

Testimony for Hearing on HB1521  
Eric J. Murphy, District 43

Thank you, Chairman Elkin and my honorable colleagues on the Senate Education Committee. For the record, my name is Eric James Murphy, representative from District 43, Grand Forks.

As we learned, Learning Everywhere is an important educational opportunity for high school students that incorporates hands on learning at a location that is not in a traditional school setting. For instance, a student who may want to become a nurse by have an educational experience for part of the school day in an health care setting or perhaps it is a student who wants to study journalism and has a full immersion experience with the local newspaper. The potential for this program is vast. Yet despite the potential, in its two years of existence, only one school district has chosen to implement this program.

Why? Why only one school district?

Part of this reason appears to be the lengthy approval process for an educational opportunity for a student. Currently, the local school board approves the proposed opportunity, then the K12 Educational Education Coordination Council must review the proposal. Then the Superintendent of Public Instruction has 90 days to approve the proposal approved by the school district. Time sort of passes by and the opportunity goes from perhaps a fall semester start to a spring semester start. Sort of a problem, eh!

This bill streamlines the approval process, allowing the school district's board of education to approve the program without additional approval. The Superintendent of Public Instruction still has oversight over the program approved by a school district and can suspend the program if it does not meet the intended requirements for credit. In other words, academic rigor is maintained by the State Superintendent of Public Instruction.

~~If the program falls into a CTE category, the authority over the program is through the department of career and technical education. Hence, reporting would be to this Director of Career and Technical Education. Additional to the CTE component herein adds an additional educational opportunity as these programs may be at the CTE and traditional academic education opportunity.~~

*Removed from b) Amended*

In the end, bill HB1521 will amend and reenact section 15.1-07-35 of North Dakota Century Code in a manner that will hopefully add to this unique educational opportunity.

Please recommend a do pass on HB1521.