

2023 SENATE EDUCATION

SB 2254

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2254
1/24/2024

Relating to intervention by the superintendent of public instruction for a chronically low performing school or school district; provide a report.
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10:20 AM Chair Elkin opened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- School struggles
- Options
- Measurable outcomes

10:20 AM Amanda Peterson, DPI, Director of Educational Improvement testified in neutral position #16165.

10:32 AM Sen Kreun, Dist. 42, bill sponsor testified in support with no written testimony.

11:57 AM Mike Heilman, Director of ND Small Organized Schools testified in opposition. #16279

11:04 AM Alexia Baxley, Director ND School Boards Assoc., testified in opposition #16157.

11:07 AM Dr. Aimee Copas. ND Council of Education Leaders, testified in opposition #15912

11:12 AM Chair Elkin closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2254
1/25/2023

Relating to intervention by the superintendent of public instruction for a chronically low-performing school or school district; to provide a report.

9:30 AM Chair Elkin opened committee work. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Funding
- Behavioral issue
- Underperforming schools
- Allowable costs
- Targeted assisted schools
- Data driven schools districts

Rachael Tabler, Dept of Public Instruction Support Staff, verbally answered questions.

Mark Vollmer, Superintendent of Minot Public Schools, verbally answered questions.

10:06 AM Chair Elkin adjourned the meeting.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2254
1/25/2023

Relating to intervention by the superintendent of public instruction for chronically low performing school or school district; provide an expiration date.
--

2:04 PM Chair Elkin opened committee work. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Committee action

2:05 PM Senator Conley moved DO NOT PASS.

Senator Axtman seconded the motion.

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

Senator Beard will carry the bill.

2:09 PM Chair Elkin called for a recess.

NOTE: VIDEO UNAVAILABLE AFTER RECESS

2:12 PM Chair Elkin called the committee back to order.

2:12 PM Chair Elkin said committee needs to reconsider SB 2254.

2:13 PM Voice Vote called – motion passed unanimously.

2:13 PM Chair Elkin adjourned the meeting.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2254
2/6/2023

Relating to intervention by the superintendent of public instruction for chronically low performing school or school district; provide an expiration date.
--

10:29 AM Chair Elkin opened meeting. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Amendments
- Committee action

10:30 AM Sen Beard presented amendments. #19316

10:33 AM Kristen Baesler, North Dakota Superintendent of Public Instruction, answered questions.

10:37 AM Sen Axtman moved amendment LC 23.0615.02001.

10:38 AM Sen Conley 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

10:39 AM Roll Call Vote 6-0-0 Motion passed

10:39 AM Sen Beard moved Do Pass as Amended.

10:39 AM 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

10:40 AM Roll Call Vote 6-0-0 Motion passed.

10:40 AM Sen Beard will carry the bill

10:40 AM Chair Elkin adjourned the meeting.

Senate Education Committee

SB 2254

2/6/23

Page 2

Pam Dever, Committee Clerk

February 6, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2254

Page 1, line 12, after "students" insert "and has had chronically low-performing schools within the school district"

Page 1, line 14, remove "or targeted"

Page 1, line 16, remove "one or"

Page 1, line 16, replace "cycles" with "than one cycle"

Page 1, line 23, after "assessment" insert "and a review of past interventions"

Page 2, line 6, after the first underscored comma insert "training."

Renumber accordingly

OK

1/8/23

2-6-2023

REPORT OF STANDING COMMITTEE

SB 2254: Education Committee (Sen. Elkin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2254 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 12, after "students" insert "and has had chronically low-performing schools within the school district"

Page 1, line 14, remove "or targeted"

Page 1, line 16, remove "one or"

Page 1, line 16, replace "cycles" with "than one cycle"

Page 1, line 23, after "assessment" insert "and a review of past interventions"

Page 2, line 6, after the first underscored comma insert "training."

Renumber accordingly

2023 HOUSE EDUCATION

SB 2254

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

SB 2254
3/15/2023

Relating to intervention by the superintendent of public instruction for a chronically low performing school or school district; and to provide a report
--

11:20 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:

- Academic standards
- Auditing and monitoring
- Title 1 funding
- Amendment proposal
- Teacher mentoring
- Poverty
- Funding support
- TSI/CSI

Sen Kreun, District 42, introduced SB 2254, oral testimony

Dr. Aimee Copas, Executive Director, NDCEL, Testimony #25126, #25127

Scott Davis, Ft Yates, Belcourt and New Town School District, oral testimony

Viola LaFontaine-Slater, Professional Development Specialist, Western Education Regional Cooperative, Testimony #25083

Jordan Brown, School Administrator, Oberon School District, Testimony #24963

Additional written testimony:

Kayla Rusten, Testimony #24937

Angela Brandt, Testimony #24952

Carolyn Bluestone, Testimony #24997

Marquious Curtis, Testimony #25082

Rae Ireland, Testimony #25110

Jessica Baker, Testimony #25132

Jeff Olson, Testimony #25214

David Lukaszek, Testimony #25561

Rep Lisa Finley-DeVillie, Testimony #25310

12:29 Chairman Heinert recessed until after the House floor session to hear more testimony.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

SB 2254
3/15/2023

Relating to intervention by the superintendent of public instruction for a chronically low performing school or school district; and to provide a report
--

2:59 PM Chairman Heinert reopened SB 2254 from the morning session (see SB 2254 030823 1120 AM Minutes).

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

Discussion Topics:

- Cultural differences
- AYP (adequate yearly progress)
- Compliance and regulatory
- Be Legendary school board training
- Chronic low performing schools
- Native American students
- Title 4 schools
- Targeted Support and Improvement (TSI) schools
- Federal accountability model
- Regional Education Association's

Kelly Bradfield, President, Mandaree Public School Board, Testimony #25348

Wayne Trottier, Superintendent, Sawyer Public School, oral testimony

Alexis Baxley, Executive Director NDSBA, Testimony #25133

Scott Davis, oral testimony

Kirsten Baesler, State Superintendent, ND DPI, oral testimony

Amanda Peterson, Director, Educational Improvement and Support, DPI, Testimony #25339

4:30 PM Chairman Heinert closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

SB 2254
3/27/2023

Relating to intervention by the superintendent of public instruction for a chronically low performing school or school district; and to provide a report
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3:00 PM

Chairman Heinert opened the meeting. 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

Alexis Baxley, Executive Director NDSBA, was called forward to answer questions.

Rep Timmons moved an amendment (Testimony #26773) on Page 2, remove Line 6, add Subsection 4 to include “Memorandum of Understanding shall be made between ND DPI and schools to include Be Legendary Training for the school leadership and school boards”, seconded by Rep Dyk. **Voice vote, motion carried.**

Rep Murphy moved a Do Pass as Amended, seconded by Rep Novak. **Motion was withdrawn.**

Rep Conmy moved to add an Emergency Clause to SB 2254, seconded by Rep Heilman. **Voice vote, motion carried.**

Rep Murphy moved a Do Pass as Amended, seconded by Rep Novak.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N
Representative LaurieBeth Hager	N
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	N
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	N

10-4-0 Motion carried. Rep Heilman is carrier.

House Education Committee

SB 2254

03/27/23

Page 2

3:32 PM Meeting adjourned.

Kathleen Davis, Committee Clerk

March 28, 2023

LA
3-28-23

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2254

Page 1, line 3, remove "and"

Page 1, line 3, after "report" insert "; and to declare an emergency"

Page 2, line 6, remove "School or school district annexation, consolidation, or closure."

Page 2, line 7, remove "c."

Page 2, line 9, replace "d." with "c."

Page 2, line 11, after "3." insert "A memorandum of understanding must be entered between the department of public instruction and a chronically low-performing school or school district."

4. A chronically low-performing school or school district shall complete a school board leadership program as required by the department of public instruction.

5."

Page 2, after line 15, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2254, as engrossed: Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2254 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 3, after "report" insert "; and to declare an emergency"

Page 2, line 6, remove "School or school district annexation, consolidation, or closure."

Page 2, line 7, remove "c."

Page 2, line 9, replace "d." with "c."

Page 2, line 11, after "3." insert "A memorandum of understanding must be entered between the department of public instruction and a chronically low-performing school or school district."

4. A chronically low-performing school or school district shall complete a school board leadership program as required by the department of public instruction.

5."

Page 2, after line 15, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2023 CONFERENCE COMMITTEE

SB 2254

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2254
4/10/2023
CONFERENCE COMMITTEE

Relating to intervention by the superintendent of public instruction for a chronically low-performing school or school district; provide a report.
--

3:00 PM Chair Elkin opened the meeting. Present: Chair Elkin, Sen Beard, Sen Conley, Chair Hauck, Rep Hager, and Rep Timmons.

Discussion Topics:

- School closure
- Memorandum of understanding (MOU)

Chair Hauck explained the amendments.

Amanda Peterson, Dept Public Instruction explained MOU piece.

Sen Beard moved Senate accede to House Amendments.

Sen Conley seconded the motion.

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

Sen Beard will carry the bill for Senate.

Rep Hauck will carry the bill for the House.

3:14 PM Chair Elkin adjourned the meeting.

Pam Dever, Committee Clerk

REPORT OF CONFERENCE COMMITTEE

SB 2254, as engrossed: Your conference committee (Sens. Elkin, Beard, Conley and Reps. Hauck, Hager, Timmons) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1335 and place SB 2254 on the Seventh order.

Engrossed SB 2254 was placed on the Seventh order of business on the calendar.

TESTIMONY

SB 2254



1 Testimony in Opposition

2 SB 2254 – Chronically Low Performing Schools

3 Chairman Heinert and members of the House Education committee, my name is Dr.
4 Aimee Copas, and I am the Executive Director for the North Dakota Council of
5 Educational Leaders representing school leaders across North Dakota.

6 As school leaders, we come to you with grave concerns about the extreme overreach of
7 this bill suggests and push of authority to the executive branch as outlined in the bill
8 and the ability for them to completely override local control of the locally elected
9 positions. The greatest level of concern we have is outlined in the final ¼ of the bill.

10 Prior to the last ¼ as referenced this bill is basically outlining the supports NDDPI
11 provides to CSI and TSI schools. However, it takes the authority and broadens it
12 tremendously. These schools already must do mandated training and receive supports
13 from NDDPI, REA's and other organization. It is most certainly appropriate to assist
14 and support while locals still run their schools and make decisions. It is not the job of
15 the state department to intervene. In this instance, the state superintendent would be
16 given the authority to override and supersede the locally elected officials, the
17 administration and would be given the authority to make decisions impacting an entire
18 district. In some instances in one our urban communities we have one school out of
19 many (usually a high level of poverty) who are in this status. This bill would grant the
20 authority of this elected position to override the entire district. This would be the case
21 for Bismarck, Mandan, Fargo, Grand Forks, Williston, West Fargo as well as a handful
22 of smaller schools due to a year where one school building is in the bottom 10-15%. I
23 ask you – is this appropriate?



1 This bill would allow this elected official (regardless of qualifications – remembering
2 that the state superintendent isn't a person but a position). When we make laws about
3 positions in government, please be mindful to do so not so much regarding the person
4 in office, but the position. The person in that role in the future could be wonderful,
5 horrible, average, or anywhere in between. In North Dakota we've prided ourselves to
6 believe in our locally elected leaders, to believe in our teachers and our schools and
7 their ability to respond. I would hope that belief set has not changed. This level of
8 overreach is no different than the federal government reaching its hands into North
9 Dakota and telling locally elected legislators what they can and should do and to have
10 them take over here at any level. A parallel could be that the federal government isn't
11 pleased with our performance in green energy, so they come in and takeover and usurp
12 all elected legislators, and replace them with individuals they want, hire, and fire, and
13 determine the pathway with no regard to those in the community who have been
14 elected and entrusted with the job. I am confident in each of you that you will not
15 allow national rhetoric influence how you view our North Dakota teachers, educational
16 leaders, and schools.

17 Please vote to keep the authority where it belongs by voting no on this bill. Keep the
18 authority with the locally elected officials. Encourage the support of all the agencies
19 who can support struggling schools, but we implore that this is done in the most
20 appropriate manner.



NDSBA
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SB 2254
Senate Education | January 24, 2023
Testimony of Alexis Baxley

Good morning, Chairman Elkin and members of the House Education Committee. My name is Alexis Baxley, and I serve as the executive director of the North Dakota School Boards Association. NDSBA represents the elected school boards of all 170 public school districts and several special education units in North Dakota.

The North Dakota School Boards Association is here today in opposition to SB 2254. We all want success for all of North Dakota's students. While we are continually striving to better all student outcomes, NDSBA does not believe this bill is the right approach to do so. Instead, this bill gives significant new powers to the Department of Public Instruction that do not align with North Dakota's "local control" approach.

Each year my organization conducts a mandatory seminar for newly elected school board members. At this seminar we introduce them to NDDPI, and the superintendent often shares with them about the work her office does. We strive to impress upon these board members that NDDPI is an organization that exists to help them serve their students – not catch them in a "gotcha" moment. We believe it is important for board members to feel comfortable working with DPI and that a positive relationship is best for students. If this bill were to pass, it would be impossible to maintain that approach. DPI should exist to help districts be the best they can be, not punish them or take over.

Additionally, the bill does not adequately define a chronically low performing district or inadequate educational supports. Much of the definitions are subjective, and this very concerning. When talking about granting powers so extreme as to force school closure, there needs to be much more specificity. Additionally, many of the schools and districts in our state that are currently considered low performing are Native American schools and/or schools with high rates of poverty. While every employee and board member in these districts does everything they can to support student outcomes, there are many challenges. It is unacceptable that closure of some of these schools be on the table – forcing these students to attend school in a district further away from their home, potentially with less connection to their culture, will not have a positive impact. The decision to close or consolidate school districts should always be one that is made locally by a school board, in consultation with the students, parents, and community members it serves.

SB 2254 is the opposite of local control and is unlikely to have the positive outcome it seeks. NDSBA respectfully request the committee give the bill a do-not-pass recommendation. I will stand for questions.

**TESTIMONY ON SB 2254
SENATE EDUCATION COMMITTEE**

January 24, 2023

**By: Amanda Peterson, Director of Educational Improvement and Support
701-328-3545
North Dakota Department of Public Instruction**

Mr. Chairman and Members of the Senate Education Committee:

My name is Amanda Peterson, and I am the Director of the Educational Improvement and Support office within the Department of Public Instruction. This office oversees Title I, Neglected and Delinquent and Homeless Education Programs, Title IV, safe and healthy school projects, and the comprehensive and targeted support given to our lowest performing schools. Our team at DPI supports K-12 students that are most at-risk, disadvantaged, and in need of support. I am here on behalf of the department to provide information regarding Senate Bill 2254. Much of the information I will be sharing comes directly from a [50-state scan](#) that the Institute of Education Sciences (IES) and Regional Educational Lab (REL) Central released in 2015 to prepare states for the upcoming Every Student Succeeds Act (ESSA), which replaced No Child Left Behind.

To summarize the North Dakota accountability model, North Dakota provides additional federal funding to schools identified as Targeted Support and Improvement (TSI), which are the schools in the bottom 10% of all schools in the

state, and as Comprehensive Support and Improvement (CSI), which are the schools in the bottom 5%.

Although North Dakota requires low-performing schools to submit improvement plans, no state legal authority exists to hold any North Dakota school accountable for the actions within their stated plan. At present, there are 9,041 students being served in TSI schools and 1,265 in CSI schools.

If school leaders do not meet their improvement goals or objectives, the DPI is limited in how it can respond. The Department can adjust the federal school improvement grant- currently between \$60,000-\$75,000 per TSI/CSI school per year- to schools that continue to have low academic achievement. These are funds that are given as an incentive and support for schools to be able to work on and fund their school improvement plan.

North Dakota's accountability model follows the federal guidelines outlined in ESSA. Again, North Dakota law does not specify any accountability model. The US Education Department (USED) provides North Dakota supplemental funds to help schools and districts meet educational outcomes. In 2021 alone, the USED granted over \$265 million to North Dakota to assist our neediest children in their schools. By accepting these funds, ND makes assurances to hold schools accountable for meeting and exceeding the state's academic standards. State education agencies are also required to play a role in intervening in low-performing

schools. Federal law allows six categories of interventions that a state education agency may take. These six categories of interventions include developing or monitoring school improvement plans, financial incentives, changes in staffing, closing a school, reforming the day-to-day operations of a school, and changes related to the entity that governs or operates a school.

All states use varying components of these six strategies to hold schools accountable for student academic outcomes. Some state legislatures have enacted state policies which limit actions the state education agency can take. Approximately one-third of states have policies in all six areas. However, North Dakota is one of only three states that use only two of the possible six interventions (financial incentives and monitoring school improvement plans), which are the two required by federal law. However, at the end of the 20-2021 school year, over \$2 million was unspent by TSI/CSI school districts, and, at the end of the 21-2022 school year, over \$1 million remained unspent.

In addition, Federal law allows four intervention strategies for **persistently** underachieving schools:

- Turnaround (requires the principal and at least 50% of staff to be replaced)
- Transformation (requires replacing the principal, but not staff, and adds a rigorous evaluation component)
- Restart (adjusting how the school operates), and

- School closure.

North Dakota law does not include any authority to implement any of these intervention models because North Dakota Century Code is silent beyond **supporting** schools in the local implementation of their plan. Remember, the State Superintendent and the Department of Public Instruction are only given the authority expressly given to it in North Dakota Century Code.

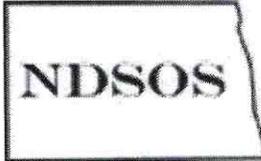
In 2014, nearly a quarter of states considered legislation related to school improvement in general or in interventions or sanctions for low-performing schools. The North Dakota legislature has not enacted legislation on the supervision of low-performing schools while increasing the state investment in local schools and districts to over \$2.2 billion. As it stands now, North Dakota does not have a system of checks and balances that influence accountability for improving student outcomes.

The Legislature makes strong financial investments in its 169 school districts. In addition, stakeholders have created the K-12 strategic vision to ensure that all students graduate Choice Ready with the knowledge, skills, and disposition to be successful. Legislators are increasingly asking the Department about these investments, goals, and student results.

School turnaround is complex. It should not be expected overnight or in one or two years. However, several North Dakota schools have struggled to make gains

over the past five, six, and even 10 years, and yet, at this time, the State provides no authority to the Department of Public Instruction to require even minor changes to a school's day-to-day operations, staffing, or teaching or administrative structures. When schools do not advance student academic outcomes and fail to make progress, there is no authority at present to intervene.

Chairman Elkin and Members of the Committee, this concludes my prepared testimony, and I will stand for any questions you may have.



North Dakota Small Organized Schools

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SB 2254 – Testimony in Opposition
Senate Education Committee
Senator Elkin – Chairman
January 24, 2023

Senator Elkin and members of the Senate Education Committee, my name is Michael Heilman. I am the Executive Director of the North Dakota Small Organized Schools (NDSOS). I represent 150-member school districts of the North Dakota Small Organized Schools. NDSOS stands in opposition to SB 2254

NDSOS is not in support SB 2254 as written because it completely takes the control of a school district from local school board and administration. You may feel that after being identified as chronically failing that take over and control is what needs to happen for the children that attend a school as identified in this bill. We would not totally disagree but would say that the Department should provide supports and work with the local administration to raise the performance level of the students.

NDSOS would prefer a process that is based on cooperation with the local school administration and school board to design an improvement plan with support from DPI. The work of DPI identifying low performing schools is happening but that is different than take over, DPI should assist. If the Department of Public Instruction has the programing available to impact positive change, as this bill would suggest, why has it not been implemented through the current accreditation process? This is not a criticism of the Department, rather a belief that these are complex issues that need understanding, support, cooperation, and collaboration, especially if there is to be significant and sustained change. NDSOS does not support take over, nor that take over is the best way to start the process of improvement.

Mr. Michael Heilman – Executive Director
North Dakota Small Organized Schools
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Board of Directors

Region 1
Mr. Tim Holte, Supt. Stanley
Mr. John Gruenberg, Supt. Powers Lake

Region 2
Mr. Jeff Hagler, Supt. North Star
Mr. Steven Heim, Anamoose & Drake

Region 3
Dr. Frank Schill, Supt. Edmore
Mr. David Wheeler, Supt. Manvel

Region 4
Mr. Brian Christopherson, Supt. New Salem
Dr. Kelly Peters, Supt. Richardton-Taylor

Region 5
Mr. Rick Diegel, Supt. Kidder Co.
Mr. Brandt Dick, Supt. Burleigh County

Region 6
Mr. Mitch Carlson, Supt. LaMoure
Dr. Steven Johnson, Supt. Lisbon

The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.

23.0615.02000

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2254

Introduced by

Senators Kreun, Beard, Weber

Representatives O'Brien, Richter, Schreiber-Beck

1 A BILL for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota
2 Century Code, relating to intervention by the superintendent of public instruction for a
3 chronically low-performing school or school district; and to provide a report.

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

5 **SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Intervention for chronically low-performing schools - Report.**

8 1. As used in this section, unless context otherwise requires:

9 a. "Chronically-low performing district" means a school district for which auditing
10 and monitoring has revealed a consistent mishandling of processes, reporting, or
11 funds resulting in inadequate educational services for the school district's
12 students and has had chronically low performing schools within the school district.

13 b. "Chronically low-performing school" means a school identified by the state for
14 comprehensive ~~or targeted~~ support and improvement in accordance with the
15 Every Student Succeeds Act [Pub. L. 114-95; 114 Stat. 1177; 20 U.S.C.
16 28 et seq.] for ~~one or~~ more ~~cycles~~ than one cycle.

17 c. "Inadequate educational services" include a lack of annual progress in academic
18 achievement, student engagement, resource allocation, teacher effectiveness,
19 chronic absenteeism, and persistent subgroup opportunity gaps.

20 2. The superintendent of public instruction shall intervene directly when a public school is
21 a chronically low-performing school and when a school district is a chronically
22 low-performing school district. The superintendent of public instruction shall conduct
23 an assessment and review of past interventions of a chronically low-performing school or
24 school district to identify areas of insufficient performance and develop an improvement
25 plan. An improvement

- 1 plan under this section may include a directive from the superintendent of public
2 instruction requiring:
- 3 a. Funds to be held in escrow for the school or school district or spent as
4 designated by the superintendent of public instruction.
 - 5 b. School or school district annexation, consolidation, or closure.
 - 6 c. Changes to curriculum, training, instruction, assessment, or the school calendar in
7 the school or school district.
 - 8 d. Reassignment or hiring of school or school district staff to fill roles associated
9 with school or school district needs.
- 10 3. The superintendent of public instruction annually shall report to the state board of
11 public school education, the education standing committees of the legislative
12 assembly during a legislative session, and an interim committee of the legislative
13 management when the legislative assembly is not in a legislative session regarding
14 the implementation of this section.

Introduced by

Senators Kreun, Beard, Weber

Representatives O'Brien, Richter, Schreiber-Beck

1 A BILL for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota
2 Century Code, relating to intervention by the superintendent of public instruction for a
3 chronically low-performing school or school district; and to provide a report.

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

5 **SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Intervention for chronically low-performing schools - Report.**

8 1. As used in this section, unless context otherwise requires:

9 a. "Chronically-low performing district" means a school district for which auditing
10 and monitoring has revealed a consistent mishandling of processes, reporting, or
11 funds resulting in inadequate educational services for the school district's
12 students and has had chronically low performing schools within the school district.

13 b. "Chronically low-performing school" means a school identified by the state for
14 comprehensive or targeted support and improvement in accordance with the
15 Every Student Succeeds Act [Pub. L. 114-95; 114 Stat. 1177; 20 U.S.C.
16 28 et seq.] for one or more cycles than one cycle.

17 c. "Inadequate educational services" include a lack of annual progress in academic
18 achievement, student engagement, resource allocation, teacher effectiveness,
19 chronic absenteeism, and persistent subgroup opportunity gaps.

20 2. The superintendent of public instruction shall intervene directly when a public school is
21 a chronically low-performing school and when a school district is a chronically
22 low-performing school district. The superintendent of public instruction shall conduct
23 an assessment and review of past interventions of a chronically low-performing school or
24 school district to identify areas of insufficient performance and develop an improvement
25 plan. An improvement

- 1 plan under this section may include a directive from the superintendent of public
2 instruction requiring:
- 3 a. Funds to be held in escrow for the school or school district or spent as
4 designated by the superintendent of public instruction.
- 5 b. School or school district annexation, consolidation, or closure.
- 6 c. Changes to curriculum, training, instruction, assessment, or the school calendar in
7 the school or school district.
- 8 d. Reassignment or hiring of school or school district staff to fill roles associated
9 with school or school district needs.
- 10 3. The superintendent of public instruction annually shall report to the state board of
11 public school education, the education standing committees of the legislative
12 assembly during a legislative session, and an interim committee of the legislative
13 management when the legislative assembly is not in a legislative session regarding
14 the implementation of this section.

Chairmen Heinert and members of the House Education committee,

My name is Kayla Rusten. I have had the opportunity and privilege to work at Warwick Public School for ten years. Through the state, we are identified as a CSI school. This is our second round of being identified.

I am writing you with a concern and opposition against SB 2254. I have worked at a CSI school since I earned my teaching license. I was a 3rd grade teacher and had the opportunity to grow and move into the principal position, so this is near and dear to my heart. My students, families, and colleagues have worked incredibly hard to improve our school. We have had areas improve, but there is still work to do. My concern is having the state step into a school and take control. As a CSI school, we have many check-ins with the state (we just had one in January) regarding what we are working to improve our school. We are working with our local Education Association, which is also in contact with the state, about our improvements. This alone has already helped to guide us and try new ideas. The state has worked to improve how CSI looks and check-ins work. Let's give this new system some time to work. As someone who has been through the CSI process a couple of times, the idea of taking over a school is incredibly intrusive and takes away local control. A quick google will show research from many states (and Canada) that have already tried this approach, and test scores stay the same or decline. There is nothing to prove that a state takeover improves a school.

A state takeover will hurt our families and students of North Dakota. They will lose trust in our local schools and the state. We are in a better place and continue to move forward. We need to take a look at the areas where these schools lay. Many schools serve Native American students with low socioeconomic status or areas with high immigration rates. These students have a higher poverty rate; as an educator, the research shows these students come to us with a more extensive vocabulary and knowledge gap. We have worked relentlessly to help our students close this gap and continue to do so. This is not just a school problem. This community problem is much more complex than just low test scores. Our students bring invisible baggage that they sometimes cannot carry and need help to unpack. There are not enough resources for them to get help with their traumas.

Another concern is the educator shortage continuing in the state. If this bill were implemented, why would anyone want to become an educator or work at an identified school? To know that the state could swoop in at any moment, and they could lose their job? No one would apply, and the educator shortage will continue to rise. It is asking for these schools to continue to fail.

North Dakota prides itself on giving the local government control, and within this legislation period, multiple bills have been introduced to take away local control. It is incredibly disheartening to have the people we voted for and trust make the best choices for the state turn and try to take control of our occupations and lives. Please listen to the educators in the schools that do the work. We know what is happening and work daily to improve our school, students, and families lives. As a school, we want our families and students to succeed just as much, if not more, than the state.

Thanks for listening,

Kayla Rusten
Prek-8th Grade Principal
Warwick Public School

Below is a few different data pieces showing our growth:

NWEA MAP Testing over 3 years:

Reading

2021- 16% of students proficient (Spring Scores/End of Year scores)

2022- 21% of students proficient (Spring Scores/End of Year scores)

2023- after winter testing- 25% (hoping to see more improvement by Spring and for these scores to reflect in our State testing scores)

Math

2021- 15% of students proficient (Spring Scores/End of Year scores)

2022- 19% of students proficient(Spring Scores/End of Year scores)

2023- after winter testing- 24% (hoping to see more improvement by Spring and for these scores to reflect in our State testing scores)

Attendance-Daily Attendance Percentage over 3 years

2021

Elem-81%

Middle-81%

2022

Elem- 86%

Middle- 85%

2023- most current

Elem- 88%

Middle- 86%

WARWICK PUBLIC SCHOOL

210 4th Ave. Warwick, North Dakota, 58381

Phone: (701) 294-2561 Fax: (701) 294-2626 website: warwick.k12.nd.us



Angela Brandt
Superintendent & HS Principal

Kayla Rusten
Elementary & Middle School Principal

March 14, 2023

Dear Committee Members,

My name is Angela Brandt, I am the Superintendent/High School Principal at Warwick Public School. This is my thirteenth year here at Warwick. I started out as a Pre-K teacher, moved to an Instructional Coach position, then Elementary Principal, and now in my third year as Superintendent and High School Principal. Before working at Warwick, I taught for eleven years at the Tate Topa Tribal School in Fort Totten. I have deep roots in this area, have built many relationships with families and community members, and have invested my entire educational career to the children of the Spirit Lake Nation.

I am writing to express my opposition of SB 2254. Although I've been told schools will not be taken over, that is not how this bill reads. Taking over our school would mean going back to square one and erasing all of the hard work we have done here at Warwick Public School.

We have worked hard on school culture and putting academics first. We've become intentional in our practices and it is starting to show. Our high school was identified as a TSI school in the past, fortunately, this year, the high school was not identified. The high school achieved this by making sure we scored high in the areas of accountability that we could control such as participation in the student engagement survey and meeting the requirements for all of our seniors as work choice ready. Our graduation rate is on the rise as well, scoring at 91% including the completer rate, for the 2021-22 school year.

Currently, both our elementary and middle schools receive CSI funding. Our elementary school is in the second cycle of CSI. The middle school is in the first cycle, having moved from TSI to CSI this fall. We are jumping through the hoops and requirements as best we can while meeting the academic, social emotional, and physical needs of our student population.

I don't believe a book should be judged by its cover. Warwick Public School has made many gains in many areas, such as attendance rates, NWEA assessment scores, and many more that are not recordable on paper or in a report. I encourage you, as I have encouraged employees of DPI as well, to visit our school, see for yourself the work that is being done, and meet our students and staff in person.

I ask that an amendment be done to SB 2254. Conduct a study of CSI schools – what are they doing to make a difference, what gains have been made and in what areas. If not a study then perhaps implement a turnaround process that would best fit the special needs of our school and student population.

Taking over our school, shaking up what is already in place, putting our students through more change and trauma, and putting us back to square one, is not the answer.

Please amend or vote no on SB 2254. I look forward to you visiting our school.

Angela Brandt

Jean Wallace
Board President

Bonita Morin
Board Vice President

Kelly Ganon
Board Director

Mary Langley
Board Director

Shane Moxnes
Board Director

Jordan Brown
School Administrator
Oberon School District #16
Jordan.brown1@k12.nd.us
701-798-2231

March 13, 2023

To North Dakota House Education Committee:

I am writing this letter as testimony on the issues and impacts that would come about from the implementation Senate Bill 2254, of the 68th Legislative Assembly of North Dakota. While well intentioned, the potential drawbacks to the actions that could be taken under this Bill, seem to far outweigh the intended aim of improving student achievement at low-performing schools.

There are many questions that are being left unanswered as this Bill becomes more of a talking point in various circles. First and foremost, what will this look like, as the Bill is written there is too much potential for loss of local control. What information are the schools operating without, what is going to be done that these schools are not already doing? It has been said that the schools are not following their plans, but whose plans are not being followed? Schools have plans in place, plans that need to be approved by state entities. Because the local schools are best at building and maintaining the relationships with their local communities that are central to success of the educational process. If there is a guaranteed formula for success, why is it not being shared with all schools? Trainings have been provided, where outlines have been provided, but is still up to the individual schools to work out the details on those. What will happen to these schools should this level of intervention prove to be a failure? What happens when control passes back to the local school board? As it sits now, there is accountability for schools and within schools, where will the accountability be directed if, with this intervention, schools continue to be chronically low-performing?

A major aspect that is being omitted, is the research focusing on state takeovers of schools, that have taken place in other states. There is an abundance of research from other states that have tried this venture in some form or another. That research would point to the overwhelming failures that other states have endured due to the lack of success. In this research, I found 34 other states have tried this, or some form of it, and 34 states have shown no significant improvement in the achievement scores of the students of struggling schools/districts. Other states with bigger budgets and more staff could not find a universal way to improve low-performing schools. On its own, State takeover of schools will do nothing to improve student achievement scores. Which brings us back to the point of what will be done that these schools are not already trying to do? State takeover has a negative impact on schools, in that it causes major disruption within the communities that these schools serve, to the point that schools are so destabilized, closure becomes almost inevitable. It results in an increase in teacher and staff turnover within the school. Staff turnover has its own problems that are extremely difficult to overcome and take time to do so. There is an exclusion of parent and community input to the educational process of these schools. Local control and local input into the education process

becomes largely ignored. How will that impact the overall school culture within these struggling districts. The impact on the day to day routines of the students tends to become heavily impacted.

There is also the factor that in education, there is a somewhat severe shortage of classroom teachers across the state. If Bills like this begin getting passed and become law, it will further deter people from the education profession. These struggling schools already have factors that impact their ability to attract qualified applicants for teaching positions and if the state is going to further point the finger at the teachers of these schools and say they are at the mercy of the state for their jobs, how will these schools ever be able to bring in teachers to fill positions again?

Lastly, I speak from my experience working a school, that is like a select group of the other CSI schools, schools with high Native American student enrollment. There is an ongoing effort that schools are working on rebuilding trust between Native American communities and the educational system. Schools that serve these communities are working to re-establish relationships that have been damaged consistently throughout history. State takeover would set these efforts back decades, and would drive students of these communities deeper into the “Not Proficient” category of our State Assessment testing.

This is a short-term solution for a long-term problem, where the potential negative consequences greatly outweigh the potential positive ones.

Sincerely,



Jordan Brown



MANDAREE SCHOOL
P.O. Box 488
Mandaree, ND 58757
(701) 759-3311

March 14, 2023

House Education Committee Members:

Chairman and members of the Committee, my name is Carolyn Bluestone. I am the Superintendent of the Mandaree School District #36 in Mandaree, North Dakota. Mandaree is located on the Fort Berthold Indian Reservation, home of the Mandan, Hidatsa, and Arikara people. While we could have filled the room with teachers and administrators who are opposed to SB 2254 the day-to-day operations of the school require that they remain in the building to provide services to students.

The following is written testimony on behalf of our school district and community in opposition to Senate Bill 2254, a bill to add a new section to the ND Century Code relating to intervention by the superintendent of public instruction for a chronically low-performing school or school district and to provide a report.

The bill defines a chronically low performing district as one that shows a “consistent mishandling of processes, reporting, or funds, resulting in inadequate educational services for the school district’s students.” A chronically low performing schools is defined as a “school identified by the state for comprehensive or targeted support and improvement in accordance with the Every Student Succeeds Act for one or more cycles.” Inadequate education services is defined as a “lack of annual progress in academic achievement, student engagement, resource allocation, teacher effectiveness, chronic absenteeism, and persistent subgroup opportunity gaps.” The intervention by the superintendent of public instruction includes withholding of funds, annexation, consolidation, or closure, changes to curriculum, instruction, assessment or school calendar, and/or reassignment or hiring of school or school district staff. All of these interventions have been tried nationwide and research has shown most to be unsuccessful at best and downright detrimental to the students at its worst.

I have been a part of the Mandaree School District for 25+ years. I retired June 30, 2017 and due to challenges in retaining a superintendent I have returned on three (3) separate occasions to fill the position. The District had a total of eight (8) superintendents over the course of seven (7) years. During all of these years the challenges faced by this district have seemed insurmountable at times. Teacher and staff shortages have meant that personnel to address basic needs were at times limited. Teachers and staff have filled double and triple positions to meet student needs. This bill as one of its remedies has the “reassignment or hiring of school or school district staff to fill roles.” That will be quite a feat in this district which has experienced teacher turnover rates exceeding 50% in past years.



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The broad strokes of the bill imply that school districts on “the list” take their responsibilities lightly and are refusing to take action for the betterment of their respective students. I take offense to the language that even hints at the mishandling of processes, reporting, or funds. I worked far too many weeks at 50-60 hours a week with many dedicated professional staff that were in the trenches with me and I find that language unacceptable.

Yes, Mandaree Elementary School is identified as a CSI School. The instructional staff, teachers and paraprofessionals, are dedicated to providing quality education. The Department of Public Instruction has required numerous meetings with CSI schools and submission of very detailed plans to address the CSI designation. Strategy Maps, Driver Diagrams, Focus Goals are all created with input from teachers and paraprofessionals and APPROVED by DPI to guide the work we do with students. Any “strong recommendations” from DPI staff are taken to heart and implemented with time, personnel, and financial resources at the earliest possible time. The cycle of continuous school improvement is required by DPI and embraced by the Mandaree School District. The plans address and target those things that are under our control like curriculum and instruction, interventions, staffing and services. For the 2022-2023 school year alone the body of evidence for our school improvement plan is presented for review. It demonstrates the comprehensive nature of the continuous improvement cycle.

In Superintendent Kirsten’s Baesler’s testimony of February 6, 2023 she references 6-7 school that have “put forth plans but are seeing no progress,” “that she has been to these schools on multiple occasions,” and DPI staff have had “conversations to guide, lead, try to support, counsel, and advise on professional development.”

The Title I Office has and does provide feedback to Districts when they submit their Consolidated Application every year. The Title I personnel have every opportunity to support struggling schools because a district has to identify activities that are an allowable use of funds. The required financial reports ensure that districts are using funds in accordance to federal guidelines. The “consistent mishandling of funds” is not possible when DPI is providing the oversight required by federal law. When expenditures are deemed unallowable Districts are required to move them to other funding sources. The evaluation plans require data of where students are academically and what steps the District will take if student achievement is lackluster. The key point is if plans are not meeting DPI’s definition of success they have this mechanism to “guide, lead, support, counsel and advise” without SB 2254.

In response to my email request of who the 6-7 schools are, Amanda Peterson, DPI, responded that the schools were not specifically referenced in the bill. However, schools “on the list” had a



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gut and correct feeling of who would be identified. Strangely enough all seven (7) of the schools are schools located on Reservations serving students who struggle with generational poverty, historical trauma, drug, and alcohol addiction. These are the factors that the District has no influence or control over and impact our students greatly. I said “strangely enough” but it is no surprise to the hundreds of professionals who work tirelessly to try and provide the best possible education with limited personnel. The Superintendent of Public Instruction has the means to support these schools through the Title I Consolidated Application process.

The punitive steps identified in SB 2254 are reminiscent of the original No Child Left Behind (NCLB) Act where the first fifteen (15) schools were all from predominantly American Indian descent reservation areas. Years of unintended abusive language that was received from DPI and the public over this identification was forced on Native Indian Schools and accepted until two (2) predominantly non-Indian schools made the list. At that point, the abusive language was removed and changed to, “how can we help you.” Eventually more non-Indian schools joined the list and there was a strong push by all to get rid of NCLB and “the list.” Now the first seven (7) identified schools to be targeted by SB 2254 are schools with mainly American Indian descent students and history is repeating itself. Unintended racism is still alive in North Dakota.

I would ask the committee to consider this futuristic newspaper headline and the optics that will surround SB 2254 if it is successful,

“Native Schools Targeted for Takeover by the State with Passage of Senate Bill 2254.”

Senate Bill 2254 would be detrimental to our school district and we recommend a DO NOT PASS.

Respectfully submitted,

Carolyn Bluestone
Superintendent
Mandaree School #36

Mr. Chairman and Members of the Education Committee:

I have some concerns and input I would like for you to consider regarding Senate Bill 2254.

I have known Mandaree Public School administration to operate with integrity regarding funding and has been transparent with faculty and staff and board members regarding allocation of funds. Programs such as IXL and STAR Renaissance Reading Program have been purchased to help the students and teachers succeed.

The new intervention team has been working tirelessly in regards to testing our students and printing out interventions specifically for each student to improve that skill. We have new programs and new interventions now such as Amplify Reading Program and Envision Math program which requires time and fidelity in its usage before we will see tremendous growth.

Our staff has been dedicated to the students and their love for the students is shown daily. I firmly believe that if the staff was trained on how to teach testing strategies and was given the opportunity to attend testing strategies training such as NWEA fusion training, it would greatly improve the testing scores of our school.

Finally, it may even help if our school went to paper testing instead of computer testing, it may show the true potential of our students.

Sincerely,

Marquious Vanshea Curtis, PhD

Second Grade Teacher

Mandaree Public School

Mr. Chairman and Members of the Education Committee:

Good Morning: My name is Viola LaFontaine-Slater.

Thank you for this opportunity to provide testimony regarding SB 2254. I will be speaking in opposition to this bill.

I currently work as the Professional Development Specialist for the Western Education Regional Cooperative, which is one of the 8 Regional Education Cooperatives in the state.

Our cooperative works with 15 schools in our region.

One of the schools I work with is Mandaree Public School District.

Prior to working for the Western Education Regional Cooperative, I served as school superintendent, so you might say I am a recovering superintendent. I worked as the superintendent at the Turtle Mountain Community School for 9 years and then as the Williston Public School Superintendent for 7 years and before I retired I moved to Mott/Regent and was the superintendent for 2 years.

The **reason** I share my background experience is simply to let you know that I have worked with schools that have experienced many **new challenges**.

However, the schools were **successful in goals** we established because we worked together and supported each other from the state level to the local level.

I serve the Mandaree Public School in the **capacity as the liaison** for the Mandaree school district and the Department of Public Instruction to assist, guide and support low performing schools.

The **Every Student Succeeds Act** specifies that state educational agencies, identify for Comprehensive Support and Improvement (CSI), which are the lowest-performing schools, to will **receive support from the NDDPI** and they will provide interventions for schools selected using a multifaceted approach. The **interventions include providing guidance and support** including training on requirements and opportunities, and an **NDDPI liaison to provide technical assistance**

The **NDDPI has partnered with the North Dakota Regional Education Associations (NDREAs)** to support NDDPI's implementation of comprehensive support. This partnership provides an opportunity for identified schools to receive assistance with federal requirements, which includes coaching, professional development, evidence-based instructional strategies, data-based decision making, and ongoing support to meet improvement goals using the School Renewal Process. ([School Renewal Handbook](#). They also customized training to understand the [STARS Data Reporting Platform](#) and how it can be utilized for school improvement and resource allocation.

DPI has priority points for NDDPI-sponsored opportunities, such as **Family Engagement**. I will receive training and certification in this area next week and provide this information and guidance to the school.

The CSI Grant Funding Period: **September 1, 2022 - June 30, 2025** (yearly contract with continuing renewal). Our work has **just begun**, the schools are working hard, but also smarter to increase student success and achievement.

Other requirements the school is doing include: School board and superintendent participation in the [Be Legendary School Board Institute](#) , Quarterly Claims/Status Reports on funding support, increased scrutiny of State and Federal monitoring and required reports. New educators or leaders in schools identified as Comprehensive Support and Improvement could check out the [TSI/CSI 101](#) recording that outlines TSI and CSI expectations through the fall of 2021.

In summary, allowing Senate Bill 2254 to pass will not allow the schools to exercise local control, in my professional opinion. .

The CSI schools have identified areas of insufficient performance and develop an improvement plan. The plan is being **implemented with fidelity**. There have been **numerous check points** of improvement already in the **school planning process**, as a school system, we have a Academic Success Team that meets regularly at the schools as well as formal **check points with the DPI**.

The staff who work at the school area live in the community or surrounding communities, The staff and parents have been involved in the improvement process. **We all want the best for our children.**

The administration and support staff have **accepted and welcome the help from DPI staff and administration**, but it is difficult to believe people who have never stepped foot in the school or community will have a better understanding of what needs are to make improvements in the success of the students and school community. The **written improvement plan in place now was written by people who are a part of the school community**. We are **committed to the success of**

our students. We are dedicated to the people we serve. We are **willing to accept guidance, suggestions and expertise from others,** but please **don't dismiss or dishonor those who give of themselves everyday to make lives better for the students we work with.**

This year is the first year in several years for which the school has **a full staff.** The school has staff turnover year after year. However the administration did not give up thinking strategically and turned to hiring teachers from other counties to fill their staff needs. This year the school hired 5 Filipino teachers to work in the classrooms and as interventionists.

The school has been under several different superintendents in the past 6-7 years. Mrs. Carolyn Bluestone coming out of retirement to help the school out and provide stable leadership.

The Mandaree school opened a **new school this year.** It is a beautiful facility that represents a respect for the local culture as a part of the architectural plan. It brings pride to the school, students, staff, and community.

The school deals with students who have experienced trauma. They have not been able to hire a school counselor. A new superintendent was hired this year.

The school is currently making changes to curriculum, adding training in instruction and assessment. They are on a 4 day school calendar. Students receive additional support on Fridays as well as Tuesday and Thursday after school, as well as many other intervention strategies and professional development opportunities for staff on these days.

Teachers and administrators have been cooperative, eager and excited to receive the support from DPI through the CSI process and liaison support. **The work being done is exceptional but changing curriculum, staffing, leadership, and instructional practices takes time. Continual coaching, support, training and professional practice of best practices is ongoing.**

I am speaking in opposition to SB2254. I have conferred with staff and administrators about the bill and we agree this bill is not a proactive way to approach our schools needs.

Staff, families, tribal leaders, would be more than happy to meet with legislators, the state superintendent, and DPI staff to provide ideas and suggestions to address the issues at hand and make our school the best school possible.

3/14/2023

Dear House of Representatives,

I am writing in opposition to HB 1532.

As a Highly Qualified teacher here in Mandaree, ND and a homeowner who pays taxes and owns a home in another part of ND. I am appalled that this HB 1532 would even be consider taking our public dollars and putting them into private schools. North Dakota's rural communities, served by public schools, will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in 36 of North Dakota's 53 counties. This bill takes resources from the state's 490 public schools in every community across the state to support private schools and private choices, who will hold no accountability for these expenditures. Yet, public schools are governed by locally elected school boards and open meetings laws and must account for every dime they receive from the taxpayers of North Dakota. What is the irony in that?

Leave our public dollars in our public schools where they belong. How can we compare apples to oranges when public schools, esp. those in rural, high poverty areas, don't compare to private schools because they do not face the same issues nor the same problems that public schools face? Private schools choose their students. Public schools don't get to choose students. Public schools, open our doors to students in district and out of district. We teach a diversity of students, including those with special needs and those without special needs and those that are gifted and talented.

Nothing comes free in education. With all of the high expectations that schools and teachers are facing, it's time to take those public monies and use them to invest into schools that are struggling. Many public schools are needing those funds to buy new curriculum, new books, new equipment and the list can go on and on. Instead of trying to take money away from our struggling public schools, why don't we put more money into improving the schools we have. There are so many requirements and hoops to jump through for our public schools and teachers in public schools but having to worry about the funding sources and losing funding because of low performance in our schools just adds to the stress

Many teachers are getting out of teaching because teachers and schools are expected to perform miracles. Teachers aren't doing their jobs if they have a fourth-grade student who is scoring low and trying hard but still cannot gain 1-3 grade level in one year to reach the same level as their peers. It isn't because the school or teachers or students haven't tried hard enough but it's the straight fact that every kid is not the same and doesn't learn at the same rate of their peers. It's called diversity. The last time I checked all students are not the same so why do we keep going around like a dog chasing its tail? If there's a miracle formula or something we can take and use to pull all of our students up to grade level that would be GREAT, in the land of perfect. We don't live in the land of perfect, we live in the land of diversity. So with diversity, we can have one

classroom with 15-20 different levels of learning and we, as teachers, are expected to do miracles so that all of the students finish off the school year at their respected grade level. That hasn't happened in the past and I'm certain that it won't be something that will be happening in the near or far future. So because we are not miracle workers, we stand to lose funding to private schools. Again I must re-iterate...We are not miracle workers but we are dedicated to do our best each school day to teach our students from where they are, up to the next level of learning, no matter how long that takes and still treat each student with respect and dignity.

Until we have exhausted all of the avenues, taking public school money and shifting it to private schools it is not the answer. The only ones that this bill is going to effect is our students and our future. Join our teachers and schools in making a difference instead of disciplining schools and taking their funding and passing it on to and rewarding private schools, who get to pick and choose their students. Let's not forget all of the students that are not able to get into private schools because they are passed over because they have disabilities. Are we just going to kick them to the side, pass them over and take their public funds and give it to private schools who won't even consider enrolling these, who hold no accountability for making decisions like this. The nonpublic schools that will benefit from HB 1532 are not required to follow many federal and state requirements and the bill specifically prohibits requiring nonpublic schools to alter their admissions policy. They are free to deny admission to any student for any reason, including cognitive ability, physical disability, as well as behavioral and social limitations. Public schools, on the other hand, proudly educate all comers, regardless of their limitations and abilities. It is not unreasonable to believe that if private, nonpublic schools receive state funding, then they should have to follow the same state and federal requirements as North Dakota's public schools.

Finally, teacher shortage is one of our major problems in ND and in our country. Passing this bill would discourage teachers in the field even more to go into new fields or take jobs in other fields because the lack of support for hardworking schools, teachers, and students. If you think teacher shortage is an issue now, pass this bill and you will see the decline of education and the lack of teachers we have now will not compare to the teacher shortage that we will be facing in the future due to the lack of support for our public schools. As you vote, consider all the detrimental effects this will have now and, in the future, and do the right thing and vote No on HB 1532.
Thank you,

Sincerely,
Rae Ireland, MS-SpEd- LD, BS-ElemEd
Box 462
Mandaree, ND 58757
raevallieireland@gmail.com
rae@mandareeschool.org

23.0615.02000

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2254

Introduced by

Senators Kreun, Beard, Weber

Representatives O'Brien, Richter, Schreiber-Beck

AMENDMENT FROM NDCEL FOCUS GROUP (Dr. Gandhi)

1 A BILL for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota
2 Century Code, relating to intervention by the superintendent of public instruction for a
3 chronically low-performing school or school district; and to provide a report.

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

5 **SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Intervention for chronically low-performing indicators- Report.**

8 1. As used in this section, unless context otherwise requires:

9 a. "Chronically-low performing district" means a school district for which external
10 auditing

11 has revealed a consistent mishandling of processes, reporting, or
12 funds resulting in inadequate educational services for the school district's
13 students.

14 b. "Chronically low-performing areas indicator" means a specific indicator identified in
15 the state for

16 comprehensive or targeted support and improvement framework in accordance
17 with the

18 Every Student Succeeds Act [Pub. L. 114-95; 114 Stat. 1177; 20 U.S.C.

19 28 et seq.] for one or more cycles that has received less than 25% of the maximum
composite value for that indicator for five consecutive years."

20 2. The superintendent of public instruction shall may intervene directly when a public
21 school has a chronically low-performing indicator for five consecutive years or more..
22 The superintendent of

23 public instruction shall conduct an assessment of chronically low-performing indicators
24 to identify

25 areas of insufficient performance and develop an improvement plan in consultation with
26 the local school board and administration. An improvement

plan under this section may include ~~a directive from the superintendent of public instruction requiring: A state funded coach, Funds to be held in escrow for the school or school district or spent as designated by the superintendent of public instruction.~~

~~b. School or school district annexation, consolidation, or closure.~~

c. Changes to curriculum, instruction, assessment, or the school calendar in the school or school district.

c. Recommendations of Reassignment or hiring of school or school district staff to fill roles associated with school or school district needs.

3. The superintendent of public instruction annually shall report to the state board of public school education, the education standing committees of the legislative assembly during a legislative session, and an interim committee of the legislative management when the legislative assembly is not in a legislative session regarding the implementation of this section.



1 Testimony in Opposition

2 SB 2254 – Chronically Low Performing Schools

3 Chairman Heinert and members of the House Education committee, my name is Dr.
4 Aimee Copas, and I am the Executive Director for the North Dakota Council of
5 Educational Leaders representing school leaders across North Dakota.

6 As school leaders, we come to you with grave concerns about the extreme overreach of
7 this bill suggests and push of authority to the executive branch as outlined in the bill
8 and the ability for them to completely override local control of the locally elected
9 positions. The greatest level of concern we have is outlined in the final ¼ of the bill.

10 Prior to the last ¼ as referenced this bill is basically outlining the supports NDDPI
11 provides to CSI and TSI schools. However, it takes the authority and broadens it
12 tremendously. These schools already must do mandated training and receive supports
13 from NDDPI, REA's and other organization. It is most certainly appropriate to assist
14 and support while locals still run their schools and make decisions. It is not the job of
15 the state department to intervene. In this instance, the state superintendent would be
16 given the authority to override and supersede the locally elected officials, the
17 administration and would be given the authority to make decisions impacting an entire
18 district. In some instances in one our urban communities we have one school out of
19 many (usually a high level of poverty) who are in this status. This bill would grant the
20 authority of this elected position to override the entire district. This would be the case
21 for Bismarck, Mandan, Fargo, Grand Forks, Williston, West Fargo as well as a handful
22 of smaller schools due to a year where one school building is in the bottom 10-15%. I
23 ask you – is this appropriate?



1 This bill would allow this elected official (regardless of qualifications – remembering
2 that the state superintendent isn't a person but a position). When we make laws about
3 positions in government, please be mindful to do so not so much regarding the person
4 in office, but the position. The person in that role in the future could be wonderful,
5 horrible, average, or anywhere in between. In North Dakota we've prided ourselves to
6 believe in our locally elected leaders, to believe in our teachers and our schools and
7 their ability to respond. I would hope that belief set has not changed. This level of
8 overreach is no different than the federal government reaching its hands into North
9 Dakota and telling locally elected legislators what they can and should do and to have
10 them take over here at any level. A parallel could be that the federal government isn't
11 pleased with our performance in green energy, so they come in and takeover and usurp
12 all elected legislators, and replace them with individuals they want, hire, and fire, and
13 determine the pathway with no regard to those in the community who have been
14 elected and entrusted with the job. I am confident in each of you that you will not
15 allow national rhetoric influence how you view our North Dakota teachers, educational
16 leaders, and schools.

17 Please vote to keep the authority where it belongs by voting no on this bill. Keep the
18 authority with the locally elected officials. Encourage the support of all the agencies
19 who can support struggling schools, but we implore that this is done in the most
20 appropriate manner.

Mr. Chairman and Members of the Education Committee:

Good Morning.

My name is Jessica Baker.

Thank you for this opportunity to provide testimony regarding SB 2254. I will be speaking in opposition to this bill.

I currently work at the Mandaree Public Elementary School as the 8th grade teacher. I have been employed as a teacher by the Mandaree School District for the past two years.

As a member of a federally recognized tribe, as well as an educator within the Indigenous community, I am against SB 2254. I can honestly say that this seems to be another type of genocide against our people, specifically targeted at our young.

This bill seems to be systemically racist as well as discriminatory, at the state level. If the state takes away funding for our public schools and gives to private schools, what will be left for the young people of our Indigenous communities? This is setting a huge majority of our young people up to fail.

This is WRONG!

Our staff and faculty have recently been attempting to turn our numbers around and bring students up to par. The timing we have been given has just not been enough. Just like everyone else, COVID had a huge impact on the learning environment, and may have been the cause of some of our testing numbers to go down. We have every faith in our students to get back to where they need to be and we will not give up on them.

PLEASE do not proceed with this bill.

Sincerely,

Ms. Jessica Baker
8th Grade Teacher
Mandaree School District



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

P.O. Box 7128
Bismarck ND 58507-7128
1-800-932-8791 • (701)255-4127
www.ndsba.org

SB 2254
House Education | March 15, 2023
Testimony of Alexis Baxley

Good morning, Chairman Heinert and members of the House Education Committee. My name is Alexis Baxley, and I serve as the executive director of the North Dakota School Boards Association. NDSBA represents the elected school boards of all 170 public school districts and several special education units in North Dakota.

The North Dakota School Boards Association is here today in opposition to SB 2254. We all want success for all of North Dakota's students. While we are continually striving to better all student outcomes, NDSBA does not believe this bill is the right approach to do so. Instead, this bill gives significant new powers to the Department of Public Instruction that do not align with North Dakota's "local control" approach.

Each year my organization conducts a mandatory seminar for newly elected school board members. At this seminar we introduce them to NDDPI, and the superintendent often shares with them about the work her office does. We strive to impress upon these board members that NDDPI is an organization that exists to help them serve their students – not catch them in a "gotcha" moment. We believe it is important for board members to feel comfortable working with DPI and that a positive relationship is best for students. If this bill were to pass, it would be impossible to maintain that approach. DPI should exist to help districts be the best they can be, not punish them or take over.

Almost all of the schools currently receiving comprehensive support are Native American schools and/or schools with high rates of poverty. While every employee and board member in these districts does everything they can to support student outcomes, there are many challenges and factors contributing to their success or lack thereof. It is unacceptable that closure of some of these schools be on the table – forcing these students to attend school in a district further away from their home, potentially with less connection to their culture, will not have a positive impact. The decision to close or consolidate school districts should always be one that is made locally by a school board, in consultation with the students, parents, and community members it serves.

The way that we as a state calculate or determine which schools are CSI or TSI in any given year is problematic when we are talking about the changes in this bill. No matter what, there will always be a lowest-performing five percent. We do, however, understand the frustration of the Department when it comes to lack of improvement in some of these schools. If we are going to begin to give DPI further authority over these schools using additional indicators and data to guide the approach would be more acceptable

than the bill as it is currently written. SB 2254 is the opposite of local control and is unlikely to have the positive outcome it seeks without further work. NDSBA respectfully request the committee give the bill a do-not-pass recommendation. I will stand for questions.

Chairman Heinart and Members of the House Education Committee

My name is Jeff Olson, Superintendent of Fort Totten Public School

When addressing SB 2254 in your committee please consider how it is currently written and how testimony was provided by ND DPI staff and discussion with the Senate Education Committee that they need a “hammer” for some schools. I was able to attend a meeting set up by Scott Davis for some CSI schools to meet visit with three of those who introduced the bill Senator

Beard, Senator Kreun and Representative Richter. Those legislators were up front with the frustration they were having with middle schools in their area school districts. They did not feel their local administrators and school boards were doing enough and felt this bill would help their situation. Their intent wasn't meant to be punitive, but they need to get the attention of those schools and school districts not making progress. Well, that is not how the bill reads now and I don't believe it will address the schools in their district.

My school district, Fort Totten Public School District, is a high school district located on Spirit Lake Nation. Like the vast majority of the other schools/districts on the CSI list, we are low income, property poor school district, serving Native American students, and are considered transition maximum by the ND DPI funding formula. We receive one of the lowest, if not the lowest, per weighted student payment within the State's 2021-22 foundation aid payment formula, our actual payment from the state is \$6931.44/per weighted student not \$7449 shown on the report because last year we received \$13,400 for our local general mill levy contribution not the \$114,249 deducted in the

formula. Reference: <https://www.nd.gov/dpi/sites/www/files/documents/SFO/8YearComparison.xlsx>

ND DPI 8-year comparison numbers are from row 106 columns M, N and O.

The bill states:”.... auditing and monitoring has revealed a consistent mishandling of process, reporting or funds resulting in inadequate educational services for the school district’s students and has had low-performing schools within the school district.” We operate under close ND DPI supervision, we already provide plans to ND DPI through Title funding requirements, which must be approved by them, and if we don’t spend the funds the way they approve, we are not reimbursed for them. Also, our reality of educational funding is different than most other ND districts. We rely heavily on grants to fund our education because we don’t get the same financial support from the state and local taxpayers. Thus, our budgeting and certainly our cash flow management is different. So, for a ND DPI person to come and evaluate our district through the same lens as a fully state funded property rich district is flawed.

Subgroups identified in the State’s ESSA plan are; low income, specific races, IEP, Foster care, Homeless, and English Learners. The subgroups identified are to be monitored and compared to the rest of the state or school, or district. If there is a discrepancy in student performance, interventions are to be implemented. The State’s data shows these subgroups are not achieving the achievement levels as the rest of the state (Insights.ND). The issue is our district’s whole student population is in one or more of the lowest performing subgroups in the state. The

State's plan identifies CSI as the lowest performing 5% Title I schools. So, with the expectation that these subgroups are going to perform lower it shouldn't come as any surprise extreme poverty districts, serving high Native American student populations, with elevated levels of Foster care, Homelessness and IEPS will get and remain on their "naughty list."

School districts should strive to meet their community's needs, which is why they have local elected officials. I believe the goal of not just our school, but every school is to prepare students for a fulfilling life after school. This pathway is not the same for everyone. As I mentioned earlier, we are a 9-12 school district, our school will be evaluated with the accountability frameworks, choice readiness and graduation rate. Our students will take their ND State assessment in the spring of their 10th grade year, so they will be in our school system for less than 2 years and that is all the time we have to get them to grade level. This does not give us much time if they enter our school below grade level, which most are. A high school diploma is the goal sometime thought of as a "ticket." If you do not have a ticket to get somewhere it makes life a whole lot more difficult. The high school diploma (or GED) is usually a minimum job requirement or needed for job advancement within a company. Our school provides many interventions, extended learning times and an Alternative High School program to assist our students to achieve a high school diploma. For some it takes more than 4 years, set as the exit criteria for CSI. We have had difficulty meeting the 3 consecutive years of 67% graduation rate in the 4 years. We have had better success graduating them in 5 or 6 years or the Completer rate (includes GED before 22 years old) shown on Insights.ND. In fact, our completer rate exceeded the state rate in 2020-21.

I hope you will consider my information and either vote do not pass on the bill or rewrite the bill to take away the “hammer” in the bill and direct the Superintendent of Public Instruction to work with these schools and districts to provide the direct help they need, because research shows state takeovers have not been successful.

Thank you for your time and consideration.

Jeff Olson, Superintendent

Jeff Olson
Superintendent
Fort Totten Public School
701-766-1400 ext 1427

SB 2254, Hearing House Education Committee 3-15-23

Good morning Representative Heinert and members of the House Education Committee. For the record my name is Representative Lisa Finley-DeVillie. I am an enrolled citizen of the Mandan, Hidatsa and Arikara nation. I represent the people of District 4 A which includes the Fort Berthold Reservation. I am here to testify in opposition to Senate Bill 2254.

As a Representative of a district that encompasses a reservation and being a life long resident of Fort Berthold Reservation, I understand the challenges that our school districts face. I believe that Senate bill 2254 preempts the search for a real solution to the issues that North Dakota education system faces.

Interference by a superintendent can create a range of issues, from micromanaging teachers and staff to making unilateral decisions without input from other stakeholders. Such interference can have a negative impact on the functioning of the school or district, as well as the learning outcomes of students. Especially when decisions are being forced top down by an outside agency that has no connection to the community.

Implying that identified school districts are mishandling processes, reporting or funds will create a climate of distrust and hostility among staff and faculty, which can affect morale and motivation. Additionally, it can lead to a lack of cooperation and collaboration, hindering efforts to improve educational outcomes.

It is essential for superintendents to work collaboratively with other members of the educational community, including teachers, parents, and community leaders. Effective communication and a willingness to listen to others' perspectives can help avoid interference and promote a positive and productive educational environment.

Education has always been a priority for me and my family. Passing Senate bill 2254 is not a solution to creating a thriving education system. Our focus should go toward efforts that support teachers and school administrators that are committed to closing the achievement gap for our students. Thank you, I stand for questions.

**TESTIMONY ON SB 2254
HOUSE EDUCATION COMMITTEE**

March 15, 2023

**By: Amanda Peterson, Director of Educational Improvement and Support
701-328-3545
North Dakota Department of Public Instruction**

Mr. Chairman and Members of the House Education Committee:

My name is Amanda Peterson, and I am the Director of the Educational Improvement and Support office within the Department of Public Instruction. This office oversees Title I, Neglected and Delinquent and Homeless Education Programs, Title IV, safe and healthy school projects, and the comprehensive and targeted support given to our lowest performing schools. Our team at DPI supports K-12 students that are most at-risk, disadvantaged, and in need of support. I am here on behalf of the department to provide information regarding Senate Bill 2254. Some of the information I will be sharing comes directly from a 50-state scan that the Institute of Education Sciences (IES) and Regional Educational Lab (REL) Central released in 2015 to prepare states for the upcoming Every Student Succeeds Act (ESSA), which replaced No Child Left Behind. In addition, the data I reference is publicly available from either the NDDPI website or North Dakota's Insights dashboard.

To summarize the North Dakota accountability model, North Dakota provides additional federal funding to schools identified as Targeted Support and Improvement (TSI), which are the schools in the bottom 10% of all schools in the

state, and as Comprehensive Support and Improvement (CSI), which are the schools in the bottom 5%. This bill was amended in the Senate to include only those CSI schools that have been identified for more than one cycle, so my testimony will focus on CSI schools. At present, there are 1,265 students being served in CSI schools.

North Dakota's accountability model was created by North Dakota educators and North Dakota educational leaders and approved by the US Education Department (USED). Therefore, the North Dakota Century Code does not outline a separate **state** accountability model. There are minimum federal guidelines we must follow when the State accepts federal funds. In 2021 alone, the USED granted over \$265 million to North Dakota to assist our neediest children. By accepting these funds, North Dakota makes commitments to hold schools accountable for meeting and exceeding the state's academic standards and intervening in low-performing schools. Additionally, North Dakota receives funds from the USED to help schools and districts meet educational outcomes. If North Dakota decided to enact its own model separate from federal accountability, it would need to include funding to support its efforts, and the list of under-performing schools would most likely grow. I also understand that there may be some proposed amendments to SB 2254. To be clear, North Dakota's federally approved state plan does not allow us to adjust the factors or formulas used to determine how a school is identified as a TSI or CSI school. Again, this plan was developed by North Dakota educators, and we continue

to meet as a stakeholder group three to four times a year to refine implementation and communicate components of the plan.

NDDPI is proud of the way we've provided support to TSI/CSI schools, and over the past five years we've continuously improved our service due, in large part, to direct feedback from those schools identified. We will continue with that support, regardless if this bill passes or not. However, if school leaders do not meet their improvement goals or objectives, the DPI is limited in how it can respond. Although North Dakota requires low-performing schools to submit improvement plans, no state legal authority exists to hold any North Dakota school accountable for the actions within their stated plan or their lack of improvement. The Department can only provide more federal funding of \$60,000-\$75,000 per CSI school per year- to schools that continue to have low academic achievement. These are federal funds that are given as an incentive and support for schools to be able to work on and fund their school improvement plan. If this bill passes, the NDDPI will work with stakeholders to create guidance, but the line in the bill that enhances the support we give now is in section two where it states that the state superintendent "shall conduct an assessment and a review of past interventions to identify areas of insufficient performance and develop an improvement plan". Because, although we require they engage in NDREA instructional support, use improvement science methods and tools, and receive priority points for other competitive grants, we cannot require

implementation of the best practices they learn. We also cannot hold them accountable to these requirements, and interventions cannot become more rigorous despite how many CSI cycles they may be identified for in the future.

Federal law allows six categories of interventions that a state education agency may take. These six categories of interventions include the following:

- developing or monitoring school improvement plans,
- financial incentives,
- changes in staffing,
- closing a school,
- reforming the day-to-day operations of a school, and
- changes related to the entity that governs or operates a school.

Approximately **one-third** of states allow action **in all six areas**. However, some state legislatures, including North Dakota, have enacted state policies which limit actions the state education agency can take. North Dakota is **one of only three** states that use **only two** of the possible six interventions - financial incentives and monitoring school improvement plans (highlighted above) - which are the minimum two required by federal law. But we have seen that lack of money is not the problem, and more money isn't always the solution. At the end of the 20-2021 school year, , over \$2 million was unspent by TSI/CSI school districts, and, at the end of the 21-2022 school year, over \$1 million remained unspent. These facts illustrate that,

oftentimes, school leaders are at a loss on how to improve their schools and that it might be helpful to have the state provide “cover” to local leaders who need to make bold and strong changes to help their students, read, write, think, and do math.

Additionally, federal law allows and outlines four intervention strategies for **persistently** underachieving schools:

- Turnaround (requires the principal and at least 50% of staff to be replaced)
- Transformation (requires replacing the principal, but not staff, and adds a rigorous evaluation component)
- Restart (adjusting how the school operates), and
- School closure.

North Dakota law does not include any authority to implement any of these intervention models because North Dakota Century Code is silent beyond **supporting** schools in the local implementation of their plan. Remember, the State Superintendent and the Department of Public Instruction are only given the authority expressly given to it in North Dakota Century Code.

In 2014, nearly a quarter of states considered legislation related to school improvement in general or in interventions or sanctions for low-performing schools. The North Dakota legislature has not enacted legislation on the supervision of low-performing schools while increasing the state investment in local schools and districts to over \$2.2 billion over that same timeframe. As it stands now, North

Dakota does not have a system of checks and balances that influence accountability for improving student outcomes. This bill would allow NDDPI to work with schools to determine the best course of action for those in critical need of support and further intervention and the legislature would fulfill its obligation to provide high-quality schools to all students.

The Legislature makes strong financial investments in its 169 school districts. In addition, stakeholders have created the K-12 Strategic Vision to ensure that “all students graduate Choice Ready with the knowledge, skills, and disposition to be successful”. Legislators are increasingly asking the Department about these investments, goals, and student results. These concerns have been brought forth in the K-12 Coordination Council and Interim Legislative Committees. This bill results from those concerns and discussions, and NDDPI has been tasked with providing key data points, past interventions, and reports on schools’ progress. Even more concerning, there have been numerous lawsuits being brought forward in other states on behalf of both students and parents when the state is aware that a public school district has failed to teach children basic reading and math skills. It is my sincere hope that this never happens in our state.

School turnaround is complex. It should not be expected overnight or in one or two years. However, several North Dakota schools have struggled to make gains over the past five, six, and even 10 years, and yet, at this time, the State provides no

authority to the Department of Public Instruction to require even minor changes to a school's day-to-day operations, staffing, or teaching, administrative, or fiscal structures. When schools do not advance student academic outcomes and fail to make progress, there is no authority at present to intervene. I get asked all the time whether or not this bill would negatively impact the schools that educate our neediest students. My response is always this: the schools that are identified are public schools with many community challenges. However, we have similar schools in similar situations with similar demographics who have exited and made gains working with their communities, utilizing their funding in positive and innovative ways, and adjusting how they do business at their schools. I believe that, if this bill passes, the NDDPI can play a critical role in facilitating these connections and working on evidence-based improvement plans in direct coordination with school leaders.

I have also included, at the end of my testimony, some data that was requested from this committee which includes a list of CSI schools, publicly available achievement data, and funding details. The achievement data is provided in ranges, as NDDPI can only include ranges when the number of students is less than 10. You will see that the "range" is sometimes 0-10% proficient. Again, this actual number cannot be made public but if anyone would like to see the more precise numbers or percentages, you can reach out to me directly. Oftentimes, these schools are so small

that increasing their rate by 50% to exit CSI status means that the school will only have to get 5-10 students in their district to read, write, or do math at grade level.

We believe that moving 5-10 students in four years is not too much to expect.

Chairman Heinert and Members of the Committee, this concludes my prepared testimony, and I will stand for any questions you may have.

Additional Resources:

- Further information on Targeted Support and Improvement (TSI) can be found here: [Targeted Support and Improvement | North Dakota Department of Public Instruction](#)
- Further information on Comprehensive Support and Improvement (CSI) can be found here: [Comprehensive Support and Improvement | North Dakota Department of Public Instruction](#)
- **Federal Funding Information**
 - Derived from a Title I Setaside
 - 2022-2023 Allocation = \$3,047,242 (this total includes school grants and a provision to contract with service agencies (REAs) to provide direct support; admin = \$160,382)
 - Schools receive \$60,000-\$75,000, based on school enrollment
 - 0-300 students = \$60,000
 - 301-800 students = \$67,500
 - 801+ students = \$75,000
 - TSI Grant Period 9/1/2022 – 12/20/2023 = \$1,417,500
 - CSI Grant Period 9/1/2022 – 6/20, 2025 = \$937, 500 x 3
 - CSI schools will get a yearly installment for three years

Currently, the schools that are identified as CSI are listed below. A CSI cycle is three years. Those that are in their second cycle of CSI are highlighted in yellow:

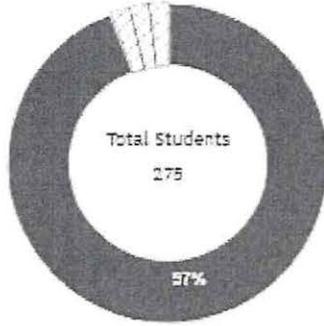
CSI Schools Based on 2021-2022 Accountability Data

School	District	Grade Span
Bowbells Elementary School	Bowbells 14	0K-06
Dickinson Middle School	Dickinson 1	06-08
Drayton Elementary School	Drayton 19	PK-08
Dunseith Elementary School	Dunseith 1	PK-06
Dunseith High School	Dunseith 1	07-12
Jefferson Elementary School	Fargo 1	0K-05
Four Winds Community High School	Ft Totten 30	09-12
Fort Yates Middle School	Ft Yates 4	05-08
Valley Middle School	Grand Forks 1	06-08
Mandaree Elementary School	Mandaree 36	0K-08
Oberon Elementary School	Oberon 16	0K-08
Selfridge Elementary School	Selfridge 8	0K-06
Cannon Ball Elementary School	Solen 3	PK-06
Warwick Elementary School	Warwick 29	PK-04
Warwick Middle School	Warwick 29	05-08

Dunseith Elementary School
 District: Dunseith Public School District
 School Summary (2021-2022)

[Dashboard](#)

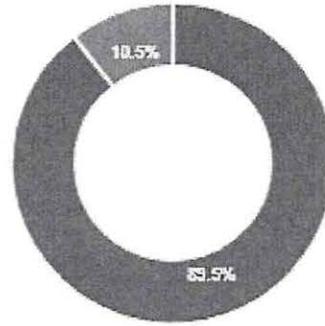
Enrollment



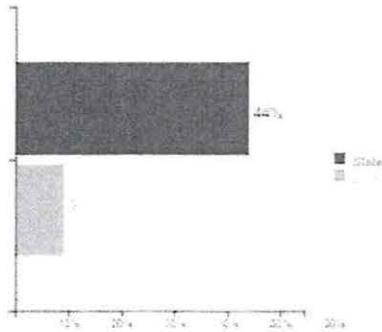
Enrollment Groups

- Native American
 - Hispanic
 - Asian American
 - Black
 - White
- LAR (Latino) - 3 (1.1%)
 ILL (Indians with a language) - 15 (5.5%)
 HISPANIC - 8 (2.9%)
 AMERICAN INDIAN - 4 (1.5%)
 UNCLASSIFIED - 200 (72.9%)

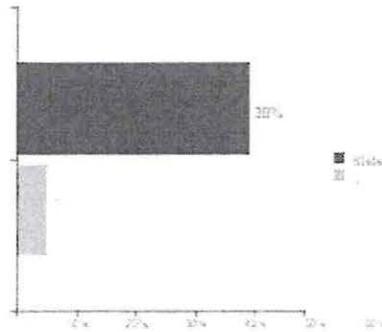
Attendance



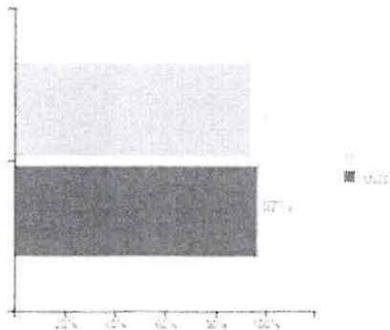
Proficiency in ELA



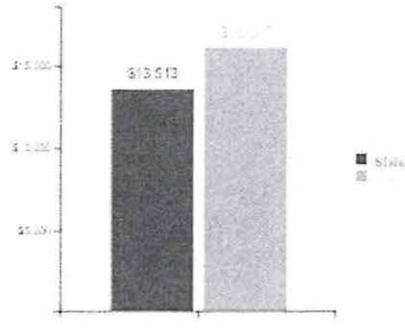
Proficiency in Math



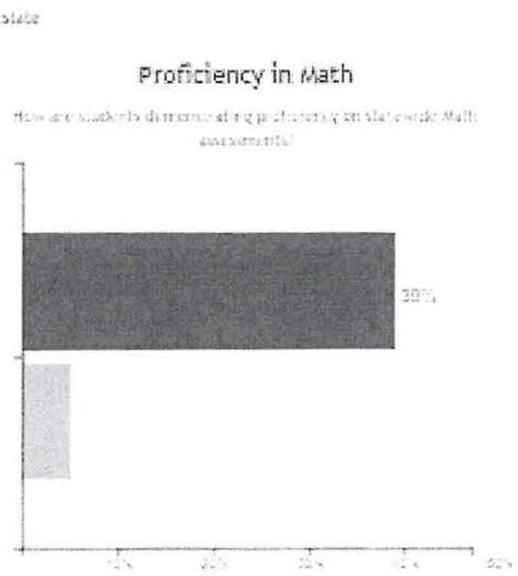
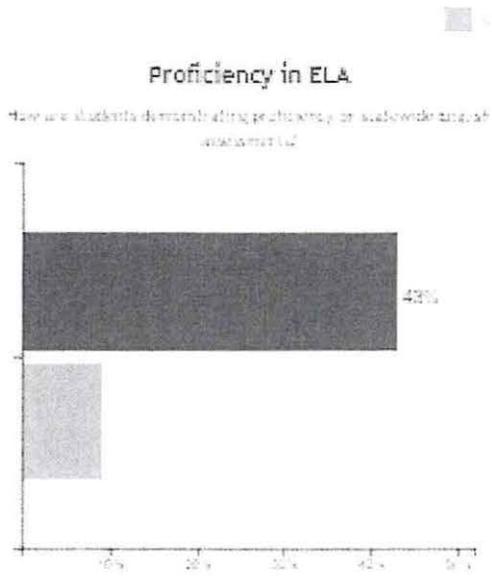
Assessment Participation



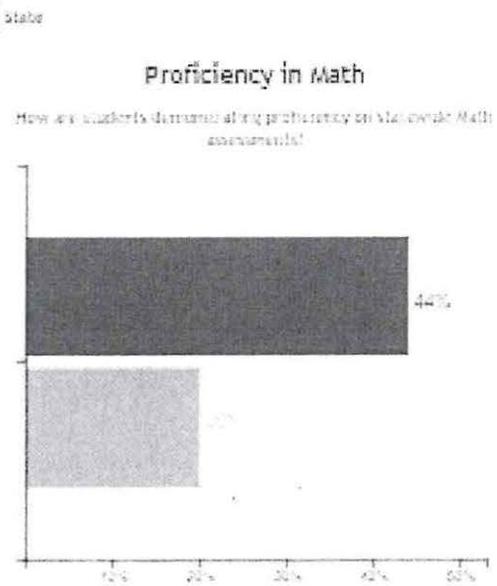
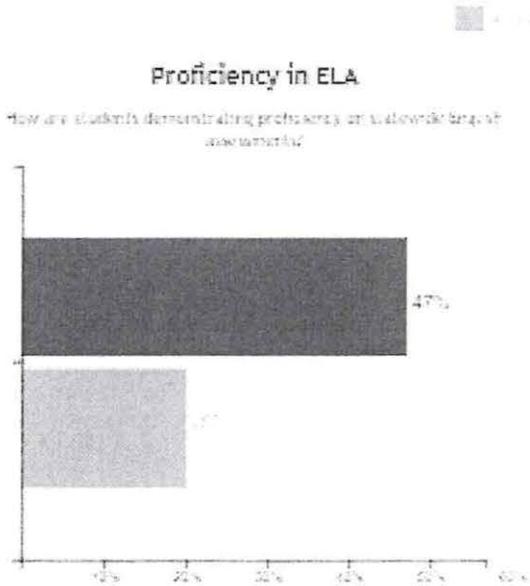
Total Cost Per Pupil (2020-2021)



Dunseith Elementary School 20-21



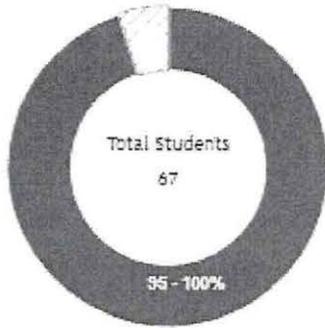
Dunseith Elementary School 19-20



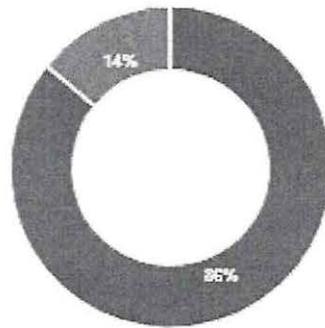
Fort Yates Middle School
 District: Ft Yates Public School District
 School Summary (2021-2022)

[Download PDF](#)

Enrollment



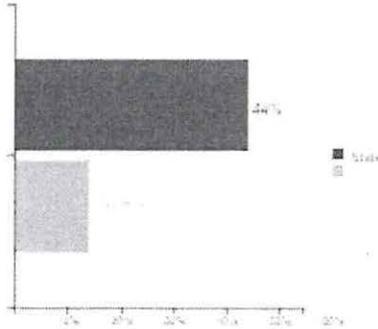
Attendance



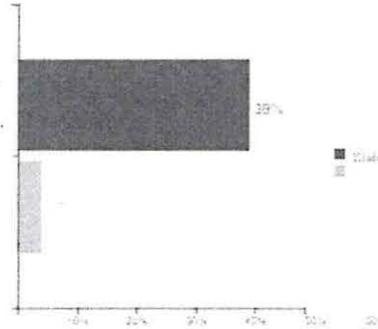
Enrollment Groups

- All (67%)
- Low Income (24.0%)
- IEP students with disabilities (7.0%)
- Multisensory (7.0%)
- English Learners (4.0%)
- Gifted and Talented (4.0%)

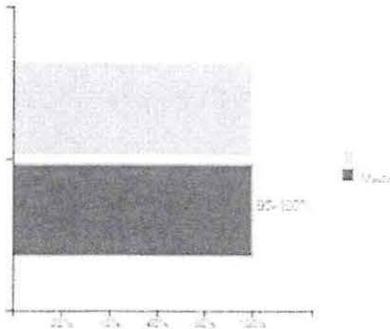
Proficiency in ELA



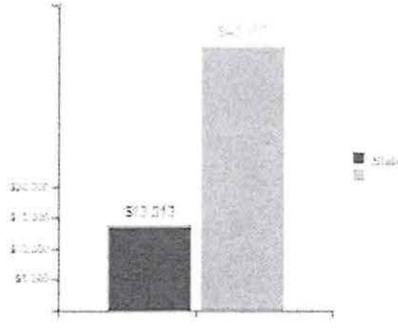
Proficiency in Math



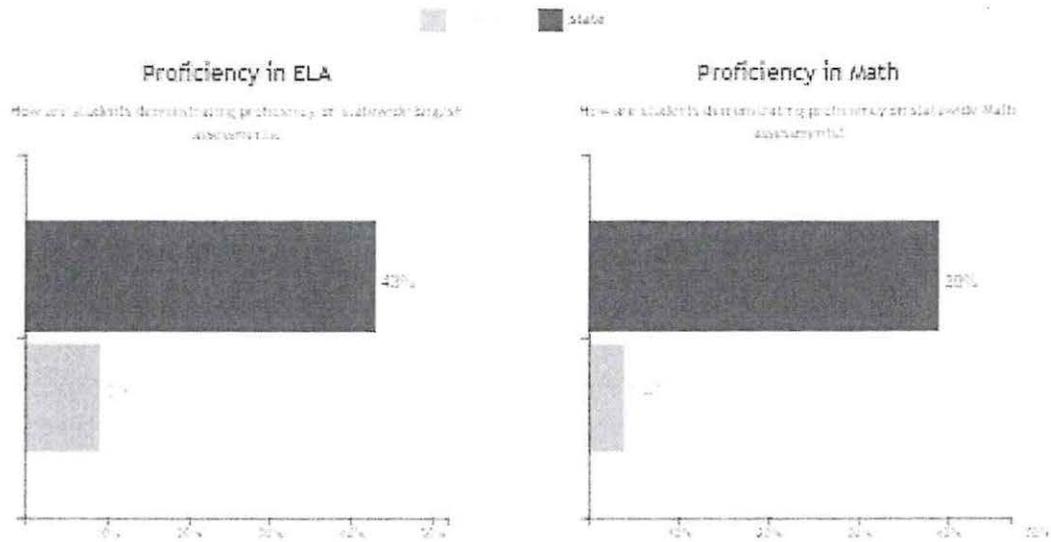
Assessment Participation



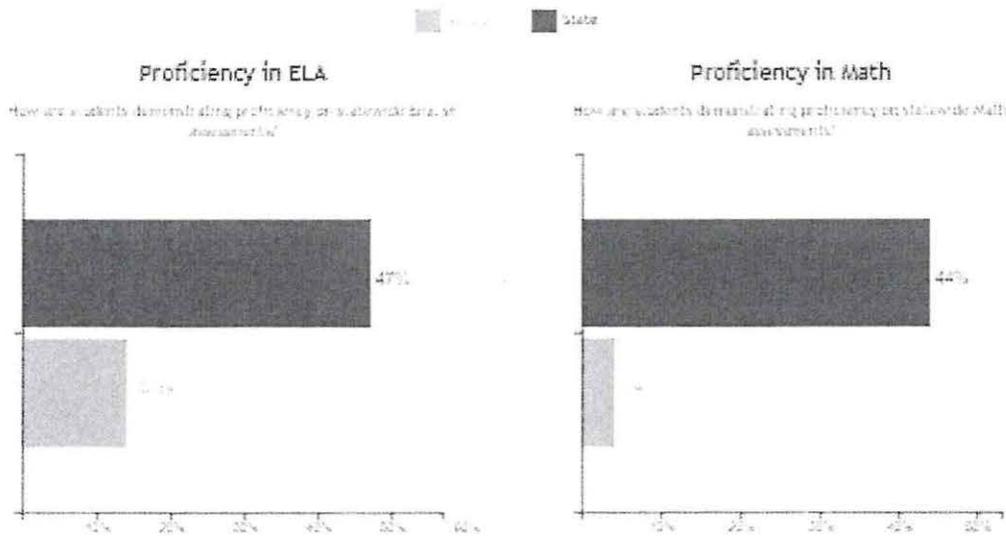
Total Cost Per Pupil (2010-2021)



Fort Yates Middle School 20-21



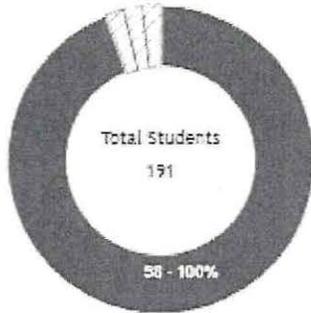
Fort Yates Middle School 19-20



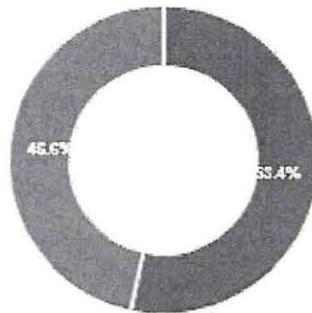
Four Winds Community High School
 District: Ft Totten Public School District
 School Summary (2021-2022)

www.fwsd.net

Enrollment



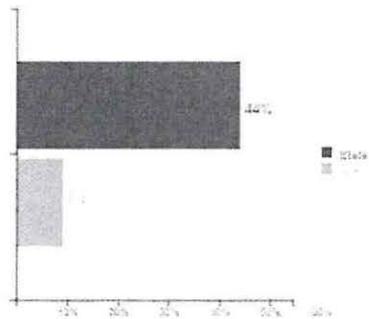
Graduation Rate



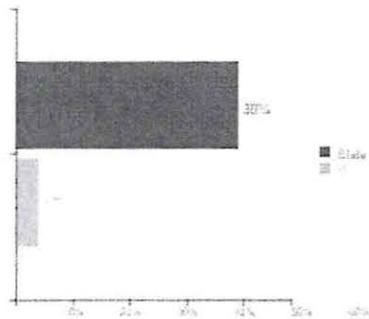
Enrollment Groups



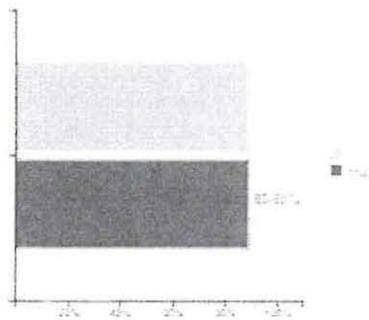
Proficiency in ELA



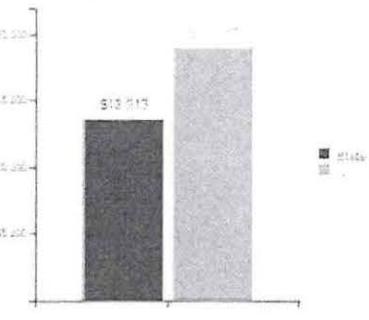
Proficiency in Math



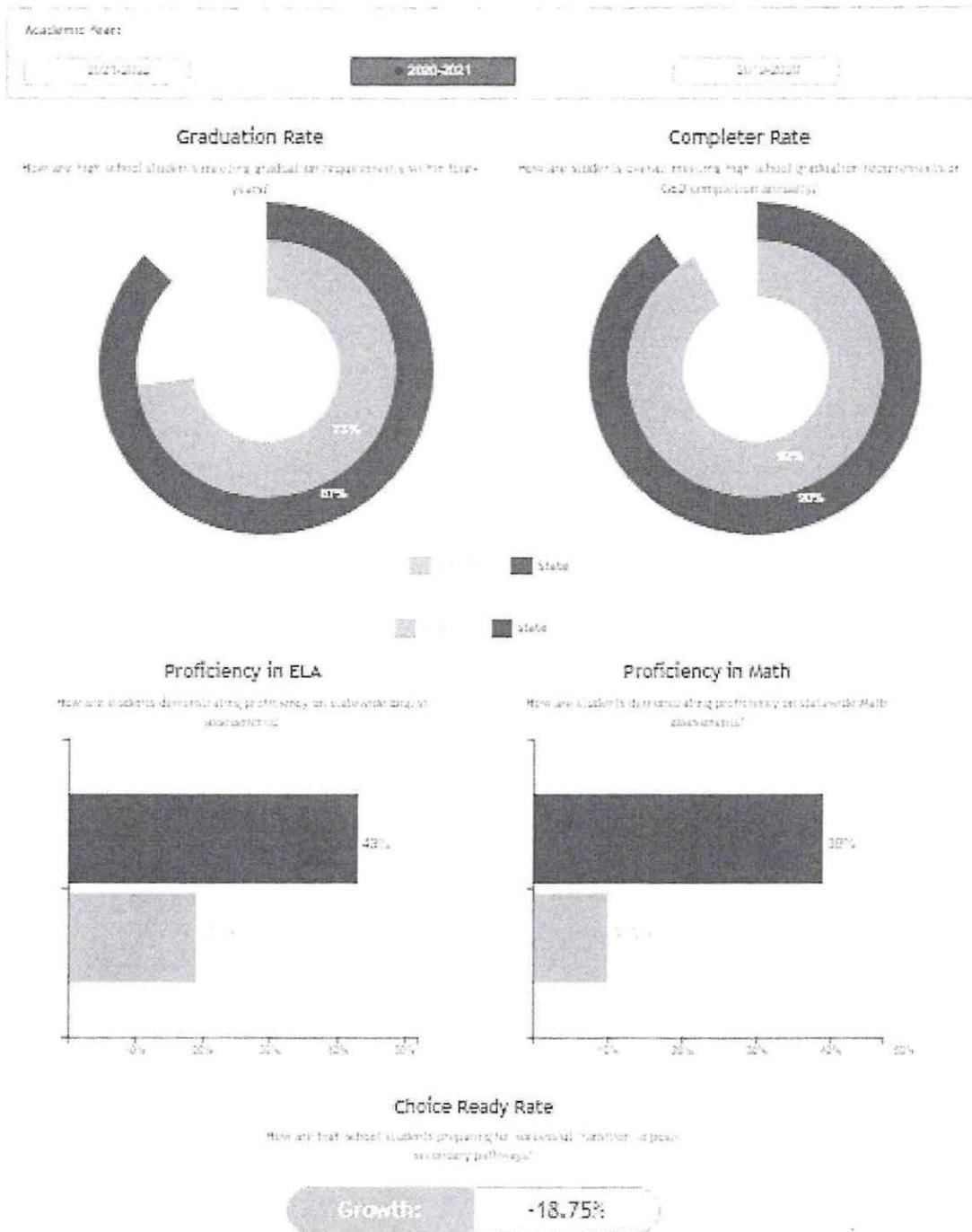
Assessment Participation



Total Cost Per Pupil (2020-2021)



Four Winds Community High School 20-21



Four Winds Community High School 19-20

Academic Year

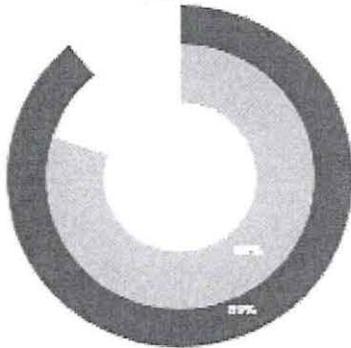
2019-2020

2018-2019

2019-2020

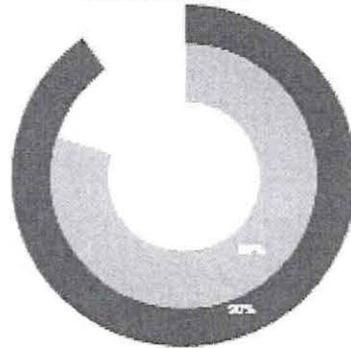
Graduation Rate

How are high school students meeting graduation requirements within 4 years?



Completer Rate

How are students meeting the high school graduation requirements of GED completion annually?

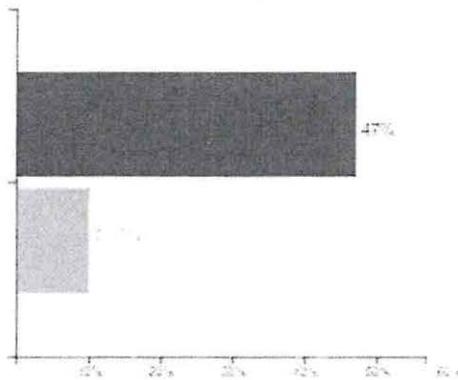


2019-2020

2018-2019

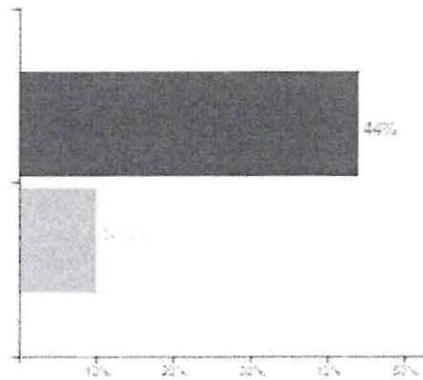
Proficiency in ELA

How are students demonstrating proficiency on statewide English assessments?



Proficiency in Math

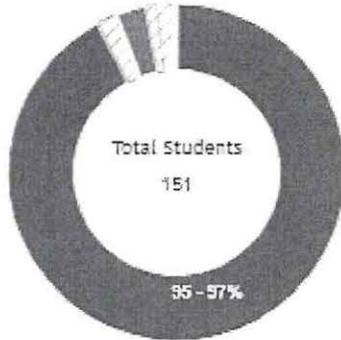
How are students demonstrating proficiency on statewide Math assessments?



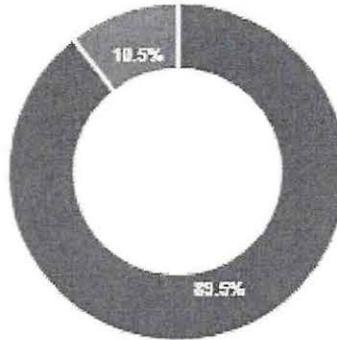
Mandaree Elementary School
 District: Mandaree Public School District
 School Summary (2021-2022)

<https://www.mpsd.net>

Enrollment



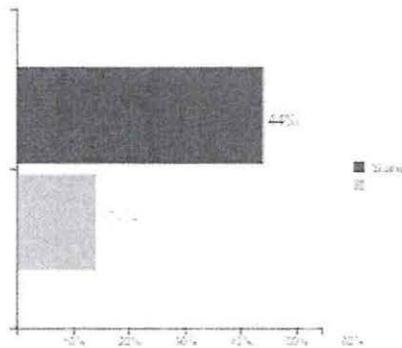
Attendance



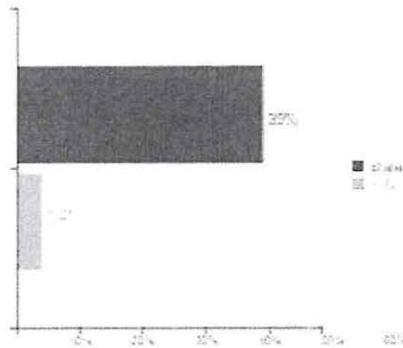
Enrollment Groups



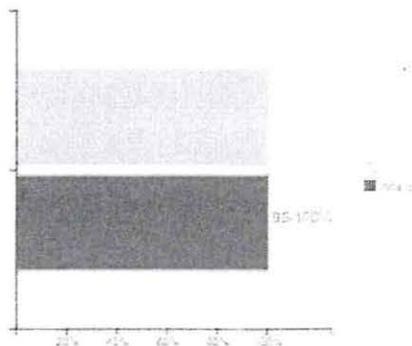
Proficiency in ELA



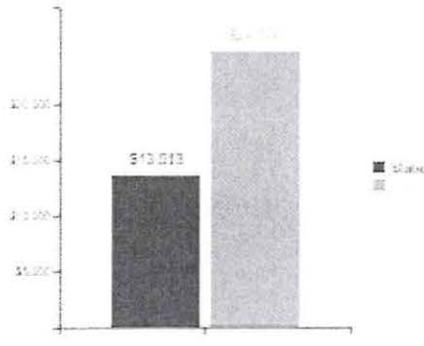
Proficiency in Math



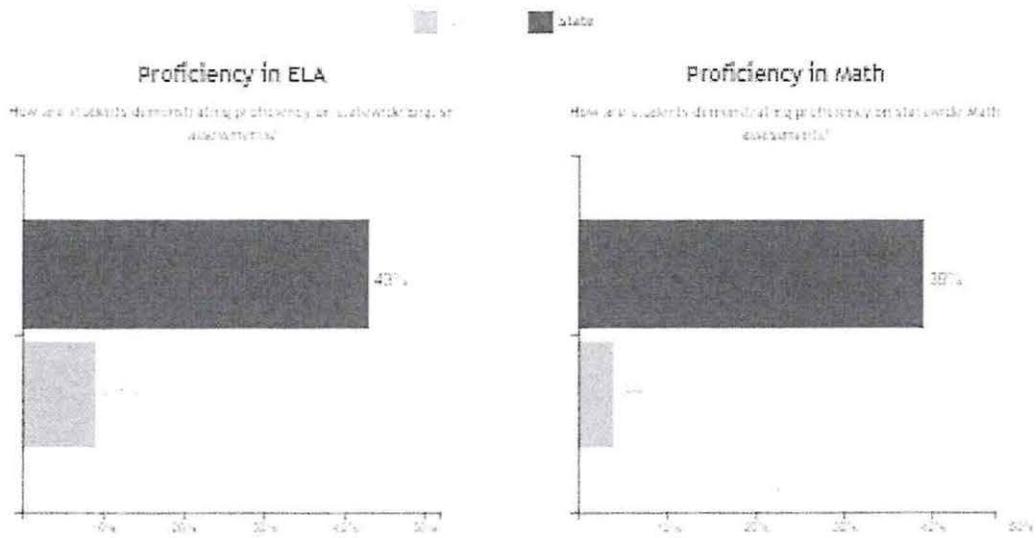
Assessment Participation



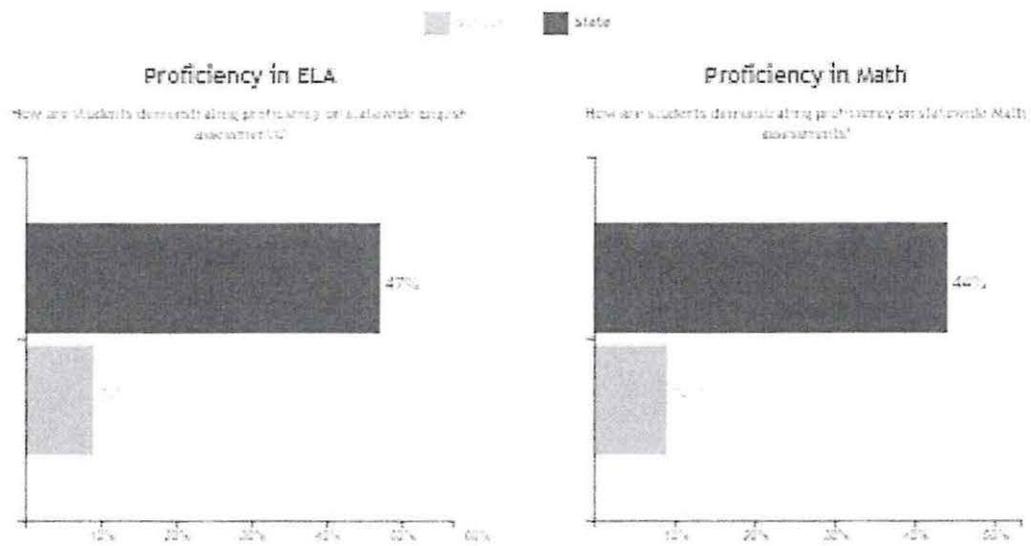
Total Cost Per Pupil (2020-2021)



Mandaree Elementary School 20-21



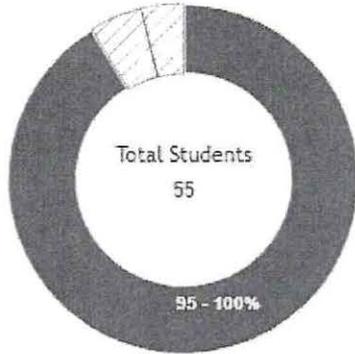
Mandaree Elementary School 19-20



Oberon Elementary School
 District: Oberon Public School District
 School Summary (2021-2022)

Report Card

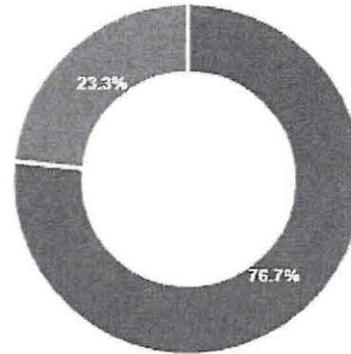
Enrollment



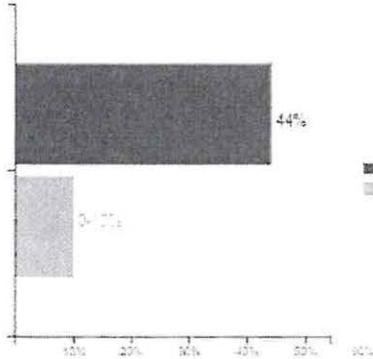
Enrollment Groups



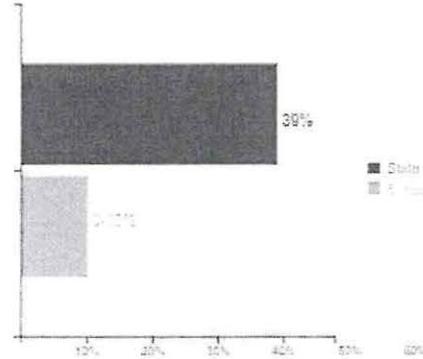
Attendance



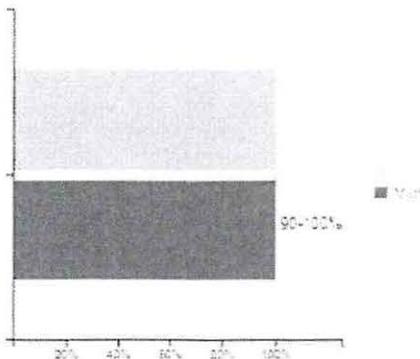
Proficiency in ELA



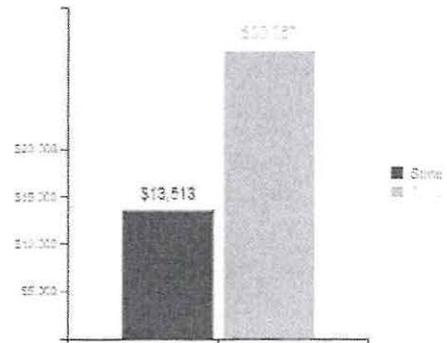
Proficiency in Math



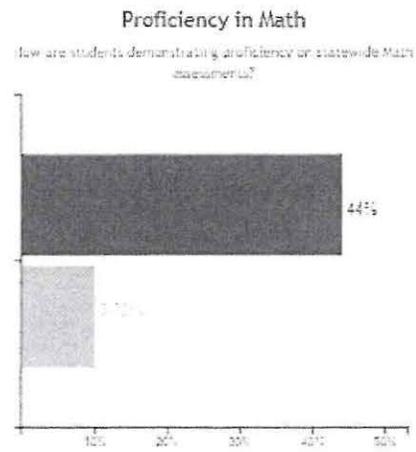
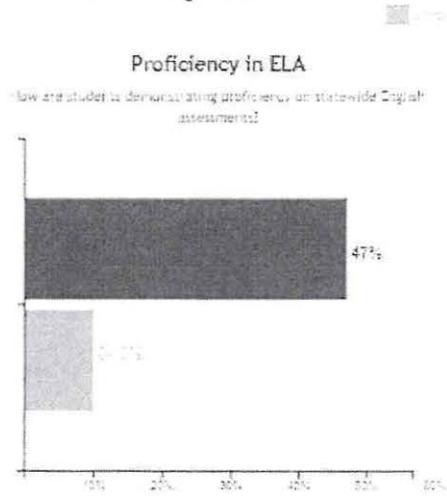
Assessment Participation



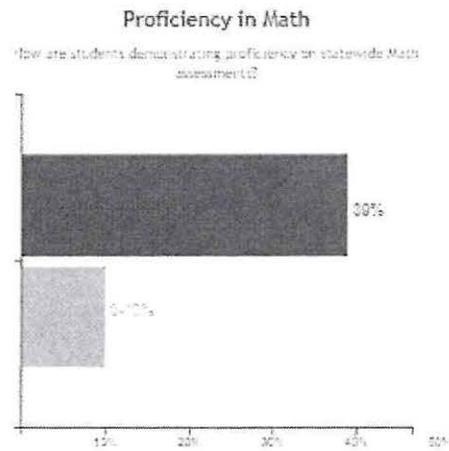
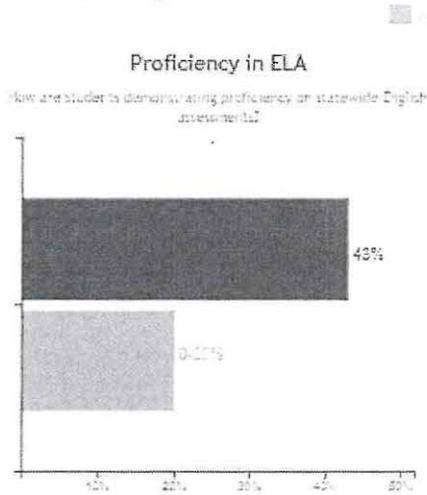
Total Cost Per Pupil (2020-2021)



Oberon Elementary School 19-20



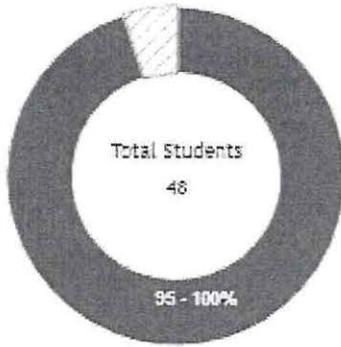
Oberon Elementary School 20-21



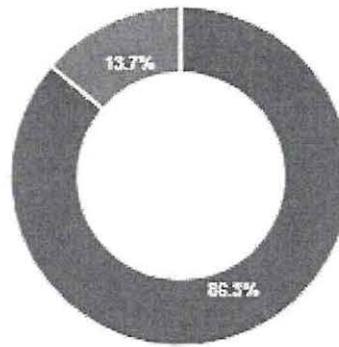
Selfridge Elementary School
 District: Selfridge Public School District
 School Summary (2021-2022)

[@selfridge.ms](#)

Enrollment



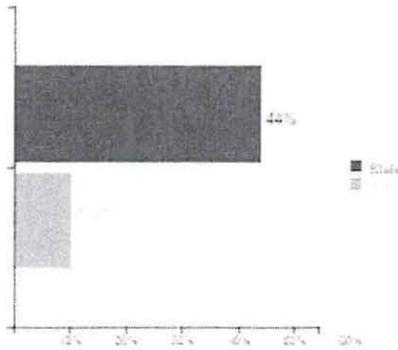
Attendance



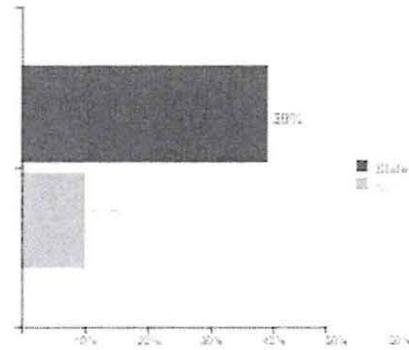
Enrollment Groups

- No. Misses
- Low Income - 40.00%
- IEP Students with Disabilities - 19.00%
- English Learners - 4.00%
- English Learners - 4.00%
- Out of District Transfer - 4.00%

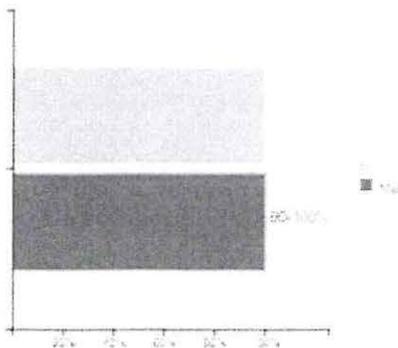
Proficiency in ELA



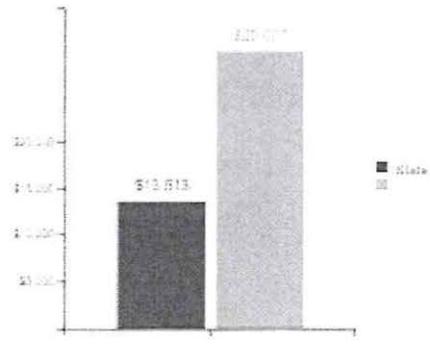
Proficiency in Math



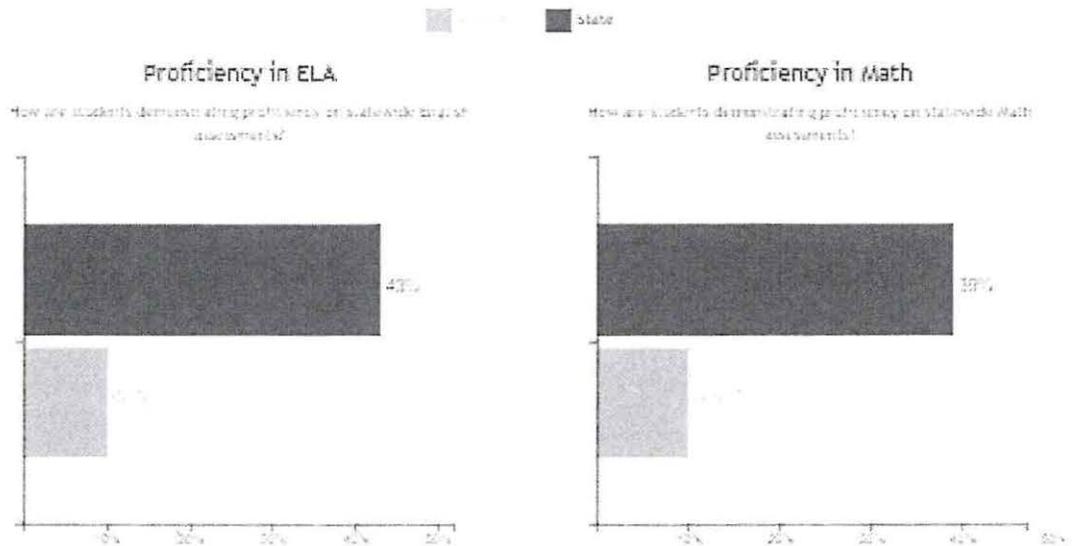
Assessment Participation



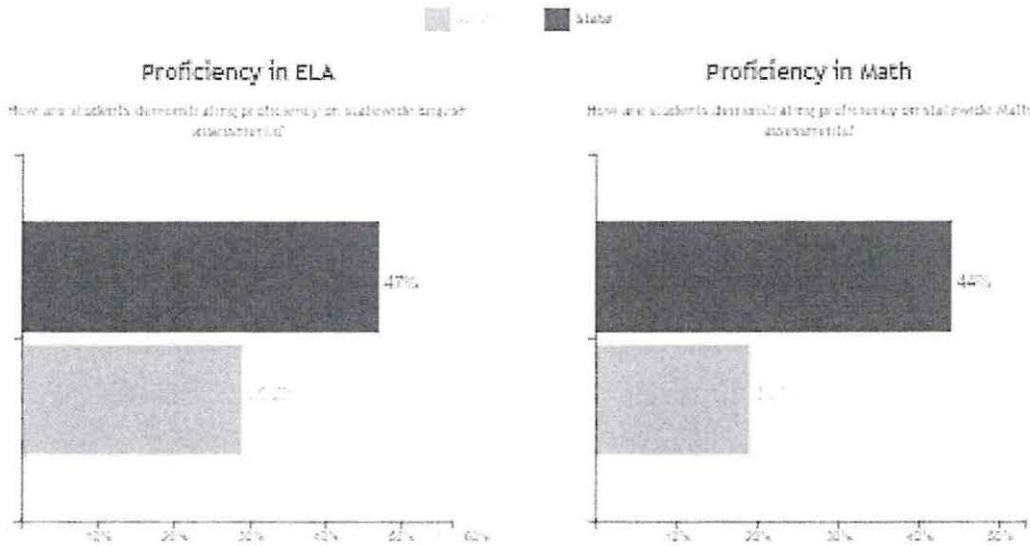
Total Cost Per Pupil (2020-2021)



Selfridge Elementary School 20-21



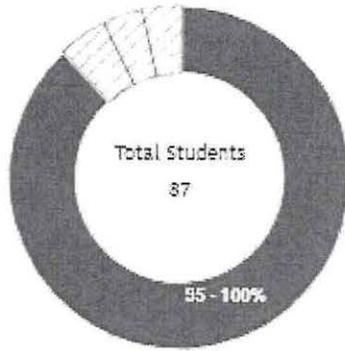
Selfridge Elementary School 19-20



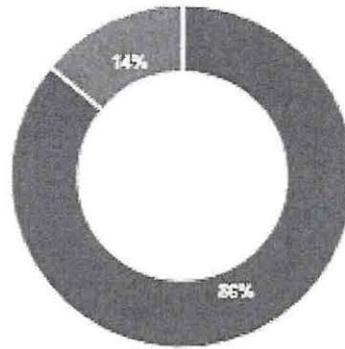
Warwick Elementary School
 District: Warwick Public School District
 School Summary (2021-2022)

[Download Report](#)

Enrollment



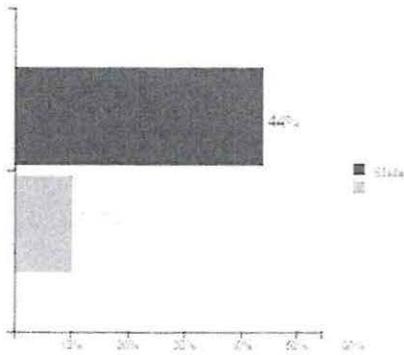
Attendance



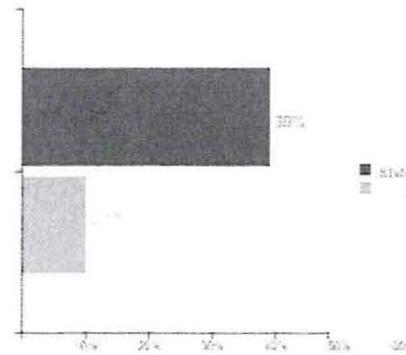
Enrollment Groups



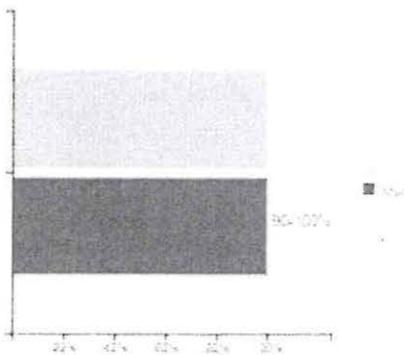
Proficiency in ELA



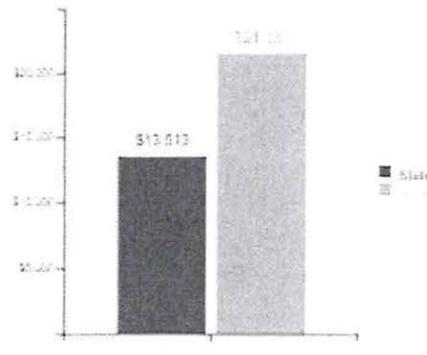
Proficiency in Math



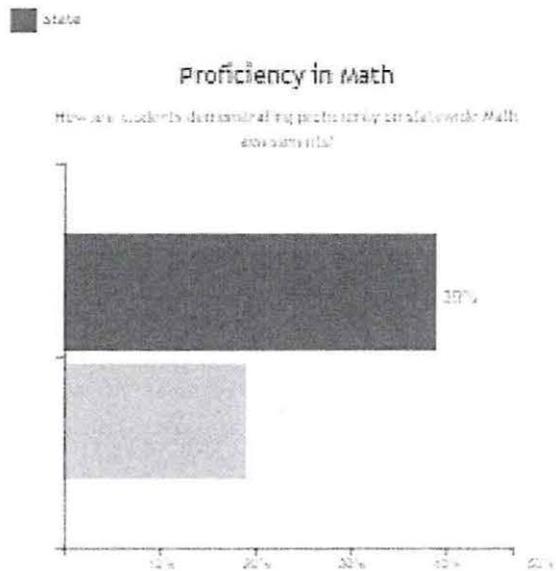
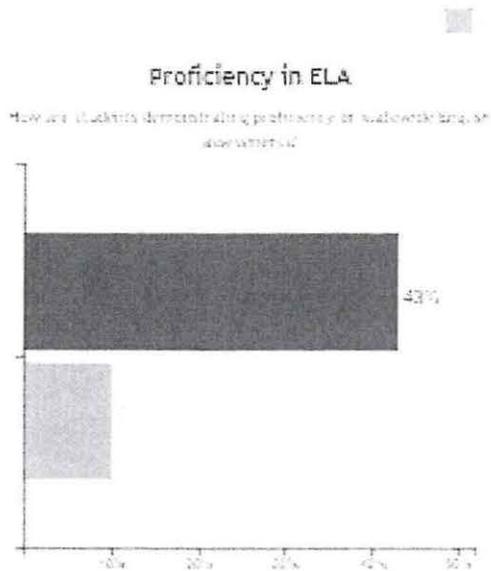
Assessment Participation



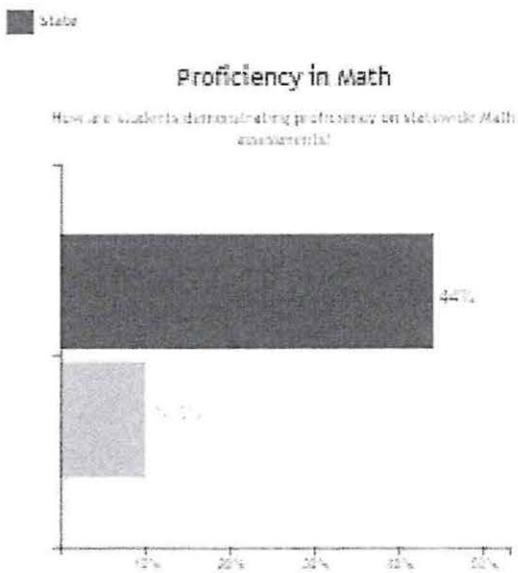
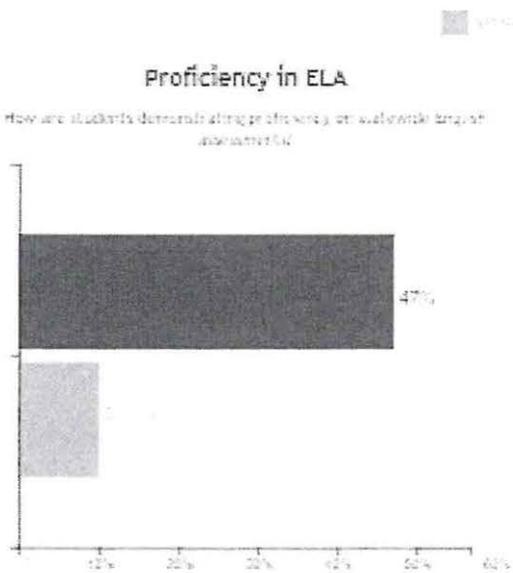
Total Cost Per Pupil (2020-2021)



Warwick Elementary School 20-21



Warwick Elementary School 19-20



Mr. Chairman and Members of the House Education Committee:

I am Kelly Bradfield, currently serving as the Mandaree Public School Board President. I wish for this testimony to serve in opposition to SB 2254.

In viewing the hearings from the Senate Committee, the origin of SB2254 was initiated and created for the sake of economic sustainment of one community in North Dakota based on that community's Reading and Math scores in one school in their district. Nowhere in the introduction of the bill did I hear anything regarding the general concern of the educating of the students statewide until it that was used for support in getting this passed the State Senate. However, the bill states that DPI, namely the Superintendent of Public Instruction, will be able to intervene directly when a public school is a chronically low-performing school, basically stating that those schools who are under the Comprehensive School Continuous Improvement Plan and as Native American schools were are inadequate of educating our children.

Most recently, I have heard the term "Balcony View" from Superintendent Baesler on other data she shared with committee members. In my opinion, I see this bill as an anti-poverty, anti-Native American bill and is the "Balcony View" of what our reservation schools face in providing high-quality education to our Native American children, based on one set of data.

Under Option A, this bill will allow the Superintendent of Public Instruction to develop an improvement plan which may include a directive to require the schools funding to be held in escrow, which in my understanding, will eliminate the Mandaree Community from having local control of their school district and the education of their students, their children, and their future.

Should the Superintendent of Public Instruction choose what is identified as option B: school district annexation, consolidation, or closure. Any of these choices would take the heart out of our small reservation community. Our school is and always has been the heart of our small rural reservation community. Being as rural as we are, our school closing would immensely impact many of our student's ability to attend school and maintain ESSA-required attendance regulations, thus, causing more unnecessary hardship for our Native American families.

Under Option C, the Superintendent of Public Instruction can make changes to the curriculum, training, instruction, assessment or the school calendar. When change is forced or mandated upon a society without considering key factors such as cultural diversity, socioeconomic status, and the availability of resources to maintain such changes, the outcome will be disastrous.

Lastly, this bill's Option D states that the Superintendent of Public Instruction can reassign or hire school or school district staff to fill roles associated with the school or school district's needs. Our need as a school for highly qualified administration, highly qualified teaching staff, and highly qualified paraprofessionals is a daily reality. We have been without a school counselor for well over four years. We have been without a high school principal for over a year. We have also been advertising for a school nurse for over three years. We currently advertise for

Special Education Paraprofessionals, CTE teachers, an Art Teacher, and General Education Paraprofessionals. When posting job openings, we are competing with much larger schools that are in urban areas where highly qualified educators tend to want to work. It is not new news that we have a shortage of teachers, and getting licensed in North Dakota is not the most straightforward task for those holding teaching licenses from other states.

Mr. Chairman and Ladies and Gentlemen of the Committee, I have heard the words "working collaboratively together" in past testimony. Where in this bill does it allow for that to happen when all that is seen with this bill is the condemnation and the absence of recognition of what is working successfully in our school? I have not seen any data showing the hard work and dedication our current staff strives to provide for our students.

Where is the data presented to show how school district staff support our students in the community of learning versus a once-a-year standardized state assessment?

I am not against the Department of Public Instruction helping support the education of our students; however, to be blunt, that is why they have the Continuous School Improvement Plan which DPI approves before funding is released. This allows DPI to have input and make recommendations for educating our Native American children. Through this process, Department of Public Instruction should have an established active role and work to support the school.

In conclusion, I strongly encourage you to vote NO on SB2254.

Mr. Chairman and Members of the committee, this concludes my prepared testimony, and I will stand for any questions you may have.

Mr. Chairman and Members of the Education Committee:

Thank you for this opportunity to provide testimony regarding SB 2254. I am writing in strong opposition to this bill. As a high school instructor at the Mandaree School District, I can attest to the current growth of students' academic drive and the administration's integrity. While test scores provide the essence of student academic achievement, and consequently under the required proficiency level, the resources provided by North Dakota remain necessary for the continuation of critical programs, e.g., IXL, STAR Renaissance, Amplify Reading Program, and Envision Math.

Though my current teaching assignment at Mandaree is under two years, I am expressing my opinion regarding the recent proficiency scores. The low proficiency is NOT due to a lack of intelligence or instructional methodology. On the contrary, I found the children of the MHA Nation to be intelligent, hardworking, and strong in mind and Will (Spirit) - a credit to their ancestral people and tradition. It must be acknowledged that circumstances have impeded progress in recent years. In addition to the memory of historical abuses (boarding schools) and current poverty, COVID has wreaked havoc on the educational system. Distant learning due to COVID, as well as mortality rates in small populations, did not help students to achieve. This is not a rationalization but a cultural understanding. I have witnessed such an impact. However, not everything is bleak and lost. I also can attest to academic successes. Amid the struggles, we (Mandaree) have current students accepted to major universities and colleges. To them, as with all the youth of Mandaree, I will continue to be their advocate.

Lastly, as an anthropologist, I strongly suggest refraining from any draconian measures that could be construed as paternalism, cultural destruction, or infringing on the Rights of the MHA Nation, e.g., district annexation, school closure, and unconsented staffing. Besides the negative cultural impact, the proposed consequences would be detrimental to the students and cause undue stress to families already under duress. This is the most objectionable part of the bill. I ask the committee to reconsider this bill or, at the very least, consider the impact this would have on the people.

I stand by this testimony, as I do with the MHA Nation.

Thank you for the opportunity to submit my objection to SB 2254.

Sincerely,

David Alexander Dominic Lukaszek, Ph.D.

Proposed Amendment to SB 2254:

On page 2, overstrike line 6.

On page 2, after line 15, insert:

4. A memorandum of understanding shall be made between department of public instruction and a chronically low-performing school or school district.

5. A chronically low-performing school or school district shall complete the be legendary school board leadership program as instructed by the department of public instruction.

Renumber accordingly.