

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1076

2007 HOUSE EDUCATION

HB 1076

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1076**

House Education Committee

Check here for Conference Committee

Hearing Date: **8 January 2007**

Recorder Job Number: **509 (36.16)**

Committee Clerk Signature



Minutes:

Gaylene Massey, director of Education at ND Youth Correctional Center (YCC), spoke in favor of the bill. **(Testimony attached.)** She spoke of the difficulty of providing art and music to the students at Marmot School. Students are able to take these courses through correspondence study.

Doug Johnson, Executive Director of the ND Council of Educational Leaders, spoke in support of the bill. His experiences working with students that came from YCC indicate the need for those students to have different opportunities than earning high school credits.

Representative Mueller: If we are going to take the high school educational program off the table, what's to say we're not opening the door to doing whatever it is we are able to do or choose to do at the YCC?

Johnson: You do take that chance and any alternative school will have that some opportunity. To my knowledge high schools that have alternative schools make them align with their particular policies and practices. Having worked with YCC in the past, I don't think that is an organization that would ever want to lose accreditation by the North Central accreditation. They will have to follow those guidelines. They are going to take the best opportunity for their kids to get that education.

Representative Mueller: Given that, wouldn't it be appropriate to instead of exempting the core curriculum requirement, to identify those specific courses we have an issue with and exclude requirements for those; in this case, music and foreign language.

Johnson: That seems logical and that is possible.

LeAnn Bert, director of the Department of Corrections spoke in favor of the bill. In response to Representative Mueller's concern in excepting YCC from these requirements, we would offer an amendment to this bill to say only the subsections g and h do not apply.

Nancy Sand, ND Educational Association spoke in opposition to the bill for the same concerns that Representative Mueller expressed. I understand the concerns of the YCC and the unique population of students they serve. I too would feel more comfortable if you would give more direction to whatever changes you might allow them to make in the curriculum. I support change, but feel you need to designate what that might be.

Hearing closed.

At a later time on the same date an amendment was presented (attached). Representative Hanson moved and Representative Johnson seconded that the amendment be approved. A voice vote was taken on the amendment: **Yea 13, Nay 0, Absent 0**

The amendment was approved.

Representative Meier moved and Representative Hunskor seconded that HB 1076 be passed as amended. A roll call vote was taken: **Yea 13, Nay 0, Absent 0**

HB 1076 was passed as amended. Representative Myxter will carry the bill.

FISCAL NOTE
 Requested by Legislative Council
 12/27/2006

Bill/Resolution No.: HB 1076

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

No fiscal impact associated with passage of this bill. However if the bill is not adopted the YCC will need to add to its current curriculum which will result in a fiscal impact.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Passage of this bill will have no fiscal impact. Again if this bill is NOT adopted, the YCC will need to add a music and a foreign language curriculum. This would require the addition of two new staff. The total estimated cost would be \$80,000 to \$100,000.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

n/a

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Passage of this bill will have no fiscal impact

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Passage of this bill will have no fiscal impact

Name:	Dave Krabbenhoft	Agency:	DOCR
Phone Number:	328-6135	Date Prepared:	01/03/2007

House Amendments to HB 1076 (78203.0101) - Education Committee 01/08/2007

Page 1, line 3, after "the" insert "North Dakota"

House Amendments to HB 1076 (78203.0101) - Education Committee 01/08/2007

Page 2, line 23, remove the overstrike over "er" and remove the underscored comma

Page 2, line 24, remove ", or the high school education program"

Page 2, line 25, remove "at the youth correctional center"

Page 2, after line 25, insert:

"7. The requirements of subdivisions g and h of subsection 1 do not apply to the North Dakota youth correctional center."

Renumber accordingly

Date: 8 Jan 07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1076

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Accept Amendment attached

Motion Made By Hanson Seconded By Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep Hanson		
V Chairman Meier			Rep Hunsakor		
Rep Haas			Rep Mueller		
Rep Herbel			Rep Myxter		
Rep Johnson			Rep Solberg		
Rep Karls					
Rep Sukat					
Rep Wall					

Total Yes 13 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

*Clarify proposed bill
restricting exceptions from
his curriculum for you.*

Date: 8 Jan 07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1076

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken to Pass as amended

Motion Made By Meier Seconded By Hunskor

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep Hanson	✓	
V Chairman Meier	✓		Rep Hunskor	✓	
Rep Haas	✓		Rep Mueller	✓	
Rep Herbel	✓		Rep Myxter	✓	
Rep Johnson	✓		Rep Solberg	✓	
Rep Karls	✓				
Rep Sukat	✓				
Rep Wall	✓				

Total Yes 13 No 0

Absent 0

Floor Assignment Myxter

If the vote is on an amendment, briefly indicate intent:

removes requirement for music + foreign language at YCC

REPORT OF STANDING COMMITTEE

HB 1076: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1076 was placed on the Sixth order on the calendar.

Page 1, line 3, after "the" insert "North Dakota"

Page 2, line 23, remove the overstrike over "er" and remove the underscored comma

Page 2, line 24, remove ", or the high school education program"

Page 2, line 25, remove "at the youth correctional center"

Page 2, after line 25, insert:

"7. The requirements of subdivisions g and h of subsection 1 do not apply to the North Dakota youth correctional center."

Renumber accordingly

2007 SENATE EDUCATION

HB 1076

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1076

Senate Education Committee

Check here for Conference Committee

Hearing Date: February 27, 2007

Recorder Job Number: 3920, 3921, 3922

Committee Clerk Signature

Minutes:

Chairman Freborg opened the hearing on HB 1076, a bill relating to exemption from high school curriculum requirements for the high school education program at the North Dakota youth correctional center. All members were present; Senator Gary Lee had to leave to testify on a bill.

Gaylene Massey, Director of Education for Marmot Schools within the North Dakota Youth Correctional Center, testified in favor of the bill. (Written testimony attached)

Doug Johnson, North Dakota Council of Educational Leaders, testified in favor of the bill. As a building principal, he worked closely with YCC educators. They facilitated the students going back and forth between the school and YCC. Because the students were not at the YCC very long, it would be especially tough in a foreign language. YCC works very well in coordinating with the schools. This bill should be passed to put YCC in compliance.

Chairman Freborg closed the hearing on HB 1076.

Senator Bakke moved a Do Pass on HB 1076, seconded by Senator Taylor. The motion failed 2-2-0.

Senator Bakke moved a Do Pass on HB 1076, seconded by Senator Taylor. The motion passed 3-1-1. Senator Bakke will carry the bill.

REPORT OF STANDING COMMITTEE (410)
February 27, 2007 11:53 a.m.

Module No: SR-37-3994
Carrier: Bakke
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1076, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends DO PASS (3 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1076 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1076

HB 1076
8 Jan 06

House Bill 1076

Submitted on behalf of the North Dakota Department of Corrections and
Rehabilitation

January 8, 2006

Before the House of Representatives Education Committee
Representative RaeAnn Kelsch, Chairperson

Madam Chairperson and Members of the House Education Committee:

My name is Gaylene Massey, Director of Education for Marmot Schools within the North Dakota Youth Correctional Center. I am appearing before you in favor of House Bill 1076. The Youth Correctional Center is part of the North Dakota Department of Corrections and Rehabilitation's Division of Juvenile Services. The Division of Juvenile Services is the state agency charged under state law to take custody of juveniles who have been adjudicated delinquent or unruly and committed to the care of the Division by the Juvenile Court.

The North Dakota Youth Correctional Center (YCC), located west of Mandan, North Dakota, is the State's only juvenile correctional facility. YCC provides educational assessment and counseling, academic education, special education, remedial education, GED preparation, and career and technical education, as well as various residential/treatment services to approximately 400 middle and high school aged incarcerated youth per year. These young people are committed to this institution for a variety of legal issues.

YCC provides services to the entire state, receiving placements from four sources: 1) the North Dakota court system; 2) the North Dakota Division of Juvenile Services, Department of Corrections and Rehabilitation; 3) the Bureau of Indian Affairs; and, 4) the Bureau of Prisons. These four sources send us students for time-out, detention, evaluation, short-term treatment and long-term treatment services. Their length of stay is dependent upon their status. (The current average length of stay is 72.3 days.) The population at YCC is diverse in nature having served 53% White, 41% Native American, 4% Hispanic, and 2% Black youth during the 2005-2006 school year.

The school within the North Dakota Youth Correctional Center is known as Marmot Schools and is accredited by the North Dakota Department of Public Instruction and the North Central Association Commission on Accreditation and School Improvement (NCA/CASI). Marmot Schools is the only school in North Dakota to have earned a Transitions Endorsement from NCA/CASI. The transition endorsement is the highest level and simply translates into the school being prepared to receive students at their present functioning level and committed to assist students to be prepared to successfully perform in their next placement.

All YCC students come from local school districts with a variety of academic, behavioral and social needs. These students often come to Marmot Schools having attended several different schools and having experienced several out-of-home placements. These different school and living situation placements cause an inordinate amount of disruption in the students' academic preparation. Credits can be "almost" earned when the student is uprooted and relocated to a new setting. In some cases, students have begun the same credit over two and three times before it actually appears on a transcript.

Our assessments, upon arrival of students, indicate that the students on the average are 2.66 grades behind students in their own age group. A combination of ability and achievement tests are given to determine a student performance level and to schedule the student into the appropriate school classes. Thirty-three percent of the current population have Individualized Education Plans (IEP) and are receiving special education services based on areas of need identified.

In addition to academic needs, YCC students arrive bearing an overabundance of treatment issues including emotional, physical and sexual abuse, social, behavioral, family relations, employment, mental health and drug/alcohol abuse. Case management counselors provide individual and group counseling services to address these concerns. Psychiatric and psychological services are also provided to help students deal with these issues. Considering the individual complexities of each student; striving to mirror incoming schedules to those the students had in their past school(s); and factoring in our limited time with the students by the sheer nature of their commitment is not an easy task. Our educational staff takes this array of issues into account each day to meet each individual student's educational needs in a secure and safe environment.

Currently, YCC meets all requirements as stated in NDCC Section 15.1-21.02, number 1, a through i, with the exception of g and h. Taking this into account, we requested House Bill 1076 to include YCC in Section 15.1-21.02, line item six, to be exempt, like alternative high schools and alternative high school education programs, from meeting some graduation requirements (i.e. music and foreign language, sub items g and h in Section 15.1-21.02 line item 1). With many of our students coming in behind with their core curriculum studies as well as only staying an average of three months, it seems more appropriate for YCC to focus on core curriculum along with career and technical educational opportunities.

If we are held to all the requirements as written in 15.1-21.02, additional staff to offer these courses, not to mention start-up costs such as curriculum materials, office space and equipment would be necessary. Conservatively, an additional \$70,000-\$80,000 would be required in the budget for implementation.

PROPOSED AMENDMENTS TO HOUSE BILL 1076

Page 2, line 25, after "the" insert "North Dakota"

Renumber accordingly

House Bill 1076

**Submitted on behalf of the North Dakota Department of Corrections and
Rehabilitation and its Division of Juvenile Services**

February 27, 2007

**Before the Senate Education Committee
Senator Layton Freborg, Chairman**

Chairman Freborg and Members of the Senate Education Committee:

My name is Gaylene Massey, Director of Education for Marmot Schools within the North Dakota Youth Correctional Center. I am appearing before you in favor of House Bill 1076. The North Dakota Youth Correctional Center ("YCC") is part of the North Dakota Department of Corrections and Rehabilitation's Division of Juvenile Services. The Division of Juvenile Services is the state agency charged under state law to take custody of juveniles who have been adjudicated delinquent or unruly and committed to the care of the Division by the Juvenile Court.

The YCC, located west of Mandan, North Dakota, is the State's only juvenile correctional facility. The YCC provides educational assessment and counseling, academic education, special education, remedial education, GED preparation, and career and technical education, as well as various residential and treatment services to approximately 400 middle and high school aged youth per year. These young people are placed at the YCC for a variety of legal issues.

The YCC provides services to the entire state and receives placements from four sources: 1) the North Dakota court system; 2) the North Dakota Department of Corrections and Rehabilitation's Division of Juvenile Services; 3) the Bureau of Indian Affairs; and, 4) the Federal Bureau of Prisons. These four sources send students for time-out, detention, evaluation, short-term treatment and long-term treatment services. The students' length of stay is dependent upon their status. (The current average length of stay is 72.3days.) The population at YCC is diverse in nature, with the YCC having served 53% White, 41% Native American, 4% Hispanic, and 2% Black youth during the 2005-2006 school year.

The school within the North Dakota Youth Correctional Center is known as Marmot Schools and is accredited by the North Dakota Department of Public Instruction and the North Central Association Commission on Accreditation and School Improvement (NCA/CASI). Marmot Schools is the only school in North Dakota to have earned a Transitions Endorsement from NCA/CASI. The transition endorsement is the highest level and simply translates into the school being prepared to receive students at their present functioning level and committed to assist students to be prepared to successfully perform in their next placement.

All YCC students come from local school districts with a variety of academic, behavioral and social needs. These students often come to Marmot Schools having attended several different schools and having experienced several out-of-home placements. These different school and living situation placements cause an inordinate amount of disruption in the students' academic preparation. Credits can be "almost" earned when the student is uprooted and relocated to a new setting. In some cases, students have begun the same credit over two and three times before it actually appears on a transcript.

The YCC's assessments, upon arrival of students, indicate that the students on the average are 2.66 grades behind students in their own age group. A combination of ability and achievement tests are given to determine a student performance level and to schedule the student into the appropriate school classes. Thirty-three percent of the current population have Individualized Education Plans (IEP) and are receiving special education services based on areas of need identified.

In addition to academic needs, YCC students arrive bearing an overabundance of treatment issues including emotional, physical and sexual abuse, social, behavioral, family relations, employment, mental health and drug and alcohol abuse. YCC case management counselors provide individual and group counseling services to address these concerns. The YCC also provides psychiatric and psychological services to help students deal with these issues. Considering the individual complexities of each student; striving to mirror incoming schedules to those the students had in their past school(s); and factoring in our limited time with the students by the sheer nature of their commitment is not an easy task. The YCC's educational staff takes this array of issues into account each day to meet each individual student's educational needs in a secure and safe environment.

Currently, the YCC meets all the curriculum requirements of N.D.C.C. Section 15.1-21.02(1)(a-i), with the exception of subsection (1)(g)-two units of fine arts, including one unit of music, and subsection (1)(h)-two units of the same foreign language. Engrossed House Bill 1076 will exempt YCC from the requirement of having to offer fine arts, including one unit of music and foreign languages. With many of the students coming into the YCC substantially behind with their core curriculum studies as well as only staying an average of three months, it is more appropriate for the YCC to focus on core curriculum requirements, along with career and technical educational opportunities.

If the YCC is held to the all the curriculum requirements under N.D.C.C. Section 15.1-21.02, the YCC will need to provide additional staff to provide fine arts and foreign language classes, and will also necessarily incur start-up costs including costs for curriculum materials, office space and equipment. Conservatively, an additional \$70,000-\$80,000 may be required in the budget for implementation of fine arts and language classes to meet the requirements of this section.

For these reasons, the YCC requests approval of an exception to the requirement that it provide fine arts and foreign language classes and asks for this Committee's favorable consideration of Engrossed House Bill 1076.