

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

1970

2007 HOUSE EDUCATION

HB 1270

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1270

## House Education Committee

Check here for Conference Committee

Hearing Date: 17 January 07

Recorder Job Number: 1256 and 1257

Committee Clerk Signature



Minutes: Representative Dave Monson, District 10, introduced the bill. HB 1270 came out of discussions that at one of our last JPA meetings I attended. I am an administrator in a small school in northeastern North Dakota. We belong to the Red River Education Cooperative which is a JPA. We were planning our in-service for the 15<sup>th</sup> of January. We had some other in-services through the JPA that we wanted to have our teacher able to attend. The only way we could get time off for our teachers was to take the whole day. We could not get the speaker for the whole day. We could only do it for an afternoon. We started discussing ways we could make our in-service more accessible to the schools, especially those on the fringes from Grand Forks, like my school is. Many of these events are being held in Grand Forks now or even a neighboring school like Grafton and Park River. Some of the administrators said they could sure use some more flexibility instead of having two full days on page 1 of your bill, line 16. Over the years we have talked about what is a full day. It is defined by higher ed as 8 hours. Two days of 16 hours is enough to get a credit from most of the universities. Two full days in DPI language might be like 6 hours or 6.5 hours of actual classroom time. Since we are a JPA working with the UND, we would like 2 full days or the hourly equivalent of two full days for professional development activities that are approved by an institution of higher education. Most of the JPAs (there are 9 in the state) do work with a university and we didn't think that would be a problem because most of them across the state

agree that it takes 16 hours of classroom time for people to get the credit. It doesn't mean they have to apply for the credit, but in our JPA we set our blocks of time at 8-hour blocks and we would like to have the flexibility to maybe have three 6-hour days. Then we don't have to worry about travel time and our teachers being on the road at 5 in the morning on icy roads in January. We think 3 6-hour days would be better or even 4 4-hour days. We want the flexibility and that's the reason this bill is before you. When I was talking to Dr. Decker she said it was still not going to give us the flexibility we need because on line 9 where it says 173 full days of instruction, we neglected to change that. So I have amendments to change that and I understand Dr. Decker will not be happy with that but she will come up and make the case why we shouldn't change it. I apologize for bringing in amendments to a bill that you haven't heard the full testimony on. (Amendment Attached.) The amendment adds "or the hourly equivalent of one hundred seventy-three full days" and "or the hourly equivalent of two full days." There are situations when we don't get full days. When we get a storm we have to make up those days unless we have an added length day which many schools do. We would like the hourly equivalent so that we could let out at 2 o'clock so we could have a JPA and higher ed approved in-service in an afternoon. We are not saying we should be forgiven that time. We want to put that time in. I believe that 173 days really isn't even enough contact time so we're not arguing over that. We just need the flexibility to be able to have the in-services sometimes in the afternoon. So consider the amendments along with the bill if you would.

**Vice Chairman Meier:** Why do want the activities to be approved by the institution of higher education?

**Representative Monson:** Originally I didn't think it was necessary but at the same time I know that over the years people have criticized schools for the types of in-service. My intent

is that these activities should be good quality learning experiences for our teachers not something that we make up. To get rid of some of concerns over schools abusing this, I have no objection to putting in here that it has to be something that would work through higher ed. We thought about putting in working them through the JPA and maybe that's a better fit. I do believe that almost all JPAs have a connection with a university or college and I don't see that a college would have a problem coordinating and working with the JPAs to come up with good quality in-service that they could approve as part of a credit. It's a safeguard for those people who might think it would be abused. If you don't think it's necessary, I don't have problem with you changing that. I know there are people out there that would have problems with trusting the schools to do in-service without some supervision.

**Chairman Kelsch:** One of the concerns we as a Committee have had, is the fact that we didn't want the schools to have an in-service that was two hours long. What kind of meaningful professional development can you get in two hours? Perhaps you can bring in a motivational speaker or something like that. We may have had a different intent than what the law reads because when we changed the law we were thinking that the minimum that you could have would be four hours up to one full day of eight hours. I think we have a bit of work to do to regain the flexibility because I think the school districts right now believe that the only option they have is to have an in-service for eight hours. I'm also interested to talk to the teachers. Mandan had their eight hour in-service yesterday. It would be interesting to talk to the teachers and find out if they felt they got a better benefit and more out of the in-service by holding a full day vs. those two-hour segments. Personally, I don't want to go back to school districts having the little 2-hour segments. I don't think they are beneficial. But I do think they need the flexibility and I think four hours would be a good minimum.

**Representative Monson:** I did discuss the four or more hour segment. That would be the best solution. By the time you get done and have to drive an hour and half to get home, then sometimes they will have a social afterwards, it gets to be an awfully long day for these teachers. I know exactly where you are at because I was in the same discussions. One of the things that's in provisions right now that Grand Forks gets a waiver from this and they can let out at 2 o'clock for a two-hour segment. But as small schools we don't have the ability or waiver. We haven't applied for the waiver because we can't make a very good case for giving us a waiver unless we've got somebody we can partner with like the JPA. Schools in Thompson and Manville that are right outside of Grand Forks their teachers could very easily in 20 minutes or a half hour drive to Grand Forks if they had the flexibility that Grand Forks teachers do and go to the same workshops as Grand Forks teachers do. Their teachers could take part in the same things, they could share costs and it would make it more cost efficient and it would be same exact program. The UND Continuing Education is working with Grand Forks to grant their teachers for these two-hour blocks of time. That's one of the reasons that if we go down to two hours someone has to oversee it. Continuing Education at UND was in this discussion and said they would love to work with the JPA, have the teachers come to 8 or 10 events and open it up to more teachers. Right now Grand Forks teachers are the only ones that have the waiver. I'm sure Dr. Decker can give you more insight on that and the waivers.

**Chairman Kelsch:** You can bring up some really good points. It's difficult for those school districts if you let out at 1:30 or 2, some of those people have a distance to drive so you can't start the in-service until 3:30 and then you have four hours and they still have to drive back. That's why we thought having a full day or four hours or three sixes.

**Representative Monson:** The problem we have been running into is now we have 9 JPAs in the state and almost all of the school districts belong to a JPA and the JPAs are getting organized and doing these in-services and they working with the colleges but we'd like some flexibility to say that instead of going to Grand Forks which is 70 miles maybe we can go Grafton which is 30 miles. Or we can a one presenter start in the morning in Grand Forks and then come to Grafton and then go to Cavalier and we don't have to let school so early, we don't have to have our teachers traveling so far and we can get these same programs in the same way that Grand Forks does it and we can work it all through the JPA to get the same in-services. That's what the JPAs are about is trying to get more service for more teachers and more students. We think this is a way to get the flexibility. I'm not sure this is the perfect way to do it but if you can come up with better solutions, I would be open to those too.

**Chairman Kelsch:** It's an important issue so we will work on the bill. It may not be perfect but it will be practically perfect.

**Mary Wahl, representing the ND Council of Educational Leaders,** shared the official NDCEL position on this issue. "The NDCEL supports the banking of hours for staff development to be stated at 16 hours instead of two days and allow the 16 hours to be broken into 2-hour blocks." As stated earlier that flexibility would allow for opportunities in continuing education that might not otherwise be available. One of the concerns we have about the bill trying to define just what two full days would be. When you talk about 173 full days of instruction, that may or may not mean the same when we talk about two full days. We also have some concern about the requirement that these courses must be approved by an institution of higher education. That may be a good idea and may work very well for some situations and for some JPAs. To blanket require it, would be a concern of ours. We do

believe that continuing education quite well in segments of time less than the full day and less than 6 hours and less than 4 hours and 2 hours can be beneficial.

**Dan Hennenkamp, representing the NDEA,** spoke in favor of the bill. We have concerns about the approval process. It could get muddy. It is something that as you construct this bill you have to very careful about. We also support the ability of school districts to have flexibility in providing their professional development. The other point I want to make is about the length of time that these slots have to be administered. At our two-day instructional conference, we have everywhere from one-hour to sixteen-hour sessions and they all work.

**Anita Decker, director of School Approval and Accreditation for the Department of Public Instruction** testified in Opposition to the bill. (**Testimony Attached.**) The department is concerned that allowing early release of students on student instructional days and having teachers paid for two full days of professional development may not provide a total of 180 days as required in the statute.

**Chairman Kelsch:** If I remember correctly, in my mind, thinking more 4, 6, 8. I do know that some of the school districts like Bismarck, Grand Fork, Mandan, and Fargo can do an 8 hour day. Travel is not that difficult. It is more difficult when we get out into some of these rural areas. I didn't hear complaints from the large school superintendents. It was the small school superintendents. I never did like the early dismissal. If we are looking at meaningful professional development it probably needs to be more than two hours.

**Decker:** We were not offered any options by the two attorneys that we talked to because of the previous history in last legislative session. The JPAs were less formed than they are now. In the past two years we have reprogrammed the school calendar and it doesn't go by hours, it goes by days. So we still need the 173 full days unless we are going to go back to collecting

everything on paper. I would be more than happy to work with the Committee to find a resolution.

**Chairman Kelsch:** We are also going to have to look at the school calendar that was presented to the Senate Education Committee and that bill will probably come out today as a special appropriation. We are going to have to look at how that meshes. It would be good to be forward thinking that bill is probably going to make it over hear and potentially become part of law and that would be increasing the contact days for students as well as providing additional professional development days.

**Representative Herbel:** Anita, on line 17, do you anticipate any problems with that approval by an institution of higher education?

**Decker:** Actually I do have some reservations about that. Having offered professional development opportunities for teachers myself, I have worked with primarily graduate degree granting institutions. We don't have those all across the state. Primarily their requirement has been for the contact time not the content. Now if they are working with the JPA maybe they want to appoint somebody to be part of the approval process for the content as well. They are going to require some kind of record of who attends, who the teacher is and usually it has to be administered by a master degreed teacher, and whether or not they want to approve the content, I don't know. But the word approval in hear would seem to indicate more than providing records.

**Representative Herbel:** What would happen in a situation where there is no higher education institution in the JPA? Is that a problem?

**Decker:** When I offered workshops across the entire state, I have gone between UND and NDSU and in one instance Minot State and it didn't matter where I offered them as long as I sent them a list of the registrants and the check. That is not a problem.

**Chairman Kelsch:** If the JPA didn't have an institution they were affiliated with, that they could accomplish this with any of the institutions.

**Representative Mueller:** Anita, you indicated that you dealt with some of these kinds of in-service training. Is there a real necessity to run it through a higher education institution or could it just as easily be done and maybe better done by some powers that be in the JPA. I have the same concerns that Representative Herbel speaks to: is it really all that necessary that it be approved by an institution of higher education.

**Decker:** Most of the time teachers are hungry for credits and they need graduate credits. It is my understanding that the Education Standards and Practices Board allow those kinds of one-credit courses for renewal of a teacher's license. So while it is not required or necessary that they provide credit, it may very well be desirable.

**Chairman Kelsch:** I think this is something we need to look at a little more closely. One of the things I am going to do is request that our intern look for historical information because I believe we have addressed this issue probably every session. I suggest we look at the 01, 03 and 05 sessions to see what the discussion was so we have a bit more of a historical perspective. I will then appoint a subcommittee that will look more closely at this perhaps even contacting some superintendents to know a little bit more about the challenges and see if we can't put together that is workable for us and easy to understand. I know it was difficult during the last interim and Anita had to go the Attorney General's opinion and actually go back and look at our legislative history and that made it more difficult process than it should have been.

**Representative Solberg:** Has there been any comments from teachers regarding this especially the teachers in the less populated areas?

**Chairman Kelsch:** I haven't heard anything from the teachers.

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House Education Committee

Bill/Resolution No. HB1270

Hearing Date: 17 Jan 07

**Representative Herbel:** How would we gain any advantage if we made it a four or six hour increment?

**Chairman Kelsch:** I don't think we would. I think we have to make it a full amount of hours such as saying 18 or 20 hours whatever but you can't have any smaller block of than say 4 hours with a maximum of up to 8 hours.

**Representative Herbel:** The bottom line is that we are concerned about giving up the school time.

**Chairman Kelsch:** Correct. We're concerned about the contact time. Letting out school at 1 o'clock eight times during the school year so the teachers can have two-hour in-service is not practical. Would be more practical to let them out four times or two times and not letting them out for a half day off?

**Representative Herbel:** Would it be practical to have the classes flipped so that the afternoon classes could meet in the morning so the same classes aren't dismissed each time.

**Chairman Kelsch:** That is an issue we have discussed several times. That is one of the main issues. If you are letting out at 1:30 each time, you are letting out those same classes each time. We also talked about starting school at 11:30. That was difficult. If you don't have a kid coming in the morning, chances are they are not going to come all day. We have talked about these issues in the past but we have never been able to come up with something that is a perfect system. A lot of the school districts have gone to a higher level of professional development so there are more continuing education credits offered.

**Representative Herbel:** Are there any schools in the state that do not offer professional development programs of some sort?

**Decker:** They all have to report which two days this year they were going to use for professional development so they had to have something. I don't know the content.

**Chairman Kelsch:** When we talked about JPAs being able to facilitate this, whoever is on the subcommittee should probably pull J. Martinson and Tom Decker in those discussions to see how prepared JPAs are and if they an individual who could be the point person for approvals or something like that.

**Decker:** Many schools use the opening of the school year for at least one of their professional development days and encounter considerable fewer problems.

**Chairman Kelsch:** And many do it right before the next semester starts.

**Representative Hunskor:** I would just share with the Committee that several teachers have indicated that when they attended professional development days they said it was a waste and there really wasn't anything there. I think that would be strength for being approved by an institution of higher education. That would insure that those days would be quality content days. There may just be a few cases where that happens.

**1257**

**Chairman Kelsch:** I will appoint Representative Meier, Representative Karls, and Representative Hunskor to a subcommittee to review this bill. I suggest working with Anita, Tom, J. Martinson, and Representative Johnson about it. Try to see if you can come up with something that is workable and offers a little bit of help for our rural school districts. If we can't come up with something that is workable then we have to leave the law the way it is.

**Representative Hunskor:** Why is the emphasis on 8 hours instead of 6 when 6 hours is school day for instruction? Why wouldn't it be a school day for professional development?

**Decker:** The reason we set on 8 hours because we have no other option according to the minutes of the conference committee.

**Chairman Kelsch:** They based their interpretation on legislative intent. They went back to the conference committee and looked at what the legislative intent was and the attorney's opinion of what that intent was.

**Representative Hunskor:** Would there be any merit in considering 6 hours.

**Chairman Kelsch:** Two eight-hour days or three six-hour days. There is a little bit of difference there, but we may have to do something like that.

**Representative Mueller:** We know we have 183 days for students, some districts have 180. What is the balance of those days?

**Chairman Kelsch:** Two days for the teacher conference which are considered professional days, there are parent teacher conferences, three holidays.

**Representative Mueller:** Professional development days have to come out of student contact days?

**Chairman Kelsch:** They are included in the total amount. We still require that you have to have 173 actual contact days with the student, but our school will run 180 to 183 days. One hundred and eighty is required. If you take anything else away from that you take away from the 173 contact days.

**Discussion Closed.**

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1270**

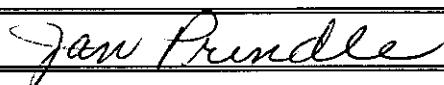
## **House Education Committee**

Check here for Conference Committee

Hearing Date: **23 Jan 07**

Recorder Job Number: **1696**

Committee Clerk Signature



Minutes:

**Vice Chairman Meier:** The subcommittee reviewing this made a couple of changes to the bill. We changed the full day from 8-hours to 6-hours. We also removed the requirement for the approval by an institution of higher education. **I move a Do Pass on the Amendment.**

**Representative Herbel:** I second.

A voice vote was taken: Yea: 13, No: 0, Absent: 0

**Vice Chairman Meier:** I move Do Pass as Amended.

**Representative Karls:** I second.

**Representative Myxter:** Does this mean that staff development may not presented in less than 6 hour increments.

**Chairman Kelsch:** That was an issue that came up last legislative session. We just did not feel that meaningful, productive professional development by having two-hour increments after school.

**Representative Hunskor:** By having 6 hours you have a better prospect of getting more qualified people to present and thus have something more worthwhile.

A roll call vote was taken: Yea: 12, Nay: 1, Absent: 0

**HB 1270 was passed as amended.**

**Proposed Amendments to House Bill 1270**

Page 1, line 16, after "full" insert "six-hour" and remove ", or the hourly equivalent of two full days."

Page 1, line 17, remove "that are approved by an institution of higher education"

Renumber Accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1270

Page 1, line 9, after "days" insert ", or the hourly equivalent of one hundred seventy-three full days."

Page 1, line 13, after "days" insert ", or the hourly equivalent of two full days."

Renumber accordingly

**House Amendments to HB 1270 (70475.0102) - Education Committee 01/24/2007**

Page 1, line 16, after "full" insert "six-hour" and remove ", or the hourly equivalent of two full days."

Page 1, line 17, remove "that are approved by an institution of higher education"

Renumber accordingly

Date: 23 Jan 07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1270

**House Education Committee**

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Amend as attached,

Motion Made By Meier Seconded By Herbel

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 \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

full day = 6 hrs  
Appeal by Higher Ed institutions

Date: 23 Jan 07  
Roll Call Vote #: 2

## **2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO.** 1390

## **House Education Committee**

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Pass as Amended

Motion Made By Deer Seconded By Kat

Total Yes 12 No 1

**Absent** \_\_\_\_\_ 0

**Floor  
Assignment** \_\_\_\_\_ *Never*

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

**REPORT OF STANDING COMMITTEE**

**HB 1270: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1270 was placed on the Sixth order on the calendar.

Page 1, line 16, after "full" insert "six-hour" and remove ", or the hourly equivalent of two full days."

Page 1, line 17, remove "that are approved by an institution of higher education"

Renumber accordingly

2007 SENATE EDUCATION

HB 1270

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1270

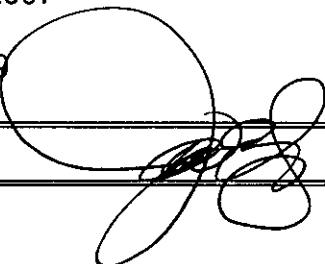
- Senate Education Committee

Check here for Conference Committee

Hearing Date: February 21, 2007

Recorder Job Number: 3559

Committee Clerk Signature



Minutes:

Chairman Freborg opened the hearing on HB 1270, a bill relating to professional development days for teachers. Senator Taylor was absent.

Representative Monson introduced the bill. This bill came from a JPA meeting in his area. He is the administrator at the Edinburg school and they are part of the Red River Educational Cooperative. It is a hardship to have two 8 hour professional development days when the teachers have to travel quite a distance to attend the in service. Some of his teachers have to get up at 4:30 in the morning to get to the in service on time and they get home quite late. HB 1270 as engrossed has 1 change; it defines a day of professional development as a 6 hour day. Originally the law just said 2 days and there are different definitions of the length of a day. He would prefer 3 six hour days because that would total 18 hours which is more than enough for college credit, which usually requires 16 hours. Six hours makes sense since it is the length of a classroom day but the 12 hour total is not enough for college credit.

Chairman Freborg asked who determined an 8 hour day was required by law.

Representative Monson said Anita Decker from Department of Public Instruction. There is a gray area in code and it was not clearly defined.

Senator Flakoll said we could leave it at 8 hours with 2 for travel.

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Senate Education Committee

Bill/Resolution No. 1270

Hearing Date: February 21, 2007

Representative Monson said it was the decision of the House Education Committee to change it to 2 six hour days.

Senator Flakoll said he is concerned about making special accommodations for some schools that could take away from the opportunities of others.

Representative Monson said this would be a minimum, they could do more, this would require two days in the calendar.

Senator Bakke asked if the original bill say 2 days.

Representative Monson said the new language is 2 six hour days, old language was 2 days.

Senator Flakoll asked if we could do 2 afternoons of three hours instead of 1 six hour day.

Representative Monson said the original bill had 2 hour blocks of time to total 16 hours but the House Education Committee decided they wanted 2 six hour days. The original bill had more flexibility.

Anita Decker, Director of School Approval and Accreditation, Department of Public Instruction, testified in favor of the bill. (Written testimony attached)

Chairman Freborg clarified it is not necessary to put in a six hour day; it could be an 8 hour day.

Dr. Decker said yes.

Senator Flakoll asked if we could do 3 – 4 hour increments.

Dr. Decker said no, it presents a problem with never knowing the school calendar and being sure there are 173 full instructional days.

Senator Bakke asked what was wrong with the original language.

Dr. Decker said the conference committee last session struggled with the language for 2 paid professional days. After the session was over, the Attorney General advised Department of

Public Instruction that since the length of the day was not defined, it would be one adult work day which would be 8 hours.

Senator Bakke said she is troubled by the insinuation that teachers need to be monitored, they are professionals. She doesn't know why it is necessary to put this into law. It's as if we don't trust teachers to put in a full day.

Dr. Decker said that is not their intention. Schools were demanding an answer. There is a requirement for 173 full instructional days and early dismissal is not an option.

Senator Flakoll asked if she has any problems with part time conferences.

Dr. Decker said no.

Senator Flakoll said what about three days.

Dr. Decker said if the legislature passed three days, Department of Public Instruction would not question it.

Representative Aarsvold, a co-sponsor of the bill, testified in favor of the bill. With the advent of JPA's and their involvement in professional development, travel has become a major issue.

Senator Flakoll said there has been discussion of 2 eight hour days with two hours for travel.

Representative Aarsvold said that would not change the intent of the bill and two hours for travel is not unrealistic for travel time.

Doug Johnson, North Dakota Council of Educational Leaders, testified in favor of the bill. He supports the engrossed bill. He worked with the subcommittee on the amendments on the House side. His association would still prefer the flexibility of 2 – 3 hour blocks with the school district writing a letter of request if they wanted to do that way. He doesn't believe the JPA's would use that option as much.

Chairman Freborg asked if the 3 hour blocks were proposed in the House.

Mr. Johnson said yes, Department of Public Instruction would have a problem monitoring the school calendar.

Senator Bakke asked how many districts are over the minimum of 173 days. Are most over the minimum?

Mr. Johnson said he doesn't know.

Bev Nielson, North Dakota School Boards Association, testified in favor of the bill. Six hours is an improvement over 8 hours. It would be beneficial to the larger schools to be able use blocks of 2 – 3 hours. Teachers would eventually expect compensation for the 10 – 12 hour days.

Senator Flakoll asked if there would be a problem with going from 6 to 8 hours.

Ms. Nielson said most will spend 8 hours, some for travel. Each school district will do what they see fit. An 8 hour professional development day is unworkable for JPAs due to travel. Teachers did not like the 8 hour requirement.

Senator Flakoll asked how many schools offer in house professional development.

Ms. Nielson said it used to be more. Now the larger class B and class A schools do, although they are also part of JPAs and could cooperate with them. Some schools have more than two days of professional development.

Senator Flakoll said it would be good to have that information, how much is occurring through the JPAs, how the transition is going.

Senator Bakke asked what if a certain number of hours of professional development were required to allow more flexibility.

Ms. Nielson said they would love it but Department of Public Instruction has trouble verifying the number of school days. It comes down to accountability.

Senator Gary Lee asked what the work day is for teachers.

Ms. Nielson said it varies, some schools require teachers to be at school by a certain time and in the school building until a specific time in the afternoon, some would say 8 hours.

Senator Gary Lee asked if they travel now to get to work.

Ms. Nielson said if they live far away from school, that is their choice but if the school requires them to travel, that is different.

Leann Nelson, Director of Professional Development, North Dakota Education Association, said she supports the change from 8 to 6 hours. Representative Monson is concerned about credit hours. She would like to break the time into chunks. Then they could use implementation hours which the colleges like, especially with technology. They would like lines 1, 2 and 3 removed from page 2.

Senator Bakke asked if the only opportunity for national level speakers is the instructional conference. How has the attendance been affected?

Ms. Nelson said when the two paid days for the instructional conference were cut from the calendar; their attendance was cut in half.

Senator Bakke asked if the quality of the speakers is as good at other professional development seminars. Can they afford \$10,000 speakers?

Ms. Nielson said the schools and JPAs do a good job. They can't afford subject area speakers. NDEA does speakers for specific subject areas.

Dean Bard, North Dakota Small Organized Schools, testified in favor of the bill. He was hearing from the school districts. He is concerned about offering professional development in 2, 3, or 4 hour blocks due to lack of continuity. He would prefer larger blocks of time.

Senator Bakke asked if discontinuing paid days for attendance at the NDEA conference has hurt the quality of professional development opportunities for teachers in smaller schools.

Mr. Bard said he hasn't heard anything about it. He agrees we are looking over the shoulders of the teachers and school districts to be sure they don't fudge. We don't want to swat a fly with a bulldozer.

Chairman Freborg closed the hearing on HB 1270.

Senator Bakke said she would be working on some amendments.

Chairman Freborg closed the discussion on HB 1270.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1270

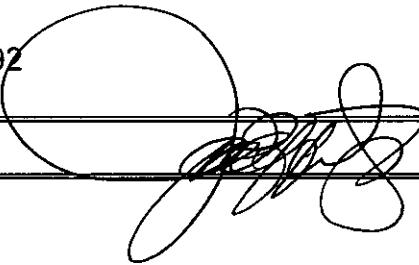
Senate Education Committee

Check here for Conference Committee

Hearing Date: February 26, 2007

Recorder Job Number: 3892

Committee Clerk Signature



Minutes:

Chairman Freborg opened the discussion on HB 1270. All members were present.

Senator Bakke said she has amendments for 1270 but she has to go testify on a bill. She will return in 5 minutes.

Senator Bakke said she has three amendments. The first is on page 1, line 16. We heard during testimony that they wanted flexibility in the delivery of staff development. When you put two full six hour days, you have taken the flexibility away. Their intent was to provide at least 12 hours so she visited with people from the administrative group and she visited with some people from the NDEA, she visited with the school board people and they all felt this amendment would give the flexibility they are looking for. It offers the option of a minimum block of 3 hours. So they could do a full day with a half day follow up. It gives them a lot of different options.

Senator Bakke moved the Bakke amendment 1, seconded by Senator Taylor.

Senator Flakoll asked if they could do a 9 and a 3?

Senator Bakke said yes.

Senator Flakoll said one of the discussion points over the years centered around the ability to get something meaningful done in a short period of time. Why did she select 3 hours?

Senator Bakke said she originally started with an idea of 4 hour blocks but they said that would be more troublesome because they would not want to bring the kids to school for just 2 hours but a half day (3 hours) would be more doable.

Senator Flakoll said from a professional point of view, can something meaningful be done in 3 hours?

Senator Bakke said 2 hours would be too short. If you have done a 6 hour in service at the beginning of the year on a particular concept and you then have 2 three hour follow up sessions where people come back together and discuss the results of trying it in their classroom, and they could do it twice in a year, that is meaningful. Each school district will look at what they want to do. They want 12 hours, we are giving them 12 hours but we are telling them to use their best judgment as to what works best in their district.

Senator Gary Lee asked if this would work best for Senator Bakke's particular discipline or the school district in service?

Senator Bakke said that is completely up to the school district or the JPA. The JPA in Grand Forks last fall had a full day in service. They brought in three different speakers, teachers signed up to go to a three hour session in the morning, a three hour session in the afternoon and they picked what speakers they wanted to go to. Even in that case, they were doing three hour blocks.

Chairman Freborg asked if they were illegal then with the requirement at 8 hours?

Senator Bakke said no, that did not count their lunch time and did not count their coming early. They were there from 8 to 4 but there was time to travel between the two places. They also had people from as far up as the border coming down to Grand Forks. They started at 8:30 or 9:00 so there were activities prior to that.

Chairman Freborg said maybe he did not understand during testimony but the reason they were doing six hour days is to allow enough travel time to get there and back but if you could take it out of the required 8 hours days then why did we change it?

Senator Bakke said Grand Forks has an 8 hour day in contract, not all districts do. She has to be at school for 8 hours. Every district has a different contract. Child contact day is 6 ½ hours.

Chairman Freborg said he heard someone testify that they determined a day was 8 hours.

Didn't we hear that from Anita Decker?

Senator Bakke said she doesn't know.

Chairman Freborg said we did. If Grand Forks was doing 6 hours days and counting noon hour and travel time, that is not right.

Senator Bakke said she was at her school building at 8:00. Some of these people are traveling and some are not.

Chairman Freborg said she is missing the point, the requirement was a full 8 hours.

Senator Bakke said of staff development?

Chairman Freborg said yes and travel on your own time and eat on your own time. That is how he understood Anita Decker to explain it.

Senator Bakke said that is the arrangement made by the district.

Senator Gary Lee said if we have a minimum block of three hours, are we assuming they would go to school a portion of the day? Is that counted as a day of school for them in terms of state law? Is it a full day or a half day?

Senator Bakke said if they go for a certain amount of time, they used to be able to count it as a full day, now they can bank minutes and have it apply. There are all sorts of regulations. She is not sure exactly how it works.

The motion passed 5 – 0.

Page 4  
Senate Education Committee  
Bill/Resolution No. 1270  
Hearing Date: February 26, 2007

Chairman Freborg closed the discussion on HB 1270.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1270

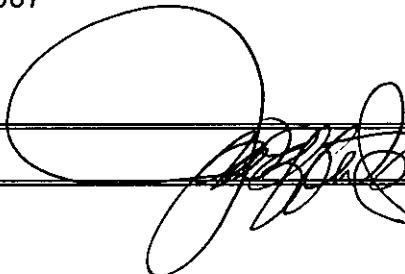
Senate Education Committee

Check here for Conference Committee

Hearing Date: February 28, 2007

Recorder Job Number: 4114

Committee Clerk Signature



Minutes:

Chairman Freborg opened the discussion on HB 1270.

Senator Bakke said we passed an amendment on the bill and Anita Decker had one concern.

With the 12 hours, her concern is some school districts will take this out of student contact time. She wants to add a sentence (amendment attached).

Senator Flakoll asked if it was Anita Thomas or Anita Decker.

Senator Bakke confirmed it was Anita Decker (she said Thomas originally). She had the intern draw up the amendment at Dr. Decker's request.

Senator Gary Lee said he has an amendment for the same section. We worked hard last session to get professional development into this section. Department of Public Instruction said the meaning was 8 hours. We heard from the teachers that they were looking for the opportunity and now we are going backwards.

Senator Flakoll said we would need to reconsider our actions.

Senator Gary Lee moved the committee reconsider its action in amending HB 1270, seconded by Senator Flakoll. The motion passed 4-1-0.

Senator Gary Lee moved amendment 70475.0201, seconded by Senator Flakoll.

Senator Flakoll asked about the concern expressed by Anita Decker about possibly taking this out of contact days. Is this a concern with this amendment?

Chairman Freborg said if we are concerned we can look at the amendment.

Senator Bakke said they would have an option of one 8 hour day or two 4 hour days, is the amendment taking it from two days to one?

Senator Gary Lee said it takes out the full six hours in the bill; the two days remain the same.

Chairman Freborg said "c" is a definition of a day.

Senator Taylor said when he reads the list of the school calendar, you still need 173 days of full instruction, he doesn't understand the concern.

Senator Bakke said she questioned it too. Dr. Decker said anytime there is early dismissal, things can slip through the cracks. They are supposed to get special permission but sometimes they don't seek permission until after the fact. Dr. Decker wants it to be very clear.

Chairman Freborg said we will be in conference committee.

Senator Taylor said we heard testimony about drive time if the JPA was doing the staff development. Maybe its not a big concern.

Senator Gary Lee said there was testimony. We are trying to provide professional development and hours of professional development. As professionals we are responsible to see we get there, drive time is a part of that. He has professional development opportunities as well and he has to get there, he has to travel from one end of a large legislative district to the other. If we want 8 hours of professional development, that is what we should have, not take away from it at every opportunity.

Senator Taylor asked if the intent was the 4 hour periods could work within a school day if they wanted. Could they make it work?

Senator Gary Lee said it is to give them an opportunity for 4 hours of professional development; he is not concerned about where they put it. It could be later in the day or early in the morning.

Chairman Freborg said if you listened carefully, you learned how Grand Forks worked their 8 hour days; they counted lunch and drive time.

Senator Bakke said no they didn't. There could be a problem with 4 hour blocks of time with some school districts. Some school districts use banked minutes to allow for these types of things.

Chairman Freborg said he doesn't want to think about it. It is another way to circumvent what we are trying to do; it doesn't add anything for the students.

Senator Bakke asked if we could do 16 hours with a minimum block of 3 hours.

Chairman Freborg said he believes this will end up in a conference committee and we will end up in the middle somewhere.

The motion passed 3-2-0.

Senator Bakke moved the Bakke 2 amendment, seconded by Senator Taylor.

Senator Bakke said we heard they were looking for flexibility, this is another opportunity.

Chairman Freborg said for years they requested paid professional development days and they got two full days. Now they don't want two full days, they want to break those days down.

They could do a better job if they go a straight 6 or 8 hours.

Senator Bakke said it depends on the activity. Sometimes a presenter presents a theory and you need to go back and try it with kids then come back and discuss and brainstorm. You need a large block of time for the presentation. There is some value in shorter follow up sessions.

Senator Bakke recommended the amendment be changed to 8 hours in 2 hour blocks.

The motion failed 2 – 3 – 0.

Senator Bakke moved the Bakke 3 amendment, seconded by Senator Taylor.

Senator Bakke said it eliminates language that doesn't make sense and is repetitive.

Chairman Freborg asked if a teacher could choose.

Senator Bakke said the school district could choose that option and may pay the teacher.

Senator Gary Lee asked if there was any problem with the current language.

Senator Bakke said no, she doesn't know why it is there twice, its not necessary.

Chairman Freborg asked if this was her idea.

Senator Bakke said yes, she ran it by Anita Thomas.

Chairman Freborg said someone thought it was necessary.

Senator Flakoll said it still allows school districts to have professional development on their own or to use the two day professional conference.

Senator Bakke said it doesn't change anything.

Senator Flakoll asked how many hours are the opportunities for professional development at the conference.

Senator Bakke said 10 – 12 per day.

Senator Taylor said he doesn't see anything sinister; the school district would still make the decision.

The motion failed 2 – 3 – 0.

Senator Gary Lee moved a Do Pass As Amended on HB 1270, seconded by Senator Flakoll.

The motion passed 5 – 0 – 0. Senator Flakoll will carry the bill.

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1270

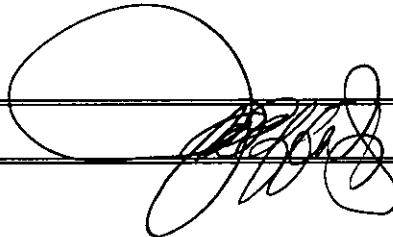
Senate Education Committee

Check here for Conference Committee

Hearing Date: March 7, 2007

Recorder Job Number: 4557

Committee Clerk Signature



Minutes:

Chairman Freborg opened the discussion on HB 1270. All members were present.

Senator Flakoll moved the committee reconsider its action by which we passed out HB 1270, seconded by Senator Gary Lee.

The motion passed 5-0.

Senator Flakoll distributed amendment 70475.0202.

Senator Bakke asked why he is introducing the amendment. The law states there must be 173 full days of instruction.

Chairman Freborg said this amendment would only apply to professional development, that is why the days could be divisible.

Senator Taylor said he thinks its fine to leave full on line 9, the two half days would qualify as one full day.

Senator Flakoll moved the committee reconsider its action by which we adopted amendment 70475.0201, seconded by Senator Gary Lee

The motion passed 5-0.

Senator Flakoll said the amendment provides a fix that schools would like to have.

Senator Flakoll moved amendment 70475.0202, seconded by Senator Gary Lee.

Page 2  
Senate Education Committee  
Bill/Resolution No. 1270  
Hearing Date: March 7, 2007

Senator Bakke said she wants 173 full contact days, she would like more.

The motion passed 5-0.

Senator Flakoll moved a Do Pass As Amended, seconded by Senator Gary Lee.

The motion passed 5-0. Senator Flakoll will carry the bill.

Proposed amendment to Engrossed HB 1270

Page 1, replace line 16 with "twelve hours for professional development activities in a minimum block of three hours."

Bakke 1 2/26/01

Date: 2/26/01  
Roll Call Vote #: 1

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1270**

Senate Education Committee

Check here for Conference Committee

**Legislative Council Amendment Number**

Action Taken Bakke 1 Amendment

Motion Made By Sen. Bakke Seconded By Sen. Taylor

Total Yes 5 No 0

Absent \_\_\_\_\_ 0

## Floor Assignment

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

Date: 2/28/07  
Roll Call Vote #: 1

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1370**

## **Senate Education Committee**

Check here for Conference Committee

**Legislative Council Amendment Number**

Action Taken Reconsider our actions by which we amended the  
by-laws

Motion Made By See See Seconded By See Flakoll (Rakke)

Total Yes 4 No 1

**Absent** 0

## Floor Assignment

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

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

*JF*  
2-28-07

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1270

Page 1, line 16, remove "full six-hour"

Page 2, after line 3, insert:

- "c. For purposes of this section, a "day for professional development activities" means:
- (1) Eight hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or
  - (2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.

Renumber accordingly

Date: 2/28/07  
Roll Call Vote #: 2

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1276**

## **Senate Education Committee**

Check here for Conference Committee

## Legislative Council Amendment Number

Action Taken Amendment 70475-0201

Motion Made By Sen. Lee Seconded By Sen. Hakkai

Total Yes 3 No 2

Absent 0

## Floor Assignment

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

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

*Bukke 2*

Proposed amendment to Engrossed HB 1270

c.

*8 X*

Page 1, replace line 16 with "twelve hours for professional development activities in a minimum block of three hours. Professional development activities cannot be deducted from the one hundred seventy-three student contact days."

Date: 2/28/01  
Roll Call Vote #: 3

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1376**

Senate Education Committee

Check here for Conference Committee

## **Legislative Council Amendment Number**

Action Taken Bakke 2 Amendment

Motion Made By Sen. Bakke Seconded By Sen. Jaeger

Total Yes 2 No 3

Absent 0

## Floor Assignment

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

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

Proposed amendment to Engrossed HB 1270

Page 1, remove lines 17 through 21

Page 1, line 24, overstrike "optional" and insert immediately thereafter "an option."

Page 2, remove lines 1 through 3

Bakke 3 2/28/07

Date: 2/28/07  
Roll Call Vote #: 4

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1370**

Senate Education Committee

Check here for Conference Committee

**Legislative Council Amendment Number**

Action Taken Bakke 3 Amendment

Motion Made By Sen. Bakke Seconded By Sen. Taft

Total Yes 2 No 3

Absent

## **Floor Assignment**

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

Date: 2/28/07  
Roll Call Vote #: 5

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1270**

## **Senate Education Committee**

Check here for Conference Committee

## **Legislative Council Amendment Number**

## Action Taken

Do Pass As Amended

### **Motion Made By**

Sen Lee Seconded By Sen Taylor

Total Yes 5 No 0

**Absent**

**Floor Assignment** Sr. Flakoll

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

**REPORT OF STANDING COMMITTEE**

**HB 1270, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1270 was placed on the Sixth order on the calendar.**

Page 1, line 16, remove "full six-hour"

Page 2, after line 3, insert:

"c. For purposes of this section, a "day for professional development activities" means:

- (1) Eight hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or
- (2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days."

Renumber accordingly

Date: 3/7/07  
Roll Call Vote #: 1

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1270**

## **Senate Education Committee**

Check here for Conference Committee

## Legislative Council Amendment Number

Action Taken Decided on action by which we passed out 1270

Motion Made By Sen. Jakob Seconded By Sen. Lee

Total Yes 5 No 0

Absent 6

## Floor Assignment

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

Date: 3/7/07  
Roll Call Vote #: 2

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1270**

## **Senate Education Committee**

Check here for Conference Committee

## Legislative Council Amendment Number

Action Taken Reconsider our action by which we passed Amendment 020!

Motion Made By Sen. Jakoff Seconded By Sen. Lee

Total Yes 5 No 0

Absent

## Floor Assignment

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

March 7, 2007

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1270

Page 1, line 16, remove "full six-hour"

Page 2, after line 3, insert:

- "c. For purposes of this section, a "day for professional development activities" means:
- (1) Eight hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or
  - (2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.
3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The provisions of this subsection do not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section."

Page 2, line 4, overstrike "3." and insert immediately thereafter "4."

Page 2, line 9, overstrike "4." and insert immediately thereafter "5."

Page 2, line 15, overstrike "5." and insert immediately thereafter "6."

Page 2, line 22, overstrike "6." and insert immediately thereafter "7."

Page 2, line 25, overstrike "7." and insert immediately thereafter "8."

Renumber accordingly

Date: 3/7/67  
Roll Call Vote #: 3

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1876**

## **Senate Education Committee**

Check here for Conference Committee

## **Legislative Council Amendment Number**

Action Taken Amendment 70475-0202

Motion Made By Sen. Haltom Seconded By Sen. Lee

Total Yes 5 No 0

Absent 0

## Floor Assignment

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

JB  
3-1-1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1270

Page 1, line 16, remove "full six-hour"

Page 2, after line 3, insert:

- c. For purposes of this section, a "day for professional development activities" means:
- (1) Eight hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or
  - (2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.
3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The provisions of this subsection do not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section."

Page 2, line 4, overstrike "3." and insert immediately thereafter "4."

Page 2, line 9, overstrike "4." and insert immediately thereafter "5."

Page 2, line 15, overstrike "5." and insert immediately thereafter "6."

Page 2, line 22, overstrike "6." and insert immediately thereafter "7." and overstrike "3" and insert immediately thereafter "6"

Page 2, line 25, overstrike "7." and insert immediately thereafter "8."

Renumber accordingly

Date: 3/7/07  
Roll Call Vote #: 4

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1370**

## **Senate Education Committee**

Check here for Conference Committee

## **Legislative Council Amendment Number**

### Action Taken

Do Pass As Amended

### **Motion Made By**

By Sen. Jackson Seconded By Sen. Lee

Total Yes 5 No 0

Absent

**Floor Assignment** *See Hall*

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

**REPORT OF STANDING COMMITTEE**

**HB 1270, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1270 was placed on the Sixth order on the calendar.**

Page 1, line 16, remove "full six-hour"

Page 2, after line 3, insert:

- "c. For purposes of this section, a "day for professional development activities" means:
  - (1) Eight hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or
  - (2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.
- 3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The provisions of this subsection do not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section."

Page 2, line 4, overstrike "3." and insert immediately thereafter "4."

Page 2, line 9, overstrike "4." and insert immediately thereafter "5."

Page 2, line 15, overstrike "5." and insert immediately thereafter "6."

Page 2, line 22, overstrike "6." and insert immediately thereafter "7" and overstrike "3" and insert immediately thereafter "6"

Page 2, line 25, overstrike "7." and insert immediately thereafter "8."

Renumber accordingly

2007 HOUSE EDUCATION  
CONFERENCE COMMITTEE

1270

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1270**

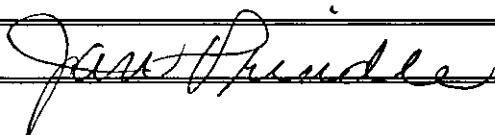
## House Education Committee

Check here for Conference Committee

Hearing Date: **4 April 2007**

Recorder Job Number: **5729**

Committee Clerk Signature



Minutes:

**Members in attendance: Chairman Herbel, Representative Wall, Representative Mueller, Senator Flakoll, Senator Freborg, and Senator Bakke.**

**Chairman Herbel called the conference committee on HB 1270 to order.** We're here to finish up the bill on professional development days and I would like the Senate to explain the changes that were made and why.

**Senator Flakoll:** I will explain the Freborg amendment (.0203). I think the Senate when they received the bill, was looking at a couple of things that we felt were important. The first of which was to provide some flexibility in terms of professional development. With the amendment we said two four-hour periods would constitute the equivalent of one day. In talking with professionals in the field including Senator Bakke who is on our committee and in the teaching profession, they felt that's a viable amount of time. There are some that wanted it down to two hours and the committee felt that was not really a time slot where you could really accomplish a great deal. You kind of get to just opening things up and then you are setting it down. It would take a long time to reach a one-day equivalent. We felt that a four-hour period, times two, would be equivalent to one day of professional development. This gives some flexibility whether they are in-house, through JPAs, or in collaboration with other school districts. That was the main thing that people talked about was giving them an option.

The second part of the amendment was the feeling of the committee that maybe we need to look at more of a typical 8-hour day rather than the 6 hours. We certainly had discussions, as I'm sure the House did, with respect to travel issues. I think there is a really significant evolution of using JPAs to provide staff development. That speaks well for JPAs. We did struggle somewhat with the travel issue on that. If we were to modify this maybe we should have a consideration. We talked about exclusive of meals and other breaks. Maybe we need some greater clarity. We could listen to the transcripts with regard to legislative intent regarding travel, but we may want to as a conference committee put that down in terms of what our wishes are. The discussions in the Senate could be very different from what happened in the House Education Committee. Your legislative intent may be different than our legislative intent. Our intent is basically that travel be for professional development. Maybe we wish to note that in here just so that there is clarity on that issue. Those are basically the amendments that the Senate had. Those are the two major points.

**Senator Bakke:** I do agree with these amendments in that it provides a substantial amount of professional development time for people in the profession. I just don't think it's necessary to put down a number of hours. I think that if you say you'll have two days of professional development that teachers are professionals, administrators are professionals and they will plan accordingly. I do like flexibility of having two sections of the day. You can have a section of the day where you have staff development and a section of the day where the kids are in school. I think that adds for flexibility. I just don't feel the need to put the hours on there. I think you just say that they will have a full day of staff development and put a little bit of competence and trust in our educational system that they will do what's right. Other than that I like the flexibility they provided by allowing a half day because I think some times you have a full day presentation and then you follow it up with two half-day sessions where you talk

about what you have done and how this worked and you can have more break-out sessions. I think that's of value to teachers when they are able to actually apply what they have learned and come back and talk about what they have learned and what they tried and how it's worked for them.

**Representative Mueller:** As I recall the genesis origin of the bill was there was a lot of discussion and disagreement about what a day of professional development was really supposed to be. I tend to agree with Senator Bakke that maybe that isn't something we should be dealing with. The fact is that was the bill brought before us. There was some disagreement and concern about how that day is defined in terms of hours. That was the House's position to try to deal with that issue. The six-hour provision, and we talked about it quite awhile, we thought that did deal properly with all the other concerns that go with this which has to do with meal breaks and driving to some town in the JPA that's 60 miles off and getting back home and those kinds of things. I think I like the potential for some additional flexibility but I think my sense from the committee discussions was that 8 hours pure professional development was going to be more difficult than we wanted it to be.

**Senator Flakoll:** One thing I failed to mention is I think there was some discussion about how the hours would align with higher education offerings so there were discussions on the Senate side about that.

**Senator Freborg:** Just to get it rolling along, what if we were in the amendment under c, (1), change the "eight" to "six" which could then make it flexible. There are quite a few combinations. They could have two full six-hour days or they could have two days of four hours and one six-hour day, which is a combination. Or they could four days of four hours. If they have a four-hour professional development in an afternoon that would allow them to have school in the morning and professional development in the afternoon.

**Chairman Herbel:** The change would just simply be to make it six hour in section (1)?

**Senator Freborg:** I don't know that's all that is necessary but I believe that it is.

**Senator Flakoll:** I believe you would also have to tweak number 3 because if you look at the last sentence that reads, "the provisions of this subsection do not apply unless the one-half day of instruction equals at least on-half of the time required for a full day of instructions, as defined in this section." I believe we would have to have LC wipe that out to reflect our wishes on c. (1) and (2).

**Chairman Herbel:** You are saying if we went to the 6-hour day and leave the two four & four available, that that last section would not be needed, possibly. Or is there some clarification that would have to be put in.

**Senator Flakoll:** There would be some clarification that would have to be needed. That's just facilitating if we want to go to 6 hours or halves at four hours then the language in 3. would need to reflect that.

**Representative Mueller:** If number (2) stays as it is amended, I'm guessing that 3. is okay.

**Senator Bakke:** That section is only talking about what constitutes a half day of student contact time and we don't want to diminish the definition of student contact day. We still want them to have a half of day of student contact time to equate to a half of a day of that requirement. I don't know that we would need to change it. I think it would be okay.

**Senator Freborg:** Under present law they can't have a half day of contact time. We need this so that if they have the four hours of professional development in the afternoon they could go to school in the morning as long as there instruction time is half of the requirement of a full day. We need that if they want to do that. That last sentence pertains to instruction time not professional development.

**Senator Flakoll:** I would be supportive the 6 hour provision with the flexibility to have two four-hour halves equal six hours.

**Wall:** I would agree with that change.

**Representative Mueller:** I have sympathy for Senator Flakoll's position. I'm not suggesting that we change "two four-hours" but if 1. and 2. are going to be consistent, it probably should say two three-hour pieces.

**Senator Freborg:** The reason we made this amendment is that we did not want three-hour blocks. It's not enough continual time to have that professional development. That's why we want to give them an option. We want to break it down and they need to use four hours. If they don't, they can have one six-hour day.

**Senator Freborg:** I move the Senate recede from their amendment and we amend by changing on .0203 by changing on c. (1) eight to six.

**Representative Wall:** I second.

**Representative Mueller:** What is a four-hour professional development day and a half day of instruction going to look like? What kind of time frames are we dealing with?

**Chairman Herbel:** I assume there is school from 9 til 12 in the morning and in the afternoons we have professional development and they could start at 1 p.m. and go until 5 p.m.

(Discussion on how the motion should read.) To assure options were covered:

**Representative Mueller moved the House accede to the Senate amendment and further amend by changing on .0203, c. (1) eight to six.**

**Representative Wall:** I second.

A roll call vote was taken: Yes: 6, No: 0, Absent: 0

**Conference Committee Amendments to Engrossed HB 1270 (70475.0204) - 04/05/2007**

That the Senate recede from its amendments as printed on page 1025 of the House Journal and page 777 of the Senate Journal and that Engrossed House Bill No. 1270 be amended as follows:

Page 1, line 16, remove "full six-hour"

**Conference Committee Amendments to Engrossed HB 1270 (70475.0204) - 04/05/2007**

Page 2, after line 3, insert:

- "c. For purposes of this section, a "day for professional development activities" means:
- (1) Six hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or
  - (2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.
3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The provisions of this subsection do not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section."

Page 2, line 4, overstrike "3." and insert immediately thereafter "4."

Page 2, line 9, overstrike "4." and insert immediately thereafter "5."

Page 2, line 15, overstrike "5." and insert immediately thereafter "6."

Page 2, line 22, overstrike "6." and insert immediately thereafter "7." and overstrike "3" and insert immediately thereafter "6"

Page 2, line 25, overstrike "7." and insert immediately thereafter "8."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number 1270 (, as (re)engrossed):

Date: 4 Apr 07

Your Conference Committee Education

For the Senate:

For the House:

	YES / NO	YES / NO
✓ Sen Flakoll.	✓	Lsg Herzel
✓ Sen Grebong	✓	Lsg Hall
✓ Sen Balke	✓	Lsg Mueller

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (S/H) page(s) 1035 --

, and place \_\_\_\_\_ on the Seventh order.

X, adopt (further) amendments as follows, and place 1270 on the Seventh order:

, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: T.Dueller

SECONDED BY: Shalt

VOTE COUNT 6 YES 0 NO 0 ABSENT

Revised 4/1/05

**REPORT OF CONFERENCE COMMITTEE**

**HB 1270, as engrossed:** Your conference committee (Sens. Flakoll, Freborg, Bakke and Reps. Herbel, Mueller, Wall) recommends that the **SENATE REcede** from the Senate amendments on HJ page 1025, adopt amendments as follows, and place HB 1270 on the Seventh order:

That the Senate recede from its amendments as printed on page 1025 of the House Journal and page 777 of the Senate Journal and that Engrossed House Bill No. 1270 be amended as follows:

Page 1, line 16, remove "full six-hour"

Page 2, after line 3, insert:

- "c. For purposes of this section, a "day for professional development activities" means:
  - (1) Six hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or
  - (2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.
- 3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The provisions of this subsection do not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section."

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Page 2, line 22, overstrike "6." and insert immediately thereafter "7." and overstrike "3" and insert immediately thereafter "6"

Page 2, line 25, overstrike "7." and insert immediately thereafter "8."

Renumber accordingly

2007 TESTIMONY

HB 1270

TESTIMONY ON HB 1270  
House Education Committee  
January 17, 2007  
By Dr. Anita K. Decker, Director  
School Approval and Accreditation  
Department of Public Instruction328-1718

Chairperson Kelsch and members of the committee:

My name is Anita Decker. I am the director of School Approval and Accreditation for the Department of Public Instruction.

The Department cannot support HB 1270 as proposed because it again allows early dismissal of students on school days to provide professional development time for teachers. Under this system, there is no way the Department can fulfill its statutory responsibility with regard to determining whether a school is offering the 173 full days of instruction required in 1A of the statute of NDCC 15.1-06-04. Please note that North Dakota is currently among the states with the lowest number of teacher-pupil contact days in the nation.

In the waning hours of the 2005 Legislative Session, the conference committee on education struggled with language to provide two paid days for professional development for teachers. We consulted two attorneys for an interpretation of what “two days” meant in terms of the length of those days. After consulting an assistant attorney general and an attorney from the

Legislative Council, we accepted that, since the Legislature earlier in the session had rejected a proposal for partial days of four hours each and because the reference in the minutes of the conference committee was to an eight-hour day, we must use the eight-hour, adult working day not the student instructional contact day.

Some of the membership organizations suggested that it should be the teacher contracted day. Since that differs from district to district, we were assured that would be inappropriate and arbitrary.

This bill refers to “two full days or the hourly equivalent of two full days.” The only definition of full day of which I am aware is in Section 4 of NDCC 15.1-06-04 where the full instructional day for elementary students is set at 5½ hours and the full instructional day for high school students is set at 6 hours. Under this bill which, if either, time is intended for the professional development time?

We are concerned that allowing early release of students on student instructional days and having teachers paid for two full days of professional development may not provide a total of 180 days as required in the statute.

Chairperson Kelsch and members of the committee, this concludes my testimony. I would be happy to answer any questions.

TESTIMONY ON HB 1270  
Senate Education Committee  
February 21, 2007  
By Anita K. Decker, Director  
School Approval and Accreditation  
Department of Public Instruction  
328-1718

Chairman Freborg and members of the committee:

My name is Anita Decker. I am the director of School Approval and Accreditation for the Department of Public Instruction. I appear before you in support of amended House Bill 1270.

The Department worked with members of the House Education Committee and interested stakeholder organizations to amend HB1270. The earlier version proposed allowing early dismissal of students on school days to provide professional development time for teachers.

Many of the joint powers associations have sponsored centralized professional development opportunities. Since Martin Luther King Day, over 5000 North Dakota teachers attended JPA-organized professional development training. These are generally held in a single location and may require an hour or more of driving for many of the participants.

Chairman Freborg and members of the committee, this concludes my testimony. I would be happy to answer any questions.