

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

1491

2007 HOUSE EDUCATION

HB 1491

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1491**

### House Education Committee

Check here for Conference Committee

Hearing Date: **23 January 2007**

Recorder Job Number: **1636**

Committee Clerk Signature

*Jan Prindel*

Minutes: **Chairman Kelsch** opened the hearing of HB 1491.

**Representative Pam Gulleson, District 26**, introduced the bill. The superintendent from North Sergeant School brought to my attention that current statute does not allow for us to accept electronic courses that are taught by anyone but a licensed and certified teacher from within ND. This bill is so we can really look at our practices. We know that expansion in the area of distance education and electronic courses has become a reality. The availability of those courses to be able enhance our students' learning environment is something we need to consider as an additional option to our public school system. Many times I have the privilege of serving on a panel to select candidates for the academy appointments. One area I am often struck by is the differences in the class A course offerings available to their students especially in the areas of languages, math and sciences. I think that with this bill we would open the availability to those advanced level courses that may not be explicitly be taught by a ND teacher but they would have to meet all the requirements of any course that would originate here in ND. It would open additional avenues of opportunity for all of our students.

**Harlan Heinrich, superintendent of the North Sergeant School District**, testified in favor of the bill. **(Testimony Attached.)**

**Representative Haas:** Have you had experiences with students wanting to take online

course where it didn't fit. Explain to us in a little more detail about how this came to be. Was there a problem in your school?

**Heinrich:** What precipitated my initiating this legislation was the fundamental aspect that we have a closed shop in our educational system in ND. There is a multitude of course offerings out there that our kids don't have an opportunity to take advantage of. We, as a state, have a reputation of probably one of the strongest and probably the better in terms of the work ethic of our people. If we are going to solidify that work ethic in a global society, we need bring courses to our kids that will expand their horizons so that they will be more competitive in the global communities. I don't know of any school in ND that offers Mandarin Chinese. Right now our economic thrust is toward China. If we want to be able to have our products and education become effective in society, we need to be able to provide the course offerings.

**Representative Haas:** If a student in your school would take a course through the division of independent studies, there would be no question that you would accept it and put it on their transcript? Have you had occasion where a student may have wanted to take an online that is generated from outside of the state and an administrator or principal said, no we will not put that on your transcript, we won't accept that a legitimate credit?

**Heinrich:** No, that hasn't happened. As you know we are already accepting credit from out of state whenever a transfer student comes in. Obviously these were offered by teachers that were not certified in ND. The determining official is the high school principal. I feel that with the certification process we place a considerable amount of expertise as well as trust in the principal's position. I think they also are qualified to make the determination in online courses.

**Representative Haas:** As a school administrator if a student came to you and said I want to take this online course and would like to have it credited to my transcript, how would you go

about evaluating the institution that was offering the online course to determine if it met state standards?

**Heinrich:** It would depend on the course obviously there are some courses the state does not have standards for. On the back of my handout are a number of institutions that offer courses that are nationally accredited. I think that is important to verify that as we enter into this arena of educational alternatives. I feel there could be some kind of clearinghouse with recommended course sites and providers.

**Representative Herbel:** There has been some concern about college online courses from the University of Phoenix and places like that in terms of validity what you get. It seems like if there is an opportunity to make money somebody's going to figure out a way to work the system to make money. My question is: Will there be a way of monitoring the validity of what they are getting and who is going to do that if we allow that. Do you as a superintendent or you as a school board or DPI decide which are acceptable?

**Heinrich:** I refer back to my previous suggestion that there be some kind of clearinghouse. There are a number of agencies in the state that work in education and technology. I agree there are a number of for profit garbage companies out there; however, I really feel that if they are a prudent organization they would certainly be accredited by North Central or some of the regional accreditation agencies.

**Representative Herbel:** My concern is that before those students would be taking on line courses that it be a requirement that they come to you or whoever is the monitoring agency to make sure this is an accredited thing so they aren't spending a bunch of money to find the school does not accept the credits because they are not valid. It needs to be worked out.

**Vice Chairman Meier:** What does a course in say Mandarin Chinese cost?

**Heinrich:** The costs vary. It now depends upon the offering agency whether it be a state agency who will sometimes have nearly tuition free courses offered in the state. Those outside

the state have fees I have seen anywhere from \$75 to \$350 for a typical ½ credit course. The student picks up those fees on their own.

**Chairman Kelsch:** For those students who could essentially could graduate and have enough credits but would like to get a jump start on perhaps international marketing because that's a good course to take before getting into college. Having a son that took Chinese in college, he said it was extremely difficult and it would have been wonderful if he had the opportunity when he was younger to have exposure to a class like it. Isn't this for more advanced students who are looking advanced classes prior to college?

**Heinrich:** That could well be the main focus of why students would want to take courses. I come from a small school and we have one science teacher that teaches 7<sup>th</sup> through 12<sup>th</sup> grades sciences. With 6 classes and we are moving more toward 4 classes for graduation requirements, in a seven period day that leaves only one prep period. We alternate classes and if student happens to miss or not pass a course, they are in a catch 22. I have a couple that are taking correspondence courses trying to catch up and are in a survival mode to be able to graduate. The driving force for me personally is that I recently returned from a trip to China sponsored by a national education association and we had an opportunity to visit schools over there and I was surprised that all schools have English as a required course. Most of that English is started at the 4<sup>th</sup> grade and some are starting it in the 1<sup>st</sup> grade. You can see where they are targeting their students. We are going to see a greater incidence of negotiations on the international trade and market with the Chinese people as they move more towards English as their second language.

**Anita Decker, director of School Approval and Accreditation, DPI,** testified in Opposition to the bill **(Testimony Attached.)**

**Representative Mueller:** Your testimony says that since schools must report electronically and these courses cannot be. Does that say the courses that are out there and being offered in state are not being reported?

**Decker:** I'm talking only about these courses that are proposed to be delivered electronically.

**Representative Herbel:** Are you aware of any students that are taking these courses at the present time?

**Decker:** There are many schools that are offering electronic courses. I'm not aware of any that are offering under this proposal with an out of state licensing.

**Representative Haas:** Most of the schools in ND are accredited by the North Central accrediting association. Are you saying you would automatically discount an out of state school that was offering courses electronically by schools that are approved by North Central?

**Decker:** ND requires that schools are to be accredited by the state if they are going to receive foundation aid. North Central meets or exceeds our requirements. All courses taken in NCA schools also have to meet the state licensure law.

**Representative Haas:** That's my point. If the schools that are accredited by NCA in ND meet all state standards and if we place confidence in the accrediting agency then why would we not automatically accept something that is accredited by NCA from out of state? It defies logic that we wouldn't do it. It's like we are building walls around ND and saying that there is no possibility of any other educational agency meeting our standards whether it's in regard to curriculum content or teacher preparation.

**Decker:** The ND schools follow ND laws first and NCA second. We apply the state accreditation rules to all schools equally. The NCA provides them with school improvement processes. They will not approve or accredit a school if they are in difficulty in ND.

**Representative Haas:** I understand that. We already have a process in place where the DPI has in place an approval process for supplemental service providers in connection with

NCLB. Why would it not be possible for the DPI to also set up a procedure and application

and review process for out of state educational institutions that are providing on line courses?

I'm essentially suggesting a clearing house. Why couldn't that be done in this situation?

**Decker:** I don't mean to indicate that it couldn't be done. I will tell you there are staffing and money constraints for added duties to the Department.

**Chairman Kelsch:** What do we do in this case of a small rural school district like this. If a student fails a course what is their recourse? How do they catch up? How do they get back into the loop again?

**Decker:** There are many avenues for students to take courses. The state of ND law allows students to get credit at the high school and college level. That is one way that many of these students can take more difficult courses or take college courses. Many schools are offering advanced placement particularly our largest schools. In those schools they are offering a very rigorous high school curriculum which a college may accept for college credit as well. So there are opportunities now. It's very difficult in small schools.

**Chairman Kelsch:** I was particularly referencing the student that failed the science class. What is their recourse when he does not have the opportunity to retake that class. How do we work with that child?

**Decker:** The Division of Independent Studies serves many of those students very well. The course generally is offered at the high school and those students can take the course over.

**Representative Mueller:** One of the things we are going to be talking a lot about is the JPAs. It seems to me that given the latitude that I believe will be part of joint powers in regard to curriculum, this bill or something like it would open some doors that group of talented and gifted and maybe the group that Chairman Kelsch talks about to do some things that we are not going to very easily have done for them without opening up to some other sources of

educational services. Would this not be good legislation for the work that JPAs might be doing?

**Decker:** Absolutely. This is something that many JPAs are looking at, particularly foreign languages because those teachers are few and far between and sharing them electronically. The difference is that those are ND licensed teachers.

**Representative Mueller:** If you have a JPA in the east and they know right across the river there is a very good French teacher. It seems to me that by not passing this bill, you can't do that. That's a concern. Why would we not do that if we could do some good things with education.

**Decker:** Any teacher can hold dual licensure. I really can't talk about the qualifications of the teachers across the river. It could be a possibility.

**Representative Herbel:** Is it the fact that being offered by another state is the problem here? Could school districts do that now and accept it as a credit? Would DPI even need to know?

**Decker:** I'm sure there are many things DPI doesn't know. The purpose of this bill is to allow curriculum to be taught in ND without a ND licensed teacher. My testimony is less about the licensure of the teacher than it is about the curriculum requirement of ND. Our law says that teachers have to be licensed and teaching in the content for which they are licensed. This bill changes that.

**Janet Welk, Education Standards and Practices Board:** My board has not met and made a decision to oppose or support this bill. I would like to offer two suggestions. In line 10 where we talk about if the course meets or exceeds the content standards of the state and if the course is taught by individual who is . . . . and here I would like to propose an amendment to say "highly qualified in the content area and licensed and certified in the state." The second thing I would like to add is that the ESPB is part of the national clearing house and has access to the licensure of other teachers from other states and we would be able to help in that process if

needed. As far as supporting or opposing this bill, I cannot speak to that as our board has not met.

**Representative Hunskor:** You talk about highly qualified. If a student was taking an electronic course from Mississippi and the teacher in that state was highly qualified by Mississippi standards, would we accept that course as being valid.

**Welk:** That's the decision that needs to be made. I'm just saying that if our teachers in ND need to be highly qualified, I think our students deserve to have teachers that highly qualified from other states as well if we would like to do this. At this point if I wanted to go online and offer a course in physics with my business education major with this bill I would not have to be highly qualified in physics.

**Representative Mueller:** Do we in ND have a different set of highly qualified standards than the state of Mississippi?

**Welk:** Every state has identified those teachers differently. Yes. From 2006 on, all new teachers are taking tests and are very similar. But this bill only speaks to the fact that they be licensed it does not speak to the fact that they are highly qualified.

**Representative Mueller:** Would you be in support of the bill if the amendment you suggest was in it?

**Welk:** My board has not met.

**Representative Wall:** The schools, colleges, etc. Do most have graduate degree in the area in which they provide instruction?

**Welk:** Do you mean graduate degrees in biology, etc.? No. We don't have enough of them offered in ND. What the teachers in ND do is if they find a course that they would like to take online, they call my office and we help them research it to make sure it is from an accredited institution. We have had a couple of incidences where they spent huge, huge dollars on online courses out of state and it from an institution that was not approved.

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House Education Committee

Bill/Resolution No **HB 1491**

Hearing Date: **23 Jan 07**

**Representative Wall:** If the accrediting institution is a ND institution, do most of their

instructors have a graduate degree in their area of expertise?

**Welk:** That would be correct.

**Chairman Kelsch** closed the hearing of HB 1491

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1491

## House Education Committee

Check here for Conference Committee

Hearing Date: 7 February 2007

Recorder Job Number: 3009

Committee Clerk Signature

*Jan Prindle*

Minutes:

**Chairman Kelsch:** Janet Welk, ESPB, suggested an amendment to insert on line 10 after who is insert "highly qualified in the content area and licensed or certified in the state."

**Representative Hanson:** What is the definition of highly qualified?

**Chairman Kelsch:** It's got to be the major in your area.

**Representative Johnson:** Who determines if they are highly qualified?

**Chairman Kelsch:** It is pretty much universal since the NCLB Act.

**Representative Wall:** A couple of problems I have with this bill are that we lose all oversight and we would have no assessment of the class at all. After listening to the gentleman from Independent Study, we may be duplicating. They offer 185 classes and I realize it may not be what every student might need, but it would be in competition with them.

**Representative Herbel:** Where is the cost borne for these courses?

**Chairman Kelsch:** The student.

**Representative Haas:** That could be up to local school board policy.

**Representative Myxter:** Wouldn't the school have to okay the class before it was taken.

For the student's sake, I would hope they don't take a class that doesn't count.

**Chairman Kelsch:** The way the bill is written it says, "the student successfully completes a high school course generated electronically from another state, the school district shall accept the course for credit.

**Representative Herbel:** This has got to be a money making machine for some people. I would be concerned about the validity of the courses being offered. Does the average student have the knowledge and background to determine that? Will a counselor or someone monitor that to avoid that kind of thing?

**Representative Haas:** I have an answer. After we discussed this bill I got an email with the form the State of Montana has in place. It adds legitimacy for students to take courses from recognized, approved, on-line schools. He distributed that form. **(Attached.)** They have a very controlled process. I think we could look to the State of Montana for some of the things they are doing in this regard. Their guidelines are quite stringent. My point is that there could be a mechanism put in place that assures they are sanctioned in ND. I think it's a good thing to pass a bill like this. We simply need to add that the DPI be required to establish a process for quality on-line programs, etc.

**Representative Herbel:** I agree wholeheartly. This would be an avenue for kids to get things that they perhaps couldn't get especially in our rural settings. My question is can DPI implement these kinds of standards without us putting it in the bill.

**Representative Mueller:** I think it's in the bill. . . . If the course meets or exceeds the standards of the state. . . The mechanics aren't there.

**Representative Haas:** If we pass the bill doesn't it automatically grant DPI administrative rule making authority to establish the process by which this takes place.

**Vice Chairman Meier:** Could we have Tom Decker step forward and explain what he would need to have this proceed.

**Chairman Kelsch:** Can it be done by administrative rule or do we need to spell it out.

**Decker:** If you want this done in the way Representative Haas is talking, we need to have authority to develop rules.

**Representative Haas:** All we have to do then is put an amendment on the bill that gives the Department the authority to establish rules that would guide this process similar to what Montana has then I would I would like to move that amendment.

**Chairman Kelsch:** Or would you prefer to amend it so it spelled out like this.

**Representative Haas:** That's up to the Committee. There are some excellent criteria here in what MT is already using.

**Representative Wall:** I have no problems with this bill. I do think we need to consider what we heard from the JPAs and we need to support them along with Independent Study wherever we can. I know JPAs are doing a lot on on-line right now. They are doing some with IDP. I think there is a smorgasbord for students to take now. I'm not worried about this bill; I don't see a great rush for courses out of state. I think we need to support what we have.

**Representative Hunsakor:** I agree with Representative Haas. I think that we need to have the DPI model this but give them some flexibility as there may be some tweaking they may need to do to make it something ND could work with. It wouldn't have to be exactly like this. We have to trust them to put into it what they feel is right but using this as the guideline.

**Vice Chairman Meier:** I like the sample and think it would be good to attach to the bill.

**Chairman Kelsch:** You have two questions. You can put the language in that the DPI develop a process based on distance learning standards in other states; or, you can ask Anita Thomas to develop the amendment that looks like this. We need to get this out by Friday. If you were able to get the amendments drafted and circulated to the Committee, all it would take is a few minutes in this room if the Committee wants to do it.

**Representative Haas:** I would do that. I would prefer to have some guidelines. What I would not want to happen is for DPI to come out and say that any distance learning provider

from out of state must have teachers who are qualified by ESPB. That's not realistic. There are other standards that are just as good as our standards. If it is the consensus of the Committee, I'll get on it right away.

**Representative Mueller:** That's a grand idea. Maybe we can get it done here today if we were to insert some language. Insert on line 11 "the DPI will establish a process to verify acceptable ND state content standards and teacher qualifications."

**Tom Decker:** Let me make a quick point. Things are changing in rural ND dramatically. There is huge potential for what this bill would allow, but I also think there is huge potential for mischief. There needs to be flexible process. I don't think we know today all the things we need to consider.

**Chairman Kelsch:** I think we need to have a little more detail in it. I think we should say the DPI shall establish the requirements for distance learning programs and the process should or shall include . . . and put in a little of this. The specific areas that we think are extremely important would be good to include in the legislation. Give them the rule making authority and those rules address the following: . . . I personally think this is going to fit in very well with JPAs and distance learning center.

**Later on the same day the Committee again took up HB 1491.**

**Representative Haas:** I have here an amendment prepared by Anita Thomas. It is pretty much a "hog house." What you have in front of you is the new bill. Anita says we do not need to put additional rule making authority for DPI in it. DPI has that. **I move the amendment:**

**Representative Hanson:** I second.

**A voice vote was taken: The amendment was adopted.**

**Chairman Kelsch:** We now have Amended HB 1491 before us. What are the wishes of the Committee?

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

**Representative Haas:** I second.

**Representative Johnson:** Why is this not effective until 09?

**Representative Haas:** The effective date of July 1, 2009, is to allow adequate time for the DPI to develop the guidelines, the application process for providers, to establish the criteria under which approval will be made, also to allow time for the reporting from the Department to the legislative interim committee so we handle this in such a way that it does what we intended to do as a result of our conversations. That amount of time is needed to do this right.

**Representative Mueller:** It appears it does what we intend it to do. We did have some folks that didn't like this idea. Did they have a chance to have any input on it, specifically Anita Decker, Janet Welk?

**Representative Haas:** I did not have any conversation with them.

**Chairman Kelsch:** Janet Welk was only opposed because it did not include the highly qualified. I think this will be a new adventure for Dr. Decker.

**Representative Haas:** I would add that this important for another reason. It's getting more and more difficult in some of the really sparsely populated rural areas to provide a rich curriculum and something that kids want to do that is totally different that they don't available. This establishes a procedure whereby we can have some assurance that whatever courses are taken through electronic media are going to be legitimate courses. It's important from that standpoint. DPI can notify them what is available. I think it's a good approach to enriching curriculum for kids.

**A roll call vote was taken. Yes: 12, No: 0, Absent: 1 (Solberg)**

**Representative Myxter will carry the bill.**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1491

### House Education Committee

Check here for Conference Committee

Hearing Date: **28 February 2007**

Recorder Job Number: 4137

Committee Clerk Signature



Minutes:

**Representative Haas:** Here is some information I got from Superintendent Sanstead today. It is interesting. We passed HB 1491 out of here requiring DPI to set up standards for online learning. Superintendent Sanstead was just at a national conference where he met with people from the North American Council for OnLine Learning. This council has written a book that lists every state and what they have done and the standards that they have set. North Dakota was almost a blank as we are just beginning to address the issue. One very interesting thing on the bottom of the first page, it says that Michigan became the first state to require on line learning for high school graduation. They have to take at least one course on line. That's going to be the life long learning mode of the future so they want their students to know how to learn on line.

**Attachment: NACOL paper.**

**House Amendments to HB 1491 (70677.0101) - Education Committee 02/08/2007**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to electronic course delivery; to provide for a legislative council report; and to provide an effective date.

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

**SECTION 1.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

**Electronic course delivery - Approval process.**

1. Before a person may provide elementary or high school courses electronically to a student, school, or school district in this state, the person must obtain annual approval from the superintendent of public instruction. The electronic delivery of a course includes online and technological delivery methods.
2. Before the superintendent of public instruction may grant approval to a person under this section, the superintendent shall verify that:
  - a. All courses offered by the person in this state are aligned with the state content and performance standards and if standards do not exist for a particular course, the criteria must ensure that the course content is sufficiently challenging for students, given the grade level at which it is offered;
  - b. All teachers involved in the electronic delivery of a course meet or exceed the qualifications and licensure requirements placed on the teachers by the state in which the course originates; and
  - c. All students receiving a course electronically have ongoing contact time with the teachers of the course.

**SECTION 2. REPORT TO LEGISLATIVE COUNCIL.** During the 2007-08 interim, the superintendent of public instruction shall provide a report to the legislative council regarding the planning and development of the electronic course delivery approval process to be implemented as provided in this Act.

**SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective on July 1, 2009."

Renumber accordingly

Date: 7 Feb 07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1491

House Education Committee

Check here for Conference Committee

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

Action Taken Amend per 20677.0101 attached

Motion Made By Haas Seconded By Hanson

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 Sukut					
Rep Wall					

Total Yes passed No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

Date: 7 Feb 07  
Roll Call Vote #: \_\_\_\_\_

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1491

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number 70677.0101

Action Taken No Pass as Amended

Motion Made By Meier Seconded By Haas

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	0	
Rep Karls	✓				
Rep Sukut	✓				
Rep Wall	✓				

Total Yes 12 No 0

Absent 1 (Solberg)

Floor Assignment Myxter

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

**REPORT OF STANDING COMMITTEE**

**HB 1491: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1491 was placed on the Sixth order on the calendar.**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to electronic course delivery; to provide for a legislative council report; and to provide an effective date.

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**SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective on July 1, 2009."

Renumber accordingly

2007 SENATE EDUCATION

HB 1491

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1491

Senate Education Committee

Check here for Conference Committee

Hearing Date: March 12, 2007

Recorder Job Number: 4860

Committee Clerk Signature

Minutes:

Chairman Freborg opened the hearing on HB 1491, a bill relating to electronic course delivery.

Senators Flakoll and Taylor were absent.

Representative Gulleson introduced the bill. She submitted written testimony from Harlan

Heinrich. This subject was brought to her by the superintendent at North Sargent School in Gwinner. She would not expect it to be used extensively but it should be an option for schools.

This would be especially suitable for advanced programs and foreign languages. It would be an advantage for rural schools. The bill has changed markedly since it was introduced. Buck Haas took time to review what other states are doing and used Montana and Minnesota as models. The teacher must meet the requirements of North Dakota licensure. The effective date would be July 1, 2009 which allows a process to be in place. This supplements what we are doing. She has served on the selection committee for the military academy appointments. There is a discrepancy in resumes from students in class A schools to students in class B schools because of the availability of advanced placement classes in the larger schools. The writing is on the wall. The advancement of technology has gotten to the point to make this possible and we have an opportunity to put the rules and policies in place.

Senator Bakke asked how the ongoing contact referred to in the bill would be accomplished.

Representative Gulleon said for five years she was the director of distant education for the State School of Science. The courses had to meet accreditation standards. Within the courses the relationship between the student and the instructor is close. Through e texting, there can be almost immediate correspondence. Most courses also require supervision at the local school by the principal or a teacher to assist with testing.

Senator Bakke asked about the cost. Would schools have the necessary technology? Would they need visual contact?

Representative Gulleon said they would use primarily a computer, not video. The video conferencing classes are in place already. Through the State School of Science, the southeast area can access video conferencing.

Senator Bakke asked about the cost, would it be paid by the school district?

Representative Gulleon said there would be discussions between the student and the district. If a course was deemed to be beneficial and the cost was reasonable the school district could offer it.

Senator Bakke asked if the school district paid by the course or by the child?

Representative Gulleon said she was not sure. She expects they would pay per course. At the college level they paid per student and it was about \$150.

Senator Gary Lee said if this bill is approved, would Department of Public Instruction formulate a process. Is there any further legislative input? Is Department of Public Instruction under administrative rule?

Representative Gulleon said Department of Public Instruction will report to the assembly during the interim. If there is a need for further input there is time because the effective date is 2009.

Chairman Freborg asked about the process of approval. Would districts be given a list of approved courses?

Representative Gulleson said that is a good question. She thinks they would be approved course by course or by working with an accredited association may be best. That will be answered during the interim.

Senator Heitkamp testified in favor of the bill. The effective date is all about developing a plan, its important for rural districts. Aggressive young people may not have suitable courses available their senior year. Under "b", the teachers must meet the requirements for licensure in North Dakota but would not be licensed in North Dakota.

Senator Bakke said earlier in the session we heard about online courses through continuing education. How does that fit in?

Senator Heitkamp said he has a vision and it goes beyond that. The machinery is in place. He sees this as a chance for kids to have a chance to access college level classes.

Bev Nielson, North Dakota School Boards Association, testified in favor of the bill. As technology changes, we need to take advantage of it. Subsection 2b says the teacher should be qualified in the state where the course originates. That is the intent of the House Education Committee. They thought it would be too hard to do with North Dakota requirements. She would not favor a student bringing a course to the principal. She thinks schools would pick courses and present their offering to their students. She likes that it will be studied; she likes the 2009 effective date.

Senator Gary Lee asked about the availability now of courses.

Ms. Nielson said she doesn't know. She does know that some courses are good and some are not. If the provider wants to be approved in North Dakota, they would contact Department

of Public Instruction. If approved, the schools would have a list and would make available those courses their board sees fit.

Mary Wahl, North Dakota Council of Educational Leaders, testified in favor of the bill. In anticipation of increasing demands for courses and cognizant of the fact that its becoming more and more difficult to get teachers in the classroom in recruitment and with the retirement that is anticipated, their council will offer a program this summer, Delivering Education to Smaller Schools. We need to begin to focus the issue. We need to see how we can more effectively bring electronic types of education to students throughout the state. It is critical we find ways to provide equal opportunity to all of our students. They like the effective date, it will allow a deliberate look at it and develop it in synch with the study of adequacy.

Anita Decker, Department of Public Instruction, testified in favor of the bill. (Written testimony attached) She talked to Wayne Kutzer and she wonders if the amended bill is designed to review courses currently offered in state. They seem to have changed section 1.

Chairman Freborg asked if she has an informal draft of the language she would like to have changed.

Dr. Decker said she hasn't had time to draft those. They do have good copies from Montana of what they require. They have been in contact with the Division of Independent Study to see what kinds of things they have to respond to in different states.

Chairman Freborg asked if she would like to draft something?

Dr. Decker said she could have something by Wednesday.

Senator Bakke asked if the Center of Distant Education, does this fall under distance education or would this be a separate entity?

Dr. Decker said the Division of Independent Study is an online high school and online middle school. They are approved and accredited as most other institutions in the are and they would

be a source of some of the programming. Department of Public Instruction has not been approving their courses in the past because they are currently licensed in North Dakota and their curriculum is approved.

Senator Bakke said it is conceivable that a school district could pick up a course from Center for Distance Learning?

Dr. Decker said yes.

Senator Gary Lee asked if the Center for Distance Learning would be a better fit to approve the courses than Department of Public Instruction?

Dr. Decker said the approval would be under Department of Public Instruction. Center for Distance Learning is approved under Department of Public Instruction. They do not have all the courses that the school districts want. Rather than expand the Center for Distance Learning, the school district knows of another place where the course is available. The school districts would like another option.

Chairman Freborg said he would see Dr. Decker Wednesday morning.

Chairman Freborg closed the hearing on HB 1491.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1491

Senate Education Committee

Check here for Conference Committee

Hearing Date: March 19, 2007

Recorder Job Number: 5283

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on HB 1491. All members were present.

Anita Decker appeared to answer questions and explain a proposed amendment. (Written testimony attached)

Senator Flakoll asked if this changes the source of the delivery system. Will it modify anything? Would, for example, a Minnesota course be able to be offered in North Dakota?

Dr. Decker said the issue with the bill was they wanted out of state teachers to be able to teach in North Dakota. The amendment is what is already happening between North Dakota schools. The only thing this would change is a course from out of state could be offered by out of state teachers if the teacher and course were approved in North Dakota. It affects nothing within the state.

Senator Gary Lee asked if this would be Ivan kind of courses.

Dr. Decker said there are many varieties of online courses, Ivan is one. This could be computer to computer without the live interaction.

Senator Gary Lee asked if the likelihood of reciprocity between North Dakota and Minnesota, will it be hard to achieve.

Dr. Decker said she anticipates most of the course could be approved. This will prevent unlicensed fly by night outfits from teaching North Dakota children.

Senator Flakoll asked if the teachers are required to meet the licensure requirements of the state; would they be required to be licensed in the state including the student teaching requirement.

Dr. Decker said this is not about licensing them in North Dakota. They must meet the licensing requirements in their own state.

Senator Taylor asked about the definition of contact time.

Dr. Decker said one of the reputations of some online courses is the teacher writes the course but no one knows who is answering questions from students. This is to be sure the approved teacher is the one responding to students.

Chairman Freborg asked about the starting date, is that to allow time for approval?

Dr. Decker said yes and to allow time to write rules.

Senator Flakoll said we have heard previous bills with provisions so that the student taking the course is supervised and it is verified they are actually taking the tests.

Dr. Decker said that is a good point and they will write it into the rules.

Senator Gary Lee moved the amendments recommended by Anita Decker, seconded by Senator Flakoll.

The motion passed 5-0.

Senator Flakoll moved a Do Pass As Amended on HB 1491, seconded by Senator Taylor.

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





**REPORT OF STANDING COMMITTEE**

**HB 1491, 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 1491 was placed on the Sixth order on the calendar.**

Page 1, after line 23, insert:

- "3. The approval process provided for in this section does not apply to a course provided electronically between approved schools in this state."

Renumber accordingly

2007 TESTIMONY

HB 1491

*Superintendent  
North Dakota Public Schools*

*g. v. →*

HB 1491  
Electronic Courses  
Harlan Heinrich

*23 Jan 07*

Members of the House Education Committee. I am here to speak in favor of HB 1491.

In many states, Small schools use Online courses to broaden their class offerings. Michigan aims to mandate online courses. Enrollment in online programs has been growing for about the past five years. Midwestern Regional Educational Laboratory (MREL), a nonprofit research center in Naperville, Ill. Indicates the trend line is turning up at a sharp angle, and that's why this way of teaching and learning needs to be taken seriously.

As of July 2005, 21 states had K-12 online learning programs. Utah and Florida have by far the biggest statewide online learning programs, with more than 35,000 students enrolled in Utah and 21,000 in Florida. Students have a variety of reasons for taking courses online. Some need flexible schedules or can't come to school for medical or disciplinary reasons. Others retake classes they failed or enroll in specialized or **advanced courses their schools don't offer**. Julie Young, president and CEO of Florida Virtual School, a state-funded program, that she expects to grow by 40 to 60 percent next school year, based on past performance dating to 1997. The current national emphasis on math and science in schools might also create a new relevance for online learning. Virtual teachers could help ease the nationwide shortage of math and science teachers.

Online learning programs vary widely. Some are like old-fashioned correspondence courses, where the student rarely interacts with teacher or classmates. Others are highly interactive and include online discussions and frequent e-mail communication between teachers and students. It just makes sense to provide education to the millennial generation in a format they've grown up using.

"Choice" is another consideration when reviewing Online courses. "Why shouldn't a child be able to take a class in contemporary Irish literature or Mandarin Chinese language? With the capability of technology today, why shouldn't all of our students have that same opportunity?"

Existing research typically focuses on whether online learning is as good as classroom learning. "I think we now have gone way beyond that, or should have gone beyond that, to try to understand how it's different, both positively and negatively." Most educational technology experts say what is most promising is a collaboration of traditional and online classes. "The future is a blended model," Many students take online courses because their schools don't offer the courses they want to take.

Accreditation concerns and Standards are often in the forefront of discussion with online courses. There are many regionally and nationally accredited schools offering online classes. Any prudent school administrator would search out only the accredited schools to provide course offering in their building. They would also have to assume the accountability for assuring that our State Standards are addressed. We can't look past the possibility of the State of North Dakota Department of Public Instruction providing a clearing house of recommended online course providers. They are already doing something of this nature with the Supplemental Service Providers in our state. Please bare in mind that the intent of this legislation is to supplement and not supplant the course offering we currently have in our High Schools in North Dakota. I believe that we owe it to our kids to support HB 1491 with a do pass recommendation.

*hear*

**A sample of Online HS Course providers**

**Advanced Academics**. Accredited by the Commission of International and Trans-Regional Accreditation and the North Central Association of Colleges and Schools.

**Apex Learning**

Accredited by the Northwest Association of Schools and Colleges.

**Bradenton Academy**

Accredited by The National Association of Independent Schools, The Council for International and trans-Regional Accreditation and the Southern Association of Colleges and Schools.

**Blueprint Education**

Accredited by the North Central Association of Colleges and Schools.

**Brigham Young University** Accredited by the Northwest Association of Schools and Colleges and the Commission on International and Trans-Regional Accreditation.

**Choice 2000 Online High School** Accredited by the Western Association of Schools and Colleges.

**Christa McAuliffe Academy**. Accredited through the Northwest Association of Schools and Colleges and by CITA (the Commission on International and Trans-regional Accreditation).

**Compuhigh**

Nationally accredited by CITA, the Commission on International and Trans-regional Accreditation.

**Futures International High School**

Accredited by the Accrediting Commission of the Distance Education and Training Council.

**Indiana University**

Accredited by the North Central Association Commission on Accreditation and School Improvement.

**Laurel Springs High School**. Accredited by the Western Association of Schools and Colleges and the National Independent Study Accreditation Council. Based on the rigorous requirements of the State of California, programs meet or exceed State standards and expectations nationwide.

HB 1491  
23 Jan 07

2 > 1

TESTIMONY ON HB 1491  
House Education Committee  
January 23, 2007  
By Anita K. Decker, Director  
School Approval and Accreditation  
Department of Public Instruction  
328-1718

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.

Let there be no doubt that the Department wishes that every student could take the courses he or she wishes to take to expand their curricular horizons and educational opportunities. However, the Department has many questions about this bill as written.

First and foremost, we feel the bill needs to assure that if a high school transcripts a course, the school district pays for the course. This protects the constitutional mandate for a free public education.

For purposes of approval and accreditation of schools, courses offered by schools are reported electronically. In the electronic processing of the data, the data submitted by the school compares the teacher who is reported teaching with the courses the teacher is licensed to teach in the ESPB data file. Our current electronic programming has no provision for processing courses taught by teachers licensed outside of North Dakota.

School accreditation rules identify the number of courses a school must offer over a two- and four-year period to achieve accreditation. Since these courses currently cannot be reported electronically, how would a course offered outside the school become part of the school record for purposes of accreditation?

State law identifies the contact time for high school courses in NDCC 15.1-21-03. How would the state be assured that the courses proposed in this bill meet this state statute?

For the safety of the student and for purposes of accountability, would these courses be monitored at the school or is the expectation that they would be completed independently?

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

## DISTANCE LEARNING STANDARD – A.R.M. 10.55.907 - SUMMARIZED

- School districts may receive or provide distance learning\*
- Rule establishes requirements for distance learning programs and/or courses that fulfill elementary or middle school basic education program requirements and/or high school graduation requirements
- School districts may receive distance learning to supplement instruction as *supplementary* resources without restriction.
- Course content: must align with Montana content and performance standards.

Teachers of Distance Learning Courses	When Teacher Licensed and Properly Endorsed	When Teacher Not Licensed or Properly Endorsed
	Shall be licensed and endorsed in area of instruction through a teacher preparation program accredited by NCATE** or a state board of education. The district shall assign a trained facilitator for each distance-learning course.	If teacher is not licensed and endorsed by NCATE or a state board of education, the district facilitator must hold a Montana educator license.
<b>Facilitator</b>	The district facilitator must be a licensed teacher or para-educator.	Facilitator must hold a Montana educator license.
<b>Requirements for all Facilitators</b>	District will assure that all facilitators receive in-service training pertaining to: <ol style="list-style-type: none"> <li>1. Course organization</li> <li>2. Classroom management</li> <li>3. Technical aspects of delivery method</li> <li>4. Strategies for use of distance learning</li> <li>5. Monitoring of student testing</li> <li>6. Securing other services as needed</li> </ol>	
<b>Requirements for Distance Learning Providers</b>	Providers will <b>annually</b> <ol style="list-style-type: none"> <li>1. Register with the Montana Office of Public Instruction</li> <li>2. Identify all Montana school districts to whom they are delivering distance learning</li> <li>3. Verify the professional qualifications of course teachers</li> <li>4. Provide course descriptions, including content and delivery model, for <b>each</b> program and/or course</li> <li>5. Demonstrate that students have ongoing contact with the distance-learning teachers.</li> </ol>	

\* Distance Learning includes online and technology-delivered learning.

\*\*NCATE means National Council for Accreditation of Teacher Education



North American Council for Online Learning

The North American Council for Online Learning (NACOL) is the leading international K-12 non-profit organization representing the interests of administrators, practitioners, businesses and students involved in online learning in the United States, Canada and Mexico.

- NACOL's mission is to increase access to educational opportunities and enhance learning by providing collegial expertise and leadership in K-12 online teaching and learning.
- NACOL facilitates collaboration, advocacy and research to expand the availability and enhance the quality of K-12 online learning.
- NACOL was founded in September 2003 and has 1,400+ members.
- NACOL hosts the annual Virtual School Symposium, the leading K-12 national education conference on virtual schools and online learning – Louisville, KY on November 4-6, 2007.

## Research, Trends and Statistics

### K-12 Online Learning and Virtual Schools: Expanding Options

- K-12 online learning is a new field consisting of an estimated \$50 million market, which is growing at an estimated annual pace of 25% annually.<sup>i</sup>
- 38 states have established e-learning initiatives (including virtual schools, cyber charter schools, online testing and internet-based professional development).<sup>ii</sup>
- There are 25 state-wide or state-led virtual schools in the United States.<sup>iii</sup>
- There are 147 virtual charter schools with 65,354 students in 18 states.<sup>iv</sup>
- In 2002-2003, 36% of public high school districts in the United States offered distance education courses.<sup>v</sup>
- 72% of school districts with distance education programs planned to expand online offerings in the coming year.<sup>vi</sup>
- Online learning in K-12 schools is growing explosively.
  - In 2000, there were 40,000-50,000 enrollments in K-12 online education.<sup>vii</sup>
  - Eduventures estimated 300,000 students participated in virtual learning in the 2002-2003 school year in the United States.<sup>viii</sup> Alberta Online Consortium in Canada reported 4,766 enrollments in 2002-2003.
  - In 2002-2003, NCES reported 328,000 distance education enrollments in K-12 public school districts.<sup>ix</sup>
  - In 2005, the Peak Group estimated online enrollments of 500,000.
  - The Peak Group projects 1 million enrollments in 2006.
- In April 2006, Michigan became the 1st state to require online learning for high school graduation.
- 80% of K-12 school districts cited "the course was otherwise unavailable" as the number one reason for offering courses at a distance.

### High School Reform and Redesign

- According to the Manhattan Institute, 70% of all students in public high schools graduate, and only 32% of all students leave high school qualified to attend four-year colleges.<sup>x</sup>
- The high school graduation rate in the United States is 70%. High school drop-out rates in urban areas average 50%.<sup>xi</sup>

- Only 51% of all black students and 52% of all Hispanic students graduate, and only 20% of all black students and 16% of all Hispanic students leave high school college-ready.
- 90% of the fastest growing jobs in the economy require a college degree.<sup>xii</sup>
- Over 40% of our nation's high schools do not offer any AP courses. Many of these schools serve predominantly low-income and minority students.<sup>xiii</sup>
- While only 44% of U.S. high school students studied a foreign language in 2002, learning a second or third foreign language is compulsory for students in the European Union and elsewhere.<sup>xiv</sup>
- According to recent research from the *Silent Epidemic* study, 47% said a major reason for dropping out was that "classes were not interesting" and they were "bored"; 88% of drop outs had passing grades.<sup>xv</sup>
- 52% of middle school and 15% of high school mathematics teachers did not have a major or minor in mathematics and 40% of middle school and 11% of high school science teachers did not have a major or minor in science.<sup>xvi</sup>
- 99% of schools have access to the Internet.<sup>xvii</sup>
- The National Education Technology Plan recommended that every student have access to e-learning opportunities and every teacher have access to e-learning training.<sup>xviii</sup>

## Today's Students

The Pew Internet Project reports "the Internet is an important element in the overall educational experience of many teenagers".<sup>xix</sup>

- 87% of all youth between the ages of 12 and 17 use the Internet (21 million people).
- 86% percent of teens, 88% of online teens, and 80% of all parents believe that the Internet helps teenagers to do better in school.
- 85% of 17 year olds have gone online to get information about a college, university, or other school they were thinking about attending.
- 50% of students are creators of content on the Internet.
- 94% of students say that doing well in school is important to future success.

More information is available online at [www.nacol.org](http://www.nacol.org).

<sup>i</sup> *What Can Virtual Learning Do for Your School*, 2003, Eduventures.

<sup>ii</sup> *Keeping Pace with K-12 Online Learning* 2006.

<sup>iii</sup> *Technology Counts 2006*, Education Week; Keeping Pace, NACOL (AL, AR, CA, CO, FL, GA, ID, IL, IN, IO, KY, LA, MD, MA, MI, MO, NC, ND, NV, SC, TN, UT, VA, WV, WI).

<sup>iv</sup> *The Simple Guide to Charter School Laws*, 2005, Center for Education Reform. (Note: There are 147 virtual charter schools with 65,354 students in 18 states, up from 86 such schools with 31,000 students in 13 states in 2004-05 and 60 schools in 13 states in 2002-03).

<sup>v</sup> *Distance Education in Elementary and Secondary Public School Districts*, 2005, U.S. Department of Education National Center for Educational Statistics. [www.nces.ed.gov](http://www.nces.ed.gov)

<sup>vi</sup> *Distance Education in Elementary and Secondary Public School Districts*, 2005, U.S. Department of Education National Center for Educational Statistics. [www.nces.ed.gov](http://www.nces.ed.gov)

<sup>vii</sup> *Virtual Schools*, 2001, Tom Clark/WestEd.

<sup>viii</sup> In 2002-2003, 4,766 students in Alberta, Canada were enrolled in online learning programs; up 1,000 from the previous year's 3,810 students.

<sup>ix</sup> *Distance Education in Elementary and Secondary Public School Districts*, 2005, U.S. Department of Education National Center for Educational Statistics. [www.nces.ed.gov](http://www.nces.ed.gov)

<sup>x</sup> *Public High School Graduation and College Readiness Rates in the United States*, 2003, from the Manhattan Institute. [www.manhattan-institute.org](http://www.manhattan-institute.org)

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<sup>xii</sup> *Expanding the Advanced Placement Incentive Program*, U.S. Department of Education. <http://www.ed.gov/about/inits/ed/competitiveness/expanding-apip.html>

<sup>xiii</sup> *Expanding the Advanced Placement Incentive Program*, U.S. Department of Education. <http://www.ed.gov/about/inits/ed/competitiveness/expanding-apip.html>

<sup>xiv</sup> *Expanding the Advanced Placement Incentive Program*, U.S. Department of Education. <http://www.ed.gov/about/inits/ed/competitiveness/expanding-apip.html>

<sup>xv</sup> *The Silent Epidemic: Perspectives on High School Dropouts*, 2006, Bill and Melinda Gates Foundation. [www.gatesfoundation.org](http://www.gatesfoundation.org)

<sup>xvi</sup> *Schools and Staffing Survey: 1999-2000*, U.S. Department of Education. [www.ed.gov](http://www.ed.gov)

<sup>xvii</sup> *Digest of Education Statistics, 2003*, from the National Center for Education Statistics. [www.nces.ed.gov](http://www.nces.ed.gov)

<sup>xviii</sup> *Toward A New Golden Age In American Education: How the Internet, the Law and Today's Students Are Revolutionizing Expectations: National Education Technology Plan*, 2005, U.S. Department of Education Office of Educational Technology.

<sup>xix</sup> *The Internet at School*, 2005, Pew Internet Study. [www.pewinternet.org](http://www.pewinternet.org)

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Accreditation concerns and Standards are often in the forefront of discussion with online courses. There are many regionally and nationally accredited schools offering online classes. Any prudent school administrator would search out only the accredited schools to provide course offering in their building. They would also have to assume the accountability for assuring that our State Standards are addressed. We can't look past the possibility of the State of North Dakota Department of Public Instruction providing a clearing house of recommended online course providers. They are already doing something of this nature with the Supplemental Service Providers in our state. Please bare in mind that the intent of this legislation is to supplement and not supplant the course offering we currently have in our High Schools in North Dakota. I believe that we owe it to our kids to support HB 1491 with a do pass recommendation.

TESTIMONY ON HB 1491  
Senate Education Committee  
March 12, 2007  
By Anita K. Decker, Director  
School Approval and Accreditation  
Department of Public Instruction  
328-1718

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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.

The Department supports this amended bill with the hope that every student can take the courses he or she wishes to take to expand his or her curricular horizons and educational opportunities. This bill as amended holds promise of achieving that hope.

We see online learning opportunities as one potential solution to some of the calls we receive from school superintendents and principals detailing the difficulties they have in finding and hiring teachers. Our expectation, as always, is that these courses will be paid for by the school district if the district plans to transcript the course and count it towards part of its curriculum requirement for accreditation.

Our concerns expressed in the House Committee hearing on this bill have been reduced by the amendments in the current bill. We have been in contact with the North American Council for Online Learning, and we are confident that we can use their experiences and models to adopt appropriate practices for North Dakota students and schools. We would like to see clear and specific language in the bill, however, which gives rule-making authority to the Department. Perhaps that is what Section 2 intends?

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

March 14, 2007

To: Senate Education Committee  
From: Anita K. Decker, Director, School Approval and Accreditation  
Subject: Proposed amendment to HB 1491:

Section 1, line 11, following "methods" insert:

Courses provided electronically between approved North Dakota K-12 schools are exempt from the approval process outlined in this statute.

Rationale: Such courses and teachers currently are required to meet North Dakota curriculum and licensure requirements and are already being reported.

In my testimony earlier this week, I indicated that the Department would prefer specific rule-making authority be stated in the bill. However, Anita Thomas of the Legislative Council believes that the Department has rule-making authority under NDCC 28-32. ("Every administrative agency may adopt, amend, or repeal reasonable rules in conformity with this chapter and any statute administered or enforced by the agency.")