

**2013 HOUSE EDUCATION**

**HB 1296**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1296  
February 6, 2013  
18422

Conference Committee

Committee Clerk Signature



## Minutes:

**Ch. Nathe:** We will open the hearing on HB 1296.

**Rep. Kim Koppelman:** Sponsor, support (explained the bill). When Rep. Kelsch came before the Administrative Rules Committee, she did a good job of explaining the purpose of her bill. Anita Thomas, from LC was there as well. Ms. Kelsch asked her about the bill being drafted.

**Ms. Kelsch:** Was it your understanding that the intent of this bill was to provide reciprocity for teachers coming to ND from other states.

**Anita Thomas:** Yes it was.

**Ms. Kelsch:** Did you sense that I wanted to, for some reason, exclude special education teachers.

**Anita Thomas:** No, I did not.

**Ms. Kelsch:** In your opinion, did the bill language that you crafted as an attorney for us to accomplish that purpose, accomplish capturing all these areas.

**Anita Thomas:** Yes, it did.

**Ms. Kelsch:** In your opinion, was the intent to unintentionally exclude someone?

**Anita Thomas:** No, it was not.

So once that was all on the record, in terms of not only the bill that was passed, that we passed last session for reciprocity and that the intent of the bill sponsor and the legal language crafted by our Legislative Council achieved that intent. It was very clear to the Administrative Rules Committee to explain to Ms. Welk that law supersedes rule. If you have an old administrative rule here that conflicts with the law the legislature has just passed you have to obey the law. Most of our agencies understand that but it's good as a lesson to go back and relearn that. I found out that some of the board members, who were there as well, were very supportive of this idea of reciprocity and I think they were honestly wondering how we deal with this, because we have this conflict. We tried to deal with that and explain that to

**them through the administrative process and they finally understood and made it work. That's the good news. So in the end, the teacher was able to teach and everybody was happy, and the school system in West Fargo was very happy as a result. However, we believed that it would be a very good idea in visiting with Ms. Thomas and others that we just clarify, because this seemed to be the stumbling block which is the only thing in the bill, on page 2, lines 7 and 8; it's made clear that the endorsements are part of our reciprocity.**

**Ch. Nathe: Thank you. Further testimony in support.**

**Janet Welk, Executive Director, Education Standards and Practices Board: See attached #1.**

**Ch. Nathe: Are you in favor of this.**

**Janet Welk: We are neutral.**

**Ch. Nathe: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.**

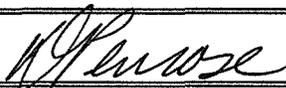
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1296  
February 12, 2013  
18779

Conference Committee

Committee Clerk Signature



## Minutes:

Ch. Nathe: Let's take a look at HB 1296. This will put the rule into law.

Rep. Meier: I move a Do Pass.

Rep. Heller: Second the motion.

11 YES 0 NO 2 ABSENT

DO PASS

CARRIER: Rep. Heller

Date: 2/12/2013

Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 1296

House EDUCATION Committee

Check here for Conference Committee

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

Action Taken:  Do Pass  Amended  Rerefer to Appropriations  
 Do Not Pass  Adopt Amendment

Motion Made By Rep. Meier Seconded By Rep. Heller

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe	✓		Rep. Bob Hunsakor	✓	
Rep. Mike Schatz	✓		Rep. Jerry Kelsh	✓	
Rep. Joe Heilman			Rep. Corey Mock	✓	
Rep. Brenda Heller	✓				
Rep. Dennis Johnson	/				
Rep. Ben Koppelman	/				
Rep. Lisa Meier	/				
Rep. Karen Rohr	/				
Rep. David Rust	/				
Rep. John Wall					

TOTAL (YES) 11 (NO) 0 (ABSENT) 2

FLOOR ASSIGNMENT Rep. Heller

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

**REPORT OF STANDING COMMITTEE**

**HB 1296: Education Committee (Rep. Nathe, Chairman)** recommends **DO PASS**  
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1296 was placed on the  
Eleventh order on the calendar.

**2013 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1296**

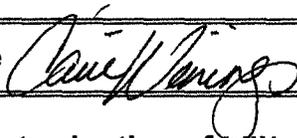
# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Government and Veterans Affairs Committee Missouri River Room, State Capitol

HB 1296  
03/29/2013  
Job Number 20672

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 15.1-13-20 of the North Dakota Century Code, relating to teachers licensed in other states.

### Minutes:

**Chairman Dever:** Opened the hearing on HB 1296.

**Janet Welk, Executive Director, Education Standards and Practices Board:** See

Attachment #1 for testimony in opposition to the bill. (Explained the bill in the absence of the prime sponsor.)

**(7:20)Chairman Dever:** Would it be safe to say that whether we accept credentials from out of state or not, they are at least factored into the process?

**Janet Welk:** If you pass 1296 as it stands, I would have to allow Mr. Cimino to teach English in North Dakota and he could be working with your children with 9 semester hours of credit in English.

**Chairman Dever:** Do we have reciprocity with other states regarding some credentialing? Or is that a factor?

**Janet Welk:** We do and that is based on the fact that they are a regularly prepared teacher with a major. That is what happened in 2001 with NCLB. We were the first state to say if they had a license from another state and they were highly qualified in that state, they could come to North Dakota and they would not need to take any tests or do course work. Then

the bill that was passed last session even made that broader by saying that if you have a license from another state but you have a major there is no tests and North Dakota is probably the only state that allows that at this point. All other states require at least some coursework or some testing.

**Senator Cook:** Teachers are licensed because they met the course requirements, correct?

**Janet Welk:** That is exactly correct. They have to pass the test and have the major

**Senator Cook:** Currently licensed teachers do not have to take the tests?

**Janet Welk:** Since 2001, all our North Dakota teachers upon graduation, prior to licensure, have to pass the test as well as have the major.

**Senator Cook:** It is the same test that Mr. Cimino took?

**Janet Welk:** Yes.

**Senator Cook:** We have teachers in the state that are grandfathered in that how do you know how they would take the test? If it is important for Mr. Cimino, why don't we have the same concern for all of the teachers teaching in the state?

**Janet Welk:** All of our teachers in our state have a major in their area. Mr. Cimino does not in English. If they have a major and it is on their license they are fine. It is only when it is not a major and the endorsement is not there - we would then ask them to take the test.

**Senator Cook:** My only point is that the real measure of whether has knowledge is no the degree they have but whether they can pass the tests. If it is important for one, it should be important for all.

**Chairman Dever:** My mother graduated in 1943 and became a teacher without going to college. Times change.

**Senator Nelson:** A lot of people did back then. I see that I am a sponsor on this bill and I believe when Representative Koppelman talked to me he was concerned about the

possibility that some military spouses would come in and that there was a need for teachers in the NW corner of the state and about the credentialing of the spouses of the military.

**Janet Welk:** If that spouse has a valid license from another state, we fingerprint them, document the fact that they do have that degree, and they have a license in about a week.

**Chairman Dever:** Do we have a shortage of teachers in North Dakota?

**Janet Welk:** Yes in certain areas we do. I am licensing more people from out of state than from in state right now. I have no idea what is going to happen with the growth.

(No one else was present to testify.)

**Chairman Dever:** Postponed the hearing for prime sponsor.

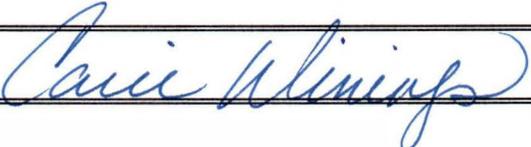
**Prime sponsor was not available and the hearing will be recessed until prime sponsor can testify before the committee.**

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

HB 1296  
04/04/2013  
Job Number 20876

Conference Committee

Committee Clerk Signature	
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## Minutes:

**Chairman Dever:** Reopened the hearing on HB 1296.

**Representative Koppelman, District 13:** Testified as the sponsor and to explain the bill.

There was some discussion over Janet Welk's testimony in the House and the fact that her position had changed from being in favor of the bill to in opposition of the bill.

**(6:30) Senator Cook:** I would like to get the testimony of Janet Welk's testimony in the House to see how the wording is different.

**Representative Koppelman:** It may be identical. I don't recall.

**Senator Cook:** Is it safe for me to assume that the teachers name is Kiersten Lawrence?

**Representative Koppelman:** I do not recall.

**Senator Cook:** She is licensed to teach elementary education but under recent emergency rule authority, granted by the Governor, Mrs. Lawrence would have to pass a content test in special education in order to be licensed to teach special education. She references that in her testimony. To me it appears from her testimony that this Mrs. Lawrence was licensed to teach elementary but has to pass the test to teach special education.

**Representative Koppelman:** I do not know for sure that is the same individual. It could be. My understanding is that the person was a highly qualified special education teacher with that certification in other states; that she simply was not allowed to because of the rules that were in effect. What you just read to me implies to me that the ESPB apparently went

to the Governor, which was one of my suggestions, and got an emergency rule authority. The clear intent of this legislative body last session was to pass reciprocity law; which we did, and they were carefully instructed and educated that law supersedes rule. So if they have initiated another rule which again conflicts with the law we passed, that is all the more need for this bill.

**Chairman Dever:** My clerk informed me that the minutes indicate that she was in opposition.

**Senator Schaible:** One of the questions that I heard from her testimony was that qualifications in special education vary between the sciences and levels within special education. I think that was part of this. Someone could be highly qualified in a certain area of special education, but it might be different than what was needed. I understand the rule of reciprocity, but we also want the teaching quality to be the same for the need they are going to be used for.

**Representative Koppelman:** I think there are two or three issues here. I certainly don't want to discourage or in any way speak negatively about anyone in our state working to accomplish these important objectives, but I do know that this particular licensing and accrediting board has for a long time thrown road blocks into the process of teachers being qualified to teach in North Dakota who are qualified many other places, if not virtually everywhere else. We have built fences for a long time. That was the purpose of the bill that former Representative Kelsh introduced last session. I think the legislative assembly was of the mind that it is time to move forward and get with the program and do what other states do allowing teachers to move from state to state without hindering them or forcing them into remediation when it is not necessary. If you create some arbitrary regulations that don't happen to match up; our institutions of higher education have fought those battles for years

and they are getting to the point where a credit may not be a credit at one school versus another but they have figured out ways to work it out and we need to get there with regard to teacher licensing. To your point, sure, if there is a situation where I am a school superintendent and I need to hire someone to teach Spanish - just because they have a foreign language degree from somewhere else does not mean they can teach Spanish. Obviously there is some common sense that comes into this. There are also some local control questions. I spoke to the school superintendent in this particular instance on this individual's qualification and they were stellar but they were not in the same construct as we define them in North Dakota. I would submit that is the issue more often. I have spoken with members of that board and they are far more progressive when it comes to moving toward this kind of reciprocity than I think their executive director has been. I think she is coming along and we applaud that.

**Chairman Dever:** Do you know the number of the bill that you talked about from the last session?

**Representative Koppelman:** I thought about that shortly before the hearing and I did not have time to look it up but I can find it.

**Chairman Dever:** I was curious if this section of the code was a result of that bill.

**Representative Koppelman:** I do not know offhand.

**Senator Nelson:** Both of the cases that Janet refers to, one came from California and he was licensed to teach Social Studies and English there but he only had his major in Political Science so he was licensed to do that here but he only had 9 hours in English and so he needed to take the content course to be able to teach there. It seems to me that she predicating this on that we have one of the highest rankings in the nation for highly qualified teachers under No Child Left Behind and that is the federal requirement - not our

requirement. Both of these people were licensed to teach in their major but it was this other thing that they were not licensed to teach in and that is what they did not have enough credits for a double major. In one case it was English and in the other it was special ed. I am just wondering if it has to do with the No Child Left Behind rather than what is going on at (inaudible).

**Representative Koppelman:** All states have to comply with No Child Left Behind. I am not so sure that I buy the argument that says we are doing it right and the other 49 states are doing it wrong. We hear that occasionally in this context and I am not sure that is true. Also, if someone has been granted some kind of special grace or special authority to do something in another state that they are not really licensed to do or qualified to do, I don't think anything in this bill says that we have to bless that. I think what this says, is that if there is an endorsement in another state and they are licensed in another state for that particular specialty, that when they come to North Dakota we cannot say that we won't accept that and not recognize it. The other point I would make to the committee is that Representative Kelsh's bill last session and her intent last session and what legislative council legal staff testified to the administrative rules committee during the interim was that indeed the intent that was communicated to them and the language that the bill guaranteed was that we would have reciprocity for these very things. Had there not been a road block in the way and there not been confusion with trying to enforce a rule with supremacy over state law, frankly we would not be here. That is why I call it the we meant it bill and it is here as an insurance policy to ensure that what was intended gets done. The fact that they are raising questions worries me more than if they were just going to say to pass the bill if you want to but that they don't really need it because they are already doing it.

**Chairman Dever:** I think we would like to take a look at the bill from two years ago and the minutes from the House. Closed the hearing on HB 1296.

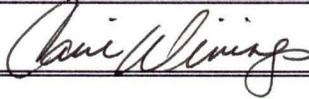
# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

HB 1296  
04/09/2013  
Job Number 21040

Conference Committee

Committee Clerk Signature



## Minutes:

**Chairman Dever:** Opened HB 1296 for committee discussion. It seems to me that what the bill is attempting to do is probably appropriate. What are your thoughts?

**Senator Cook: Moved a Do Pass.**

**Senator Schaible: Seconded.**

**A Roll Call Vote Was Taken: 5 yeas, 2 nays, 0 absent.**

**Motion Carries.**

**Senator Poolman: Carrier.**

Date: 4/9

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 1296

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

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

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Senator Cook Seconded By Senator Schaible

Senators	Yes	No	Senator	Yes	No
Chairman Dick Dever	✓		Senator Carolyn Nelson	✓	
Vice Chairman Spencer Berry		✓	Senator Richard Marcellais		✓
Senator Dwight Cook	✓				
Senator Donald Schaible	✓				
Senator Nicole Poolman	✓				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Senator Poolman

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

**REPORT OF STANDING COMMITTEE**

**HB 1296: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1296 was placed on the Fourteenth order on the calendar.

**2013 TESTIMONY**

**HB 1296**



Education Standards and Practices Board  
2718 Gateway Avenue, Suite 303  
Bismarck, ND 58503-0585  
(701) 328-9641 Fax (701) 328-9647  
<http://www.nd.gov/espb>

**Testimony on HB 1296  
House Education Committee  
February 6, 2013  
Janet Welk, Executive Director  
Education Standards and Practices Board**

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Good morning Mister Chairman and Members of the House Education Committee. For the record, I am Janet Welk, Executive Director of the Education Standards and Practices Board (ESPB) and wish to testify on of HB 1296.

ESPB has been working on this issue of accepting other states endorsements this past year. I would like to share with you the process and the outcome of those discussions. North Dakota, in 1960, required all of their teachers to either have a major (30 semester hours) or a minor (16 semester hours) in the area they were teaching. In 2001, the federal government through federal mandate of No Child Left Behind (NCLB) required all core content areas to have a major in the content area or have passed a content test. Core areas included English, Math, Social Studies, Science, and the Arts. North Dakota was one of two states reported to have all highly qualified teachers in 2007. Not all states achieved that success and had teachers on waivers, especially in the critical shortage areas of English, special education, math, and science.

As part of their research, the Board reviewed two applications from other

states that had been endorsed in their sending state. The first applicant is Paul Cimino. He is licensed to teach in California social science and English (page 5 of this testimony). He has a major in political science (page 6) and 9 semester hours in English. Mr. Cimino is licensed to teach political science in ND (page 4) based on his major. Under recent emergency administrative rule authority granted by the Governor, if Mr. Cimino could pass the ND content test in English, he would be eligible to teach English in ND. This regulation would meet the federal mandate of NCLB.

The second case study is Kirsten A. Lawrence. She is licensed to teach elementary education, special education (cross categorical), and early childhood education in Arizona (page 15 of this testimony). Ms. Lawrence has a major *in* elementary education (page 19). She has six semester hours in special education. She is licensed to teach elementary education in ND (page 14). Under recent emergency administrative rule authority granted by the Governor, if Ms. Lawrence could pass the ND content test in special education, she would be eligible to teach special education in ND. This regulation would meet the federal mandate of NCLB.

On August 14, 2012, Governor Jack Dalrymple granted emergency rule (page 20 of this testimony) making authority to ESPB to allow teachers coming from other states that have documented two years of teaching experience to pass the ND content test if they do not have the major as required by federal law. These rules were approved by the Attorney General's office as to their legality on January 6, 2013 (page 23). The Board feels this is fair to the teachers, and more importantly, to our students of North Dakota.

Thank you for the opportunity to testify today and I would be happy to answer any questions. If you have questions after my testimony today, I can be reached at 328-9646 or [jwelk@nd.gov](mailto:jwelk@nd.gov).

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— State of —  
**North Dakota**

*Office of the Governor*

**Jack Dalrymple**  
*Governor*

August 14, 2012

Janet Welk  
Education & Standards Practice Board  
2718 Gateway Ave, Suite 303  
Bismarck, ND 58503

Dear Janet,

On August 10, 2012, I received your request for approval of emergency rulemaking to amend North Dakota Administrative Rule 67.1-02-04-01 and 67.1-02-04-07 regarding requirements for teacher licensure.

I have reviewed the request pursuant to N.D.C.C. § 28-32-03 and I find that an emergency rulemaking is reasonably necessary and I therefore approve adoption of your proposed rules as interim final rules.

Sincerely,

  
Jack Dalrymple  
Governor

37:74:58

**Work Experience Option for Alternate Access License**  
**June 25, 2012**

**67.1-02-04-01. Alternative access licenses for teacher shortages.** Alternative access licenses will be issued under the following conditions:

1. Consideration for alternative access licenses will not be granted until after August first in any year.
2. Alternative access licenses may be issued only in areas where documented shortages of regularly licensed teachers exist as determined by the education standards and practices board. Shortage areas must be determined by the education standards and practices board based upon the ratio of regularly licensed teachers in the state who are qualified for the position to the number of schools with open positions requesting alternative access licensure. In cases where near shortages exist, the board must give additional consideration to whether the hiring school has made a diligent effort to attract and hire regularly licensed teachers.
3. The request for an alternative access license must be initiated by a school. The school board or administration must make the request in writing to the education standards and practices board for consideration of an alternative access license, indicating intent to offer a contract if licensure can be arranged. The request must document that a diligent effort has been made to employ a regularly licensed teacher to fill the position. Documentation of a diligent effort to employ qualified personnel should include information on how and how long the position was advertised, whether schools of education have been contacted in search of applicants, how many qualified applicants applied, how many applicants were interviewed, whether increases in salary or other incentives were offered in an attempt to attract qualified applicants, and whether these incentives are comparable to those offered by other schools of similar size and means.
4. The candidate must write a letter indicating willingness to accept the position if offered and complete all of the application requirements and fees prior to receiving the alternative access license.
5. Complete official transcripts of all college work must be sent to the education standards and practices board.
6. The applicant must have proficiency and hold minimum qualifications of a content area bachelor's degree in the content area to be assigned or have no less than two years of documented by the other state education license teaching in the content area to be assigned and have completed the Praxis I, Praxis II PLT, and Praxis II Content specific test in the content area to be assigned. The applicant may apply for the 40-day provisional license prior to submitting the Praxis test score results. ~~If an applicant already qualifies for teacher licensure in another content area, alternative access licensure may not be used to teach in a new content area while obtaining new content area requirements.~~

7. Renewal of alternative access licenses will be reviewed each year and will depend upon the supply of and demand for teachers as evidenced by documented efforts to obtain a licensed person for the position. The alternate access license will be issued only once to complete all testing requirements for regular licensure.
8. Renewal of the alternative access license, if permitted, is contingent upon presentation of at least one-third completion of the requirements for regular licensure as stated in section 67.1-02-02-02 and the North Dakota standards for teacher education program.
9. The fee for the alternative access license is one hundred fifty dollars for each year the license is issued.
10. Alternative access licensure is to address documented shortage areas only. Alternative access licensure may not be issued to applicants who have failed to meet the deadlines or conditions of their regular licensure renewal.
11. Initial applicants for alternative access licensure must also submit to the fingerprint background check as stated in subsection 9 of section 67.1-02-02-02.
12. Upon completion of all of the requirements for regular licensure stated in section 67.1-02-02-02, an individual holding an alternative access license may apply for a regular two-year initial license and begin accruing the eighteen months of successful teaching time required to move into the five-year cycle according to sections 67.1-02-02-02 and 67.1-02-02-04.

**History:** Effective July 1, 1995; amended effective October 1, 1998; October 16, 1998-April 14, 1999; June 1, 1999; March 1, 2000; July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2010.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14



Wayne Stenehjem  
ATTORNEY GENERAL

STATE OF NORTH DAKOTA  
OFFICE OF ATTORNEY GENERAL  
STATE CAPITOL  
600 E BOULEVARD AVE DEPT 125  
BISMARCK, ND 58505-0040  
(701) 328-2210 FAX (701) 328-2226  
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OPINION

January 6, 2013

Ms. Janet Placek Welk, PhD.  
Executive Director  
Education Standards and Practices Board  
2718 Gateway Ave Ste 303  
Bismarck, ND 58503-0583

Dear Ms. Welk:

The Office of Attorney General has examined the proposed amendments to N.D.A.C. art. 67.1-02 concerning teacher licensure, along with the notice of the proposed rules, the publication of that notice, and the filing of that notice with the Legislative Council. This office has also determined that 1) a written record of the agency's consideration of any comments to the proposed rules was made, 2) a regulatory analysis was not issued or requested, 3) a takings assessment was not prepared, 4) a small entity regulatory analysis and an economic impact statement were not prepared because the agency is exempt from the requirement to prepare them, and 5) the proposed rules are within the agency's statutory authority.

These administrative rules are in compliance with N.D.C.C. ch. 28-32 and are hereby approved as to their legality. Upon final adoption, these rules may be filed with the Legislative Council.

Sincerely,

Wayne Stenehjem  
Attorney General

ESPB

eee/vkk

cc: John Walstad, Legislative Council

JAN 17 2013



Education Standards and Practices Board  
2718 Gateway Avenue, Suite 303  
Bismarck, ND 58503-0585  
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<http://www.nd.gov/espb>

**Government and Veterans Affairs Committee  
March 29, 2013  
Janet Welk, Executive Director  
Education Standards and Practices Board**

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Good morning Mister Chairman and Members of the Government and Veteran Affairs Committee. For the record, I am Janet Welk, Executive Director of the Education Standards and Practices Board and wish to testify on HB 1296.

ESPB has been working on two very important issues regarding the acceptance of applicants from other states this past year.

The first issue deals with those applicants with special education degrees. ND has always identified the education of the teacher by disability, i.e. intellectual disability, learning disabilities, emotional disabilities, etc. Some other states do not, in fact, the majority of other states do not identify by disability. To gather public input, the Board met with representatives from DPI, Special Education Directors, and Legislators on November 10, 2011, December 8, 2011, January 11 and 12, 2012, February 9, 2012, April 12, 2012, and June 25-26, 2012. The final outcome of all of those discussions was North Dakota gave up their disability categorical status for any applicant submitting an application from another state. To be fair and equitable to our North Dakota prepared special education teachers, a common course code allowing any special education teacher to work with any child that has a disability

was placed on every special education license in North Dakota. Those special education rule changes were published in the July 2012 supplement to the North Dakota Administrative Code.

Secondly, ESPB has been working on this issue of accepting other states endorsements this past year. North Dakota, in 1960, required all of their teachers to either have a major (30 semester hours) or a minor (16 semester hours) in the area they were teaching. In 2001, the federal government, through federal mandate of No Child Left Behind (NCLB), required all core content areas to have a major in the content area or have passed a content test. Core areas included English, Math, Social Studies, Science, and the Arts. North Dakota was one of two states reported to have all highly qualified teachers in 2007. Not all states achieved that success and had teachers on waivers, especially in the critical shortage areas of English, special education, math, and science.

As part of their research, the Board reviewed two applications from other states that had been endorsed in their sending state. The first applicant is Paul Cimino. In California, he is licensed to teach social science and English. He has a major in political science and only 9 semester hours in English. Mr. Cimino is licensed to teach political science in ND based on his major. Under recent emergency administrative rule authority granted by the Governor, if Mr. Cimino could pass the ND content test in English, he would be eligible to teach English in ND. This regulation would meet the federal mandate of NCLB.

The second case study is Kirsten A. Lawrence. In Arizona, she is licensed to teach elementary education, special education (cross categorical), and early

childhood education. Ms. Lawrence has a major in elementary education. She has six semester hours in special education. At the present time in ND, she is licensed to teach elementary education. Under recent emergency administrative rule authority granted by the Governor, if Ms. Lawrence could pass the ND content test in special education, she would be eligible to teach special education in ND. This regulation would meet the federal mandate of NCLB.

On August 14, 2012, Governor Jack Dalrymple granted emergency rule making authority to ESPB to allow teachers coming from other states that have documented two years of teaching experience to pass the ND content test if they do not have the major as required by federal law.

Thank you for the opportunity to testify today and I would be happy to answer any questions. If you have questions after my testimony today, I can be reached at 328-9646 or [jwelk@nd.gov](mailto:jwelk@nd.gov).

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