

**2013 HOUSE EDUCATION**

**HB 1307**

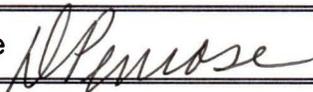
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1307  
January 29, 2013  
17931

Conference Committee

Committee Clerk Signature



## Minutes:

**Ch. Nathe:** We will open the hearing on HB 1307.

**Rep. Bette Grande:** Sponsor, support. Explained the bill. Sections 1, 2, and 3, these are pretty much already taken care of, they can access their stuff on the websites. The schools are proactive on this. We have PowerSchool and a few other things that we are gearing up in the school systems with the computers, etc. That transparency is all taking place. I would like to see a way that parents will start to look at the curriculum, understand what their children are being taught, and help their child along to make sure that the parent takes that proactive side to understand what is being taught, is my child grasping what is being taught, and if there's a problem or a deviation in there, what can we do to get the child back on track to make sure that they are in the process of learning the materials they are being taught. How can we have parents be more interactive with the system and with their child's education. This bill also contains a teacher component as well. Actually it talks about that and gives a process for the parents to take to get answers from the teachers.

**Ch. Nathe:** It seems to me that the bill is trying to force the parents to be more "active" in their child's education. I have a hard time seeing how we can force someone to do something that doesn't want to do it, doesn't want to be active.

**Rep. Bette Grande:** That's the frustration from all sides in this issue. I want to have a conversation with all of the players that are involved in our children's lives.

**Ch. Nathe:** A lot of these that are listed on the bill I believe are already being done by a lot of schools. It seems if the teachers deviate from the description, then there is a whole section there as far as to get them back in line.

**Rep. Hunsakor:** I applaud your effort to involve parents. I know how important that is that they are involved in their children's education. We also know that no matter what you write for a bill, some are never going to get involved. Principals, superintendents or teachers when they first read this say, I'm so busy, now you're going to throw this on top of me. There's a lot of things in here they have to do. If the benefit from that is great enough, I'm sure they would say it is good. On #4 on the bottom, I would be somewhat fearful where it says that if a teacher deviates from

a description, you can file a complaint. If you had a parent or two that didn't like a teacher, had a gripe, teachers' have a lesson plan and stay with it, but maybe two days after they start the lesson, they bring in some outside source, do something different, it happens all the time. Now they've deviated. Someone who has a problem with a teacher certainly could use those procedures to get that teacher in trouble. That might not happen, but it occasionally does. I would think that #4, if it was going to stay in there, I don't know how you would reword it, but you could be opening the door for some difficult issues there.

Rep. Bette Grande: Wouldn't it be great if we had so many parents that were so involved that we had that as an issue. That means we actually accomplished what we were trying to do and see parents keeping their eyes on their children. I understand the hardship to that, and it would have to be addressed at each level. "Complaint" might be a harsh word there, and whether or not we want to say that they offer a complaint, but that they would have conversation with or at least come forward and ask why they were seeing that deviation; so at the end of 9 weeks they find out that something was never discussed from the stated curriculum.

Rep. Rohr: It seems to me that this bill is all about communication and accountability of all the stakeholders; parents, teachers and everyone involved. So #4 to me, when it says description, is that communication of expectation, is that not a course syllabus.

Rep. Bette Grande: Yes.

Rep. Rohr: That is handed out to the student up front. So the student is perfectly aware of what the expectations are. I know that in the syllabus there is usually a policy of what to do if the parents have questions, how to communicate with the teacher their concerns, and I like the idea of 5 working days in which to respond to a complaint, because it gives them some time to do some research on it and then get back to the parent. So I think it is a proactive approach like you said, so that the lines of communication remain open and there aren't a lot of hard feelings during the semester.

Ch. Nathe: Line 21, 4a, I had looked at "deviating from the description", does the teacher lose some flexibility there. I remember being in college and having syllabus and every now and then they would deviate; would that cause the teacher some inflexibility.

Rep. Bette Grande: It could lend to that in that it would keep them on task to what is being presented and what is necessary for learning by a certain grading period. I go back to when a deviation needs to be made because of a correction in a lack of a learning space, there is no reason why a change can't be made to the description and that be communicated to the parents so that they know what is going on. That brings the parents back up to speed.

Rep. Rust: This doesn't seem to be a parent bill; I see this as a teacher bill. If the teacher deviated from what they were supposed to be teaching and the parents file a

complaint that this teacher has deviated from the curriculum. Now we go through a whole series and the rest of that bill, having been involved as an administrator in non-renewal hearings, discharge hearings and many other hearings, this seems very familiar to me because that's exactly what you are doing in those confrontational types of meetings. Another matter that really bothered me, was that all documents generated in this section shall become a permanent part of the teacher's personnel file. It doesn't say if any of this is substantiated or not. This is a complaint process starting after #4a, the bulk after that all deals with the complaint process. Starting with that complaint, it ends with everything being placed in their file. It doesn't differentiate between whether the complaint was valid or not, just all papers are filed with the teacher's file. That is a travesty. I think it can be used more against the teacher than probably for the parent.

Rep. Bette Grande: It can be in that fashion, but I want you to look at 4b. In that five working days where the principal has to make the assessment to this, and if the merits are not there in the parent's complaint, they are going to be taking care of that issue with that parent, and it's done at that point. It's not something that continues down the way.

Ch. Nathe: If you look at #6, if a parent believes that the matter has not been satisfactorily addressed by the principal, then they can go to the next level.

Rep. Bette Grande: Then they have to go on to another step farther. But I am saying that you can complete that process here. If the teacher and the principal and parent comes to that agreement, then that's great. If there is a problem, the parent has to have the recourse to continue down that path. I think it's interesting that you bring up the teacher's personnel file. Student's files are kept on record for a long, long time. Parents don't have access to it without a 24 hour notice to get to my student's records. In that, the teachers can write and say anything they want about my child and it stays there in that record. I don't get an opportunity to say anything back the other way. I think we want to be very careful on where we are going with that particular issue too. I think we have a problem with permanent records, and if you want to start getting into the permanent record part, I will gladly go there. I want to be able to erase information from my student's record because of a teacher that may not have liked them.

Rep. Rust: That's another bill. Parents do have recourse for going through their child's file. But on this bill, I see if somebody is accused of something, the parent can file a complaint with the principal, go through the process and if the parent still isn't happy with the outcome, they get to go to the oral complaint or written complaint to a school board and when it's all done, everything still goes into that teacher's file, even if it's not substantiated. I have problems with that.

Rep. Bette Grande: I don't mind if you correct that in the legislation, if you want to take out section 7, take a look at doing that.

Rep. Rust: I was wondering why it was school district, why isn't it each school, public or non-public; why isn't that included in there.

**Rep. Bette Grande:** When I talked with LC and this is what they wrote up. I didn't look at it from that perspective. This is what we were looking at and I think when I see each school district, I don't even know how you have it defined any more, to be honest. I'm just saying that this is open for discussion and it was not meant as you took it, that it was all in that negative aspect. When I sat down with counsel to discuss this and how and what I wanted written down, I had said that I wanted to see how we could correct a situation where a parent is seeing that the child isn't learning. They go in and say this isn't offered in the curriculum. Yes it was here, but in the defiance aspect your child didn't do this, this, and this. There is your corrected method. Or they say yes, we had to deviate from that because we had to catch up on this. That's fine. Or is it the fact that your child is incapable of learning at this point, in this area. Now we have an opportunity for an IEP, opportunity for a parent to see where their child is in the learning process until it is too late. Do we have a disciplinary problem that is developing or are we going to wait until it is too late and we have the defiant child. Are we going to address issues ahead of time together?

**Rep. J. Kelsh:** I can agree with some of the things you are saying, but that's not what the bill says in my opinion. If you look at page 1, line 9 and 10, "parental monitoring students' academic progress". Who determines what's detailed enough. I don't see this as saying parents get involved. The superintendents I talked with say the information is on their websites now; I don't know how detailed it is, but it is the course offerings for the next year. The rest of it is setting teachers up for non-renewal, in my opinion. If that parent doesn't like a teacher, wants to continue pushing it, they go to the school board, all those documents are put into the teacher's personnel file and at some time they will be pulled out and say that the teacher doesn't deserve to work here anymore. If this was about parents getting involved, and you could force them to get involved in some way, I would say yes, it's a great idea. I don't see that in this bill.

**Rep. Bette Grande:** Some schools have the courses listed on websites and some don't. We need parents to know what is coming home on that weekly basis or that semester time period so that they can follow through. A lot of parents, even when I asked for things like that, I couldn't get enough detail to know how to help in the homework.

**Rep. Meier:** In the parts of this bill that address parent involvement, are you aware, with both public and private schools, if they have PowerSchool.

**Rep. Bette Grande:** I am not aware, they are supposed to be gearing up towards PowerSchool. We had that discussion with the Dept. of Public Instruction in Appropriations, even this morning as to where we're at in the dollars needed, but the detail of who is doing what, we don't get that, we just get the money aspect of it. I don't know what private schools are required to have PowerSchool or not.

**Ch. Nathe:** My kids go to private school and they have a PowerSchool type system in all the Catholic schools here in Bismarck, at least.

**Rep. Heller:** Is this a constituent bill or where did this bill originate.

**Rep. Bette Grande:** This originated in conversation with some parents one night when we were at a meeting at church, and as we discussed parent-teacher conferences and they said the teachers say that the good student's parents will show up for conferences, but the students not doing as well are not represented by their parents.

**Ch. Nathe:** Shouldn't these issues be addressed by the school board and school administrators on a local level to get the parents more involved. How do we force someone to do what they don't want to do or don't have time to do.

**Rep. Bette Grande:** That was my frustration in putting the bill together. You will hear from others how they are opposed to this because they see this bill totally different than I do.

**Rep. Hunskor:** I go back to the word "deviating". A new teacher in the school system and if this is law, is that going to saddle that new teacher to say, "I've got to stick with exactly what I said, because I'm not experienced, I don't want to do anything wrong, yet I've got some really good ideas and things I could bring in during the year, but I'm not going to do it because I don't want to deviate and get in trouble". That bothers me. You can have your plans made as good as you want, and through the course of a school year, you meet lots of people, go to conferences, and learn new things to bring in to the school classroom.

**Rep. Bette Grande:** That's where I think you're right. That's when you send that note home, here's the way we're going to deviate from that plan. Here is the amendment to the class syllabus. I hope that with the amount of money we are putting into the mentoring programs, that the new teacher has a mentor that's going to help them through that exact problem. That's what that mentorship program is all about.

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

**Dakota Draper, President of NDEA:** Opposed. He read the testimony of LeAnn Nelson (see attached #1). I think every teacher in the state and in America would really applaud trying to get parents involved more with their kids' learning.

**Rep. Meier:** When you talk about having parents more involved, do you have some thoughts, ideas; I know we currently have PowerSchool, and I'm not sure if we have PowerSchool in every school in the state. Do you know.

**Dakota Draper:** It is my understanding that all public schools have PowerSchool. In terms of private schools, I do not know.

**Rep. Meier:** You had talked about some ideas. What are your ideas to get parents more involved.

**Dakota Draper:** That is always a challenge that is something we all try to do.

**Rep. Mock:** I know many education students that are graduating from the UND. Some of their first experiences are as long-term substitute teachers. In looking at the language, how does that impact long-term subs. Are we setting them up for a barrage of complaints. If we were to amend this bill that substitute teachers could be worked into it, to give the flexibility to adjust to the curriculum.

**Dakota Draper:** I have not thought about that. A long-term sub is a difficult position coming in and trying to take care of that class.

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

**Nick Archuleta, Century High School Spanish Teacher:** Opposed (see attached #2).

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

**Darin King, Director, ND Educational Technology Council:** Opposed (see attached #3). I can answer questions about PowerSchool.

**Rep. Meier:** Are there any public schools that do not have PowerSchool.

**Darin King:** We're in the last seven schools in the month of February and after that all public schools will be on PowerSchool in the state of ND. We have been responsible, on the grounds doing that, it's pretty exciting. It's giving us lots of opportunities. From the standpoint of providing information, pushing that information out to parents, the system is in place to do that. The solution is in place to help the parents become more involved with their kids' education.

**Ch. Nathe:** Have you seen a correlation at all with PowerSchools, where more parents are involved now.

**Darin King:** I can only speak to my time in Grand Forks, I was in charge of running the second largest PowerSchool implementation in the state, behind Bismarck. After a year, we could see that 70% of our parents had logged on and looked at information in PowerSchool. That was all we could state from it, we could tell that they had authenticated and logged in. That would happen pretty consistently every month, that number of students being monitored.

**Rep. Meier:** Which seven schools are still without PowerSchool and when will they be up and running.

**Darin King:** I don't know the specific schools, and they will be finished up in February.

**Rep. Meier:** Are you aware of which private schools do not have PowerSchool.

**Darin King:** At this point, private schools are on their own to purchase this program or pay the fees associated with it, I'm not aware of which ones do or don't.

**Ch. Nathe:** How long did it take from the time from start to today.

**Darin King:** It's been at least four years. I go back 7 years when Grand Forks started with it. Dr. Feldner would go back even farther, when Bismarck brought it in.

**Rep. Rust:** I think in the last years that I was involved in public schools with PowerSchool, I recall we sent out a letter to every parent in the district that gave them a log-in and they were able to see their student's information. I know that they were able to find their GPA, if they had missed major assignments; are there other enhancements that have been done since that time.

**Darin King:** You're correct in saying that schools do send that information out, there is a unique log-in that parents get for their children to be able to log into the PowerSchool portal, so that it is secure. They see a real-time window into the teacher's grade book. As soon as teachers input information, you see it immediately. You can also see current attendance. We're working on building a connection to an electronic transcript, that's not finished yet. We're constantly trying to build more functionality into the program. Parents can sign up to be emailed on a regular basis with those reports.

**Rep. Schatz:** Some people get obsessed with grades and are on that system all the time, and you start to wonder, chill out. What is the cost of PowerSchool for the public and non-public schools.

**Darin King:** It is all part of the funding bill that is funded through the factor that's in the Foundation Aid formula, that's what provides PowerSchool to the public schools. For the private school, that's a target we're trying to work with to come up with what the cost would be, because it's not just the cost of PowerSchool, it's all of the services such as hosting, etc. that are wrapped around it.

**Rep. Schatz:** Is there an estimate about what kind of number we are talking about.

**Darin King:** I don't know at this time.

**Rep. J. Kelsh:** What information is on PowerSchool, does it have anything to do with the course offerings; how in-depth is it. Does it have any information about the courses or descriptions of classes.

**Darin King:** No. It is a grading and attendance system at this point. I know there are schools that publish course syllabus information on line. I think in 1307 it would be asking for more than a syllabus.

**Rep. Rohr:** You mentioned that 70% of parents have logged on and checked the outcomes of their children. Do they have the ability then to email the teacher back right away.

**Darin King:** The 70% was our number several years ago when I was in Grand Forks. That's not a state number. The name of the teacher is a clickable email link in the system. They can do that.

**Rep. J. Kelsh:** Would it be possible to put the school offerings on the PowerSchool system.

**Darin King:** That is another whole aspect to PowerSchool which is a separate package that brings in the whole concept of curriculum management into the fold. It's another piece of equipment, another system, another cost, another fee. In PowerSchool itself, I think we've learned over the years is that when you try to do too many different things with a system you're probably just asking for problems. The best way is probably the school webpage or a different environment than in PowerSchool.

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

**Jacque Schaible, Middle school teacher in Berthold:** Opposed (see attached #4).

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

**Annette Bendish, Legal Counsel for the ND School Board's Association:** Opposed. Our school districts already have a policy for grievances. Through that policy, we want our boards to resolve the issues at the lowest level possible. The grievance policy outlined in this bill, goes directly from the principal to the board level. It completely skips the superintendent level, that would be contrary to the policies that we have in place in our boards. The reason for resolving grievances at the lowest level possible is because of the non-renewal process which is statutory in nature and the school board is ultimately the board who decides those non-renewal hearings. So providing the board with information in advance of that non-renewal hearing can taint that process. The Supreme Court has issued several opinions on that; that the board needs to remain as impartial as possible. So in section 6 of this bill, I can see some serious non-renewal issues with that complaint going directly to the board. Our boards do have grievance processes in place. They have improvement plan processes in place if there are improvement issues that need to be addressed with the teacher. They will implement an improvement plan.

**Rep. Rust:** How many school districts would you think in the state of ND have a complaint procedure.

**Annette Bendish:** I can't tell you exactly but...

**Rep. Rust:** High 90's.

**Annette Bendish:** I think most school districts have some sort of complaint policy. Those that are members of NDSBA's policy services program have our sample policy in place.

**Rep. Rust:** So if someone has a complaint, like in 4a, there already is a mechanism in place in nearly all school districts for that to be addressed.

**Annette Bendish:** I would say yes. Some of the mechanics may be different but our office has a policy services program and that is the #1 policy that we have our district enact. In fact, some changes have been made to that policy in light of the Kilber vs. Grand Forks case, in some of the guidance we got from the Supreme Court. Our complaint sample policy that is provided to our members is also fluid and changing as well as needed.

**Rep. Rust:** Do you have a problem in placing things in somebody's file if it isn't substantiated.

**Annette Bendish:** There is a provision in Code that addresses what may be placed in the teachers' personnel files. All documents in a teacher's personnel file are public record. To take that one step further, any discussions regarding a personnel matter must be discussed at an open meeting of the board. Allowing these issues to go straight to the board level, is going to put a lot of teachers out in the public eye to have those discussions at the school board level.

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

**Bev Nielson, ND Council of Educational Leaders:** Opposed. The bill can't be fixed. There isn't anything in it that really we would want to come together and try to find a fix. From line 7, #1, every single section and subsection of this bill, except #4, which has to do with the parents, contains the mandate, the district shall, etc. We don't find anything in this bill that would make this a parent bill, except for the complaint about the teacher. Our recommendation would be that the bill gets a Do Not Pass recommendation. You can't legislate being a good parent.

**Rep. B. Koppelman:** This bill creates an opportunity for a parent to become involved, by having these items available. I think the feeling is that a parent is entitled to get involved and be provided information that they can understand and use to get involved with their child's education. Sometimes I think it is almost impossible for a responsible parent to be involved.

**Bev Nielson:** I believe that any parent who wants to know what is happening in their child's classroom can find out. All they have to do is ask. I don't believe that trying to legislate this behavior is going to work. The parents who don't care aren't going to access any of this. I don't think it would help.

**Rep. B. Koppelman:** If your child is in grade school, you go to their teacher and say what is my child going to learn this year, and they will have something to give the parent.

**Bev Nielson: With the contents standards and the common core, they can give you in broad strokes, not everything, every day, every time, at every hour and no deviation. This is over the top. I believe so.**

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

**Ben Schafer, Superintendent of Nesson Public School District #2: Opposed (see attached #5). We are open for discussion with parents if they have concerns.**

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

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

HB 1307  
February 4, 2013  
18232

Conference Committee

Committee Clerk Signature



## Minutes:

**Ch. Nathe:** We will take a look at HB 1307. What are the committee's wishes.

**Rep. Meier:** I passed around an amendment to the bill (explained the amendment). Basically it would be a communication piece between the parent and the teacher to allow the parent know what core content is being taught at school. I move the amendment.

**Rep. B. Koppelman:** Second the motion.

**Rep. Rust:** There is little about the bill I like. I can't support the amendment or the bill.

**Ch. Nathe:** We will take a voice vote for the amendment.

**8 YES 5 NO 0 ABSENT                      AMENDMENT PASSES**

**Ch. Nathe:** We now have the bill before us as amended.

**Rep. Rust:** I move a Do Not Pass as amended.

**Rep. J. Kelsh:** Second.

**Rep. B. Koppelman:** I think this amendment takes away a lot of the problems with the original bill were onerous on teachers and would provide a level of transparency and for willing and interested parents, it gives them some consistency in what they can expect to get from the teachers who are educating their children, to make sure that the children are doing the work and that they are getting what they are supposed to get from the teacher. I think this is a reasonable bill with the amendment.

**Rep. Mock:** You have to have a syllabus for the course, and that's already the case now. The parent can find out information from the teacher now, it's only a phone call away.

**Rep. Hunskor:** I visited with several elementary and secondary teachers regarding this, and especially from the new teachers, they are overwhelmed with work to keep up with current job duties. Some are preparing five or six different preparations and they indicate that this information is basically available to the parents with the technology that many of the schools have now.

**Rep. Rust:** Much of this is already being done. This is more regulation being put on the teacher. They are getting fed up with regulations and paperwork; testing is another area that they are tired of. They just want to teach.

**Rep. Meier:** The reason that I think this is important is if this somehow allows a parent to have a little more contact with their student and take a look at the core content and ask some questions and improve the student outcomes. I think this could be very beneficial.

**Rep. Hunskor:** Teachers I visited with, said that the parents of the students who were doing well are already involved. The parents who aren't responsible for their kid aren't going to show up anyway. The teacher said when the student isn't doing well, they contact the parent now.

**Rep. J. Kelsh:** The superintendents have said that all this information is available now; this is not a necessary procedure.

**Rep. B. Koppelman:** We look at bills all the time that do things that are already done, to standardize and make consistent so that if you go from one district to another in ND, that the kids and the parents are getting the equal quality experience. So to not pass a bill because it is already being done, or most of it is being done, or because it might be a little bit more work, but if it's the right thing to do we should still pass the bill.

**Ch. Nathe:** Clerk will take the roll on a Do Not Pass as amended motion.

**9 YES 4 NO 0 ABSENT**

**DO NOT PASS MOTION CARRIES**

**CARRIER: Rep. Rust**

13.0365.02001  
Title.03000

Prepared by the Legislative Council staff for  
Representative Meier  
January 30, 2013

YR  
2/4/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1307

Page 1, line 10, remove "parental monitoring of a"

Page 1, line 11, replace "student's" with "a parent to follow the child's"

Page 1, remove lines 21 through 23

Page 2, remove lines 1 through 15

Renumber accordingly

Date: 2/4/13

Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 1307

House EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number Amendment vote

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

Motion Made By Rep. Meier Seconded By Rep. Koppelman

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) 8 (NO) 5 (ABSENT) —

FLOOR ASSIGNMENT \_\_\_\_\_

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

*Amendment passed.*

Date: 2/4/13

Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 1307

House EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0365.02001 03000

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

Motion Made By Rep. Rust Seconded By Rep. Kelsh

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) 9 (NO) 4 (ABSENT) 0

FLOOR ASSIGNMENT Rep. Rust

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

**REPORT OF STANDING COMMITTEE**

**HB 1307: Education Committee (Rep. Nathe, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1307 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "parental monitoring of a"

Page 1, line 11, replace "student's" with "a parent to follow the child's"

Page 1, remove lines 21 through 23

Page 2, remove lines 1 through 15

Renumber accordingly

**2013 TESTIMONY**

**HB 1307**



#1

**TESTIMONY OF LEANN NELSON,  
NORTH DAKOTA EDUCATION ASSOCIATION  
HB 1307  
January 29, 2013**

Good Morning Chairman Nathe and Members of the House Education Committee. For the record my name is LeAnn Nelson, representing the North Dakota Education Association (NDEA). I am here to voice NDEA's opposition of HB 1307.

Although it is appropriate and desirable for parents to be informed about what their children are learning in the school, HB 1307 appears to limit the flexibility of teachers to enhance learning by creating a punitive system if teachers move to different content based on classroom needs. According to Marlene Srock, 2007 North Dakota Teacher of the Year and 1<sup>st</sup> grade teacher, she relies on pretests to know what needs to be taught, and the fact that not all students learn at the same pace, she can't know exactly how many days she will need to teach a concept before the test is given. Teachers don't just teach assess and move on. Teachers must continually reteach and assess. She feels that it would be a disservice to both the struggling student and gifted students to tie instruction to a test schedule. Andrea Noonan, current North Dakota Teacher of the Year, is also worried about the scheduling of dates. According to Ms. Noonan, "What if some or all of the students aren't prepared to move on to the next standard? When that happens in an entire section or class, people

must understand that sometimes the teacher cannot move to more difficult content; therefore, at the end of the year, some lessons do not occur.”

Some other comments voiced by teachers in regards to some of the requirements in HB 1307.

1. We know that good teaching is responsive to the needs of the learners. Good teachers make good plans and then continually assess the progress of their students and adjust their teaching according. Is there allowance in the bill for changes to the plan or grading policy?
2. Keeping all this information up-to-date on websites will require significant amounts of time by people trained to do this.
3. New-to-the profession teachers and teachers hired late would find it difficult to provide detailed information early in the school year to cover the entire year. This would also be true of teachers who, because of recent changes in licensing requirements, are now allowed to teach courses for which they are not well-prepared.
4. Many teachers and schools already provide a variety of ways to communicate with parents: PowerSchool, blogs, websites, phone, email, etc.

Chairman Nathe and Members of the House Education Committee that ends my testimony. Thank you for your time and we hope the committee recommends a “Do Not Pass” on HB 1307. I will stand for any questions you may have.

Good Morning

My name is Nick Archuleta and I am here today on behalf of the NDEA to urge a NO vote on HB 1307.

Like the authors of HB 1307, NDEA supports the idea of parental involvement in the education of the children of North Dakota. Parents are the child's first, and in many ways, the most important educator in the life of each child. That is why the NDEA promotes transparency of curriculum and the participation of each parent in every aspect of our children's educational lives.

HB 1307, however, is the wrong vehicle through which to ensure parental involvement. HB 1307 represents a legislative over reach that seeks to usurp the prerogative of local School Boards, ~~and local policy makers.~~ *school administrators, and teachers.*

In addition, this piece of legislation, if adopted, will place an unnecessary burden on teachers and administrators alike. Section 2a of HB 1307 is in itself problematic. It calls for each course description to be "readily comprehensible by a parent who is not trained as a teacher." I have a student this year whose parents' first and only language is Chinese. I don't speak Chinese and neither does the Principal of my school. Without a significant dedication of time and resources, it would be impossible for my school to be in compliance with this section. Look at Fargo where there exists an even larger immigrant population. I checked yesterday and learned that there are 26 different languages being spoken by students and their parents as a first language, not including English. Teachers and administrators alike see a bureaucratic hardship if HB1307 were to become law based on this section alone.

Another major flaw in this legislation is its vagueness. Section 2a requires that each course description be "sufficiently detailed to allow parental monitoring of a student's academic

progress throughout the year.” Teachers and administrators are left to guess at what “sufficiently detailed” means to each parent. That same section requires each district to post “a tentative schedule of dates for tests and major assignments,” teachers and administrators are left to guess, “What is tentative?” If a teacher realizes that her students are not sufficiently prepared to be tested on the material she has presented and chooses to re-teach that material and postpone the test for a week or two, would she still be in compliance? Or would a student and his parents be well within their rights to contact the Principal and file a complaint?

On that note, the requirements in 4b and 4c that a Principal investigate each complaint within 5 working days, assess the merits of the complaint, notify the parent and teacher of the findings and/or of any corrective measures, and provide a copy of said complaint and principal’s findings to the superintendent is onerous. In my school, there are over 1200 students. If, say, 10 parents filed a complaint one week, it is difficult to imagine our Principal complying with the requirements of this legislation in the time frame outlined † herein. Not because he is lazy or incompetent, he isn’t. He is an efficient and very able administrator. But he already has a full slate of responsibilities that occupy his time, jus as teachers all across ND already have a full slate of responsibilities.

Teachers throughout ND are currently busy in Professional Learning Communities working on the adoption of the Common Core curriculum, advancing individual District goals, <sup>and implementing school wide improvements</sup> ~~and~~ planning meaningful lessons that engage and benefit their students.

The idea that all documents generated by this legislation will end up in a teacher’s personnel file is an affront to teachers as well. I notice there is no such provision for administrators.

Finally, I would just like to convey my personal feeling that HB1307 is legislation looking for a problem to solve. Teachers and administrators are keenly attuned to curricular transparency and the importance of including parents in the education of their children.

I cannot think of a single school district that does not have a plan or policy to involve parents in the education of their children. Nor can I think of a single district that doesn't have an effective plan in place to handle concerns raised by parents. The public and parents are, by and large, very happy with their children's teachers and with the administration of their public schools. They understand the importance of great public schools for <sup>each child in</sup> ~~the children of~~ our state. HB 1307 does nothing to enhance the quality of education in North Dakota. I urge a do not pass recommendation on HB 1307.



## NORTH DAKOTA EDUCATIONAL TECHNOLOGY COUNCIL

# 2  
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Chairman Nathe and members of the House Education Committee, my name is Darin King and I am the Director of the North Dakota Educational Technology Council (ND ETC). The mission of the North Dakota Educational Technology Council is to develop technology systems and coordinate their use to enhance and support the educational opportunities for elementary and secondary education as cited in NDDC 54-59.

I was selected as the ND ETC Director in August 2012 after a twenty-five year career in North Dakota schools as a teacher and district administrator. Prior to accepting the position with the ND ETC, I served the previous fifteen years as the Technology Director of the Grand Forks Public Schools.

The ND ETC is in opposition to HB 1307 as presented due to the cost and effort that would be required by school districts to initiate and maintain the intent of the proposed legislation. The majority of North Dakota schools do not have full time curriculum coordinators or webmasters, both of which would play a key role in fulfilling the requirements mandated in HB 1307. While a great deal of the required content does exist, it is likely that a significant amount of the content would not be in an electronic format that could be easily published to school websites and dynamically linked to specific courses and teachers.

The statewide implementation of PowerSchool allows North Dakota public school parents access to real time grading and attendance information through the secure parent portal. With the upcoming implementation of the Common Core standards in the PowerSchool grade book, they will also have very detailed progress information for their child that is mapped directly to the new standards. North Dakota parents today have unprecedented access to performance data that allows them to monitor and participate in the education of their child.

Educational research is clear on the benefits of increased parental involvement in the educational process and North Dakota is already promoting this through the institutionalized use of PowerSchool. It is my feeling that HB 1307 would burden school districts with additional requirements that would be costly in both time and resources.

Chairman Nathe and members of the House Education Committee, thank you for your time today and I would be happy to answer any questions.

**Jacque Schaible**  
**jacque.schaible@gmail.com**  
**HB 1307 Testimony**  
**January 29, 2013**

#4

Good Morning Chairman Nathe and Members of the House Education Committee. For the record my name is Jacque Schaible, and I am a middle school teacher in Berthold. I am here to voice my opposition of HB 1307.

Although it is a great idea to keep everyone informed about what is happening in the curriculum, there are many variables in a day and week that would make it difficult to meet the requirements of this bill.

As a middle school teacher, I have many preps to prepare. I can prepare what I think is the best lesson possible, but with learners at many different levels and distractions inside and outside the classroom, I may need to reteach or redirect. If this bill were to pass, I would have to constantly be updating this website – both content and test dates. This would take away valuable time in assessing where students are struggling, so I can determine strategies to better support their learning of the content. I don't think it is fair that I may be penalized by changing course mid-stream when it is to the advantage of my students.

Chairman Nathe and Members of the House Education Committee that ends my testimony. Thank you for your time, and I hope the committee recommends a "Do Not Pass" on HB 1307. I will stand for any questions you may have.

**NDLA, Intern 01 - Graff, Kirby**

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**From:** Ben Schafer <ben.schafer@sendit.nodak.edu>  
**Sent:** Tuesday, January 29, 2013 2:11 PM  
**To:** NDLA, Intern 01 - Graff, Kirby  
**Subject:** Mr. Chairman and members of the committee. For the record I am Ben Schafer, Superintendent of Nesson Public School District #2 in Ray, ND. I am here to testify against HB 1307. The number one thing that teachers and principals tell me they need is time..

Mr. Chairman and members of the committee. For the record I am Ben Schafer, Superintendent of Nesson Public School District #2 in Ray, ND. I am here to testify against HB 1307. The number one thing that teachers and principals tell me they need is time. This bill would take more of that time without providing any significant benefits.

Teaching is more of an art than a science and this bill would severely limit the ability of teachers to catch and expand on those teachable moments that come up during the course of a school year. If passed, this bill would add yet another item on the plate of our principals without adding any significant help to students or parents. This is much like asking you to plan exactly how committee meetings will play out. Questions come up and people come in to testify that were not expected. Your ability to ask questions and take in that information mirrors how students learn in our classrooms. Think how difficult it would be for a teacher to safely deviate from the topic without worry of a hearing before the principal.

My entire staff of teachers, administrators, and non-licensed personnel and our school board are already stretched to the limit dealing with the issues caused by increased oil activity. My principals have been counselors, real estate agents, general contractors, recruiters, fundraisers, police officers, and a myriad of other jobs within the past year. Their time is too valuable to waste on things such as this.

I am here in Bismarck to attend the state superintendent's conference in addition to testifying before you. Last night I asked another superintendent who had much more experience than I if he would be testifying on HB 1307. He felt confident that the bill would not be passed even without testimony. I may be a little naive but I could not let this hearing take place without making it known that this would be a disaster in many ways for schools. Thank you for your time, I will now stand for any questions.

Sent from my iPhone