

2013 HOUSE EDUCATION

HCR 3035

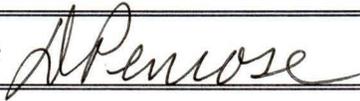
2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HCR 3035
March 6, 2013
19509

Conference Committee

Committee Clerk Signature



Minutes:

Ch. Nathe: We will open the hearing on HCR 3035.

Rep. Tom Beadle: Sponsor, explained the bill. The English language learners tend to age out before they are able to graduate from high school. That prompted the principal of the high school to contact me to see if we can study some issues that are coming about with English language learners. This is just one issue that came about, but there are a plethora of other issues obviously that need to be looked at as well. HCR 3035 is a vehicle that would start the discussion.

Ch. Nathe: On line 16, revising the graduation requirements, any opinion on that, or what's the thinking on that.

Rep. Beadle: That language was put in by Leg. Council after I explained to them the situation that initially prompted this. They wanted to look to see if there was another track to do for ELL students in order to make it so that if they have a unique situation like the 18 year old, it's impossible for them to graduate before they age out of the system (which is 21 years old). To look for another way for them to be able to reach graduation status, not necessarily that they are going to be college ready, but so they are workforce in society ready. I don't know if we want to adapt the graduation requirements themselves or just look at, figuring out other alternatives towards creating a system that better meets those challenges.

Ch. Nathe: On line 17, devising separate requirements for high school graduation, that's almost like we are making another set of rules and I don't know if that is something we want to do.

Rep. Beadle: That was why we put this in as a Study vessel to just kind of look at that. Currently, I think we have two separate graduation tracks that you can go on within our public school systems. This would essentially look at creating a third. This was the vessel that was put in just to merely study the overall challenges of ELL students within the system.

Rep. Hunskor: Do you know if this is an issue in other parts of our state, say in the Bakken country, other than Fargo.

Rep. Beadle: I don't know of it being a huge situation in much of the rural part of the state or in the Bakken area of the state. Although based on my personal work that's brought me out to the Williston area and the variety of languages that I've heard out there, it certainly might become a situation out there. I do know that in Grand Forks and Fargo it is an issue, and may become an issue in Minot and Bismarck soon as well. The hub cities are getting more challenges brought with the rising populations and much more diversity than some of the other areas of the state.

Rep. Rohr: Do you have solid data that talks about the prevalence and what are the issues.

Rep. Beadle: There are others that know more about that.

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

Vonnie Sanders, Director of ELL, Fargo Public Schools: Support (see attached #1). We have a little under 800 students in the Fargo Public Schools. This is also a big issue in West Fargo. This involves usually refugees and sometimes immigrants from Latin America who haven't had a formal education or a very limited formal education when they get here and now they're 18 years old. No matter how hard they try, they aren't going to be able to graduate in two years. Actually about half of our ELLs are born right here in the US. That number can be higher in other states. We are talking about a small group of kids. There are about 6 kids that would be impacted right now if we were able to change that age requirement. Most of the kids do want to go on to college, but if we close the doors on them, obviously then they aren't able to do that.

Rep. Meier: These students come into the Fargo area, and what grade level do they start at, when they come in at 18 years of age, and they want to achieve a high school diploma.

Ms. Sanders: If they have no credits, we start them as a 9th grader.

Rep. Meier: Then when you start them as a 9th grader, and then do they have an Aide by their side to help them or how does it work.

Ms. Sanders: At our two high schools in Fargo, we have highly qualified ELL teachers in the four core subject areas and they can take all of their credits from an ELL teacher who is teaching them language along with the core materials. We use the standards from the core subject areas, so they are in class with other ELLs' who are at their level.

Rep. Meier: How many students currently are in the Fargo school system that are ELL students?

Ms. Sanders: Almost 800 students, at South we have approx. 120 and Davies has about 65 students. Davies is a new school and it's going to continue to grow.

Rep. Hunskor: You talked about students coming at 18 years of age and they have two years. Do they have a chance to graduate in two years? What happens with those students?

Ms. Sanders: They really don't. The average person like myself can't do it in two years. That leaves them with GED and as you know, they need an 8th grade reading level in English to get their GED alone. That's the best we can hope for.

Rep. Hunskor: Again, do these students, who come as ELL, are they put in a regular classroom with other students or are they with the ELL teacher all the time. What's the process day by day?

Ms. Sanders: Right now, we're just talking about secondary, high school students. Typically when a student comes in, they will have an ELL teacher for four or five periods a day, and then we will put them out into regular education for physical education, art, health, computer skills is really an important class for them to take.

Rep. Schatz: Does Fargo have a larger than average percentage of ELL students than other cities the same size.

Ms. Sanders: That is a good question. I would say that West Fargo is really close to us. They have fewer kids but they also have fewer kids in their general population. I would say that we both have about 8%. Grand Forks is growing.

Rep. Schatz: Why do they come to Fargo and how do they get there.

Ms. Sanders: The vast majority of our refugees come through LSS, which is Lutheran Social Services. It is a misnomer that LSS brings them in. It is the State Dept. for the US government that actually brings the refugees here to the US to meet their quotas. There are about 70,000-80,000 immigrants a year that are given the opportunity to come to the United States. The State Dept. goes into the refugee camps. They have to be in refugee camps and then the State Dept. will interview people in the camps to find the worst case situations and then will bring them here. ND is one of the few states that take kids and adults who have medical conditions. We might get the ones that have hearing losses or are in a wheelchair.

Ch. Nathe: Since the State Dept. brings the people in and LSS is the conduit, is the federal government helping to pay for this program.

Ms. Sanders: We are under Title III and the amount is about \$85.00 a student that we get from the federal government. It's really not enough help for the kids.

Ch. Nathe: How many different languages are there in Fargo right now? We heard that West Fargo has about 47 different languages.

Ms. Sanders: That's about right, but it is inaccurate in a way because the Sudanese have 17 different tribes in Fargo and they each speak their own language, but we

have a list from the federal government of languages and all 17 aren't mentioned. There are only a couple of those tribes, so all 17 are lumped under Sudanese.

Rep. Rohr: What do you see as a solution(s)?

Ms. Sanders: I honestly would like to see these kids be given more time, not forever; but if they come younger than 21, if they could be given time to get that degree. They work hard and most of them can do it within 3 years. It would be at very little cost, because what is it going to hurt that those six kids are sitting in our classrooms. We have the capacity right now.

Ch. Nathe: Is this something that's been brought up on the local level as far as giving them more time, putting more resources towards this program vs. coming to the State.

Ms. Sanders: I felt like the law that states that they have to be out by the age of 21 needs to be changed; our hands are tied.

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

HCR 3035
March 12, 2013
19753

Conference Committee

Committee Clerk Signature



Minutes:

Ch. Nathe: Let's take a look at HCR 3035. What are the committee's wishes?

Rep. Rohr: I can see where they are trying to head in a positive way with this bill. There was no data provided to determine, from a state or national level, how much of a problem this was. My tendency is to vote no on this bill.

Rep. B. Koppelman: Coming from West Fargo, we have a lot of English Language learners that it's created a lot of challenges to adjust the process for getting through high school for that contingency. The kids that come into the district at a younger age, oftentimes you have more time to make them proficient; if they come in at high school age, your choices are basically to do something with them until they are 21, or decide to quit, or just ask what courses can we provide to them that might be helpful in life rather than gearing toward graduation. I've often said that I don't like the concept of mainstreaming a student based on age if they don't have the skills to do the coursework that is needed. Oftentimes that is what happens. With this study, if this were to result in finding out if we allow kids that come here when they are 17 years old but really need to start at a freshman level, and first get their English proficiency, then start their coursework at a freshman level and at least get their basics out of the way and they might be 22 when they are done. I think there could be some value in that. Unless we study it, I don't think we will know if there is value in that or not.

Rep. Wall: Personally I support the study of this topic. I judge some of it on personal background. In the mid-80's had a Vietnamese foster son who came at age 15, speaking one word and that one word was bathroom. At that time, people didn't really know what to do with him. We didn't have special programs, so we opted to place him in the 3rd grade. By Christmas, he was in 5th grade, the next year he started at 7th grade and he did graduate on time, primarily because he was a real quick learner. I can see that this does not appear to affect a lot of students who would stay past 21. I think it merits a study. We need these people in our society; we need them to be productive. We need them to know the English language to succeed.

Rep. Heilman: I think it doesn't need to be a huge study; I think that the Education committee in the interim can have a few discussion points on it and get some data in

there just to see what the options are legislatively, what flexibility, if any, we need to allow in this regard. It certainly is, I think from what we heard, even in testimony that it's definitely more of an East issue because of the refugees that we get on that side of the state. It is an issue in our constituency groups. As this is the land of opportunity, we hate to remove it from those who have come here to seek it.

Rep. Rust: I'm not so sure that it probably won't be moving west. I was in the small grocery store in Tioga and heard three different languages. I believe the oil field is bringing some people in with varying backgrounds and educational levels. I do know that the West has had a significant increase in the number of ELL students that are coming in. The other point about this that I wanted to make is this is directing Legislative Management to study, it's not a "shall" study which I believe has greater implications. A "shall" study means that they basically have to do it; the other one is that they can elect to do it or maybe incorporate it into another study that they might be doing with something else. I think it's worth passage.

Rep. Meier: I had a visit with a teacher from Williston, and I asked her how it was going up there. I think she was a teacher of English in the high school level. She told me that she has an interesting class. She has a family from Cuba, parents don't speak English at all, and she had interesting comments to make. In respect to what is happening in the state, whether it is from west to the east, I think this bill has some merit and I move a Do Pass.

Rep. Wall: Second the motion.

12 YES 1 NO 0 ABSENT

DO PASS

CARRIER: Rep. Wall

Date: 3/12/2013
 Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 3035

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. Wall

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe	✓		Rep. Bob Hunskor	✓	
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) 12 (NO) 1 (ABSENT) 0

FLOOR ASSIGNMENT Rep. Wall

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

REPORT OF STANDING COMMITTEE

HCR 3035: Education Committee (Rep. Nathe, Chairman) recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HCR 3035 was placed on the Eleventh order on the calendar.

2013 SENATE EDUCATION

HCR 3035

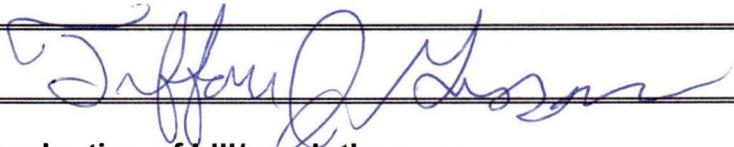
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

HCR 3035
3-26-13
20464

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A concurrent resolution directing the Legislative Management to study the statutory requirements for high school graduation in order to determine their practical applicability to English language learners

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll: opened the hearing on HCR 3035

Vonnie Sanders, ELL-Fargo Public Schools: I wish to testify in support of HCR 3035 (Written Testimony #1 attached) Gave stories about refugees. (Ended at 10:00)

Chairman Flakoll: When you say "new Americans" are you referencing High School age?

Vonnie Sanders, ELL-Fargo Public Schools: Yes. Not people born here.

Kerri Whipple, DPI: I wish to testify in support of HCR 3035. (Written Testimony #2 attached) Ended at 19:36

Chairman Flakoll: How many English language learners do you have, unduplicated?

Kerri Whipple, DPI: For the 11-12 school year we had 4,360. This year so far we are in the 3,700 range but I don't have real time data.

Chairman Flakoll: What could this study do that the English language learner program advisory committee couldn't?

Kerri Whipple, DPI: It is probably most about funding. There is no appropriation although the advisory committee is in Century Code.

Chairman Flakoll: closed the hearing on HCR 3035

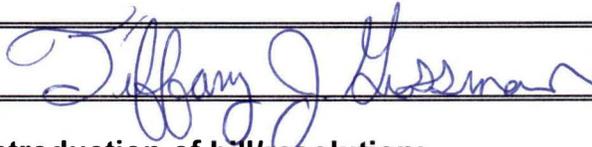
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

HCR 3035
04-02-13
20752

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A concurrent resolution directing the Legislative Management to study the statutory requirements for high school graduation in order to determine their practical applicability to English language learners

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll: Opened the hearing on HCR 3035

Senator Poolman: Move a Do Not Pass on HCR 3035

Vice Chairman Schaible: Second

Senator Heckaman: I will support the Do Not Pass. While I think it is a difficult situation for the English language learners coming later in life to our school systems, I would hope in these areas they can move them into some adult education programs already available and move them forward that way. I don't think a study looking at changing the graduation requirements is necessary because we have the adult education programs they can move into easily.

Chairman Flakoll: HB 1319 has significant provisions that can cover this. I could not figure out amendments that would make this better because the bill didn't concisely address the issues they wanted to be looked at.

A roll call vote was taken for a Do Not Pass on HCR 3035: 6 yeas 0 neas, 0 absent

Senator Heckaman: Will carry

Date: 4-02-13

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 3035

Senate Education 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 Podman Seconded By Schaible

Senators	Yes	No	Senator	Yes	No
Chairman Tim Flakoll	✓	✓	Senator Joan Heckaman	✓	✓
Vice Chairman Donald Schaible	✓	✓	Senator Richard Marcellais	✓	✓
Senator Larry Luick	✓				
Senator Nicole Poolman	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Heckaman

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

REPORT OF STANDING COMMITTEE

HCR 3035: Education Committee (Sen. Flakoll, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3035 was placed on the Fourteenth order on the calendar.

Bismarck House Education Committee
March 6, 2013
Vonnie Sanders, ELL – Fargo Public Schools

Thank You – Mike Nathe/Thomas Beadle and Committee

- A. Who are we talking about? Narrow our focus
1. English Language Learners
 2. Refugees and possibly immigrants
 3. Small group who come to this country as older teenager/young adults (18 years and over)
 4. In Fargo – Currently about 6 students
- B. Why does it matter if they graduate?
1. For the student who wants to attend college
 2. For the good of our community
 3. For the extended family
 4. Earnings potential



- C. How can you help?
1. Same high standards
 2. College and career ready
 3. More time
- D. What have we been doing?
1. We register them and hope they can learn enough English to get their GED
 2. It takes 5-7 years to learn academic English
 3. This good news is that every year English proficiency increases

E. Why help?

1. **Cindy** – Burmese – Persecution
20 years old
Started education at Adult Learning Center

2. **Halima** – Al Shaabab/parents are deceased
Educated in Kenya in English
Studying for grad test
Very intelligent – needs diploma

3. **Philip** – Sudanese – Parents deceased
Couldn't go to school in camp – He had to forage for food for his siblings
Likes school and now can focus on his future

4. **Zahra** – Mom died and dad killed by Al Quida
The mayor wanted another wife
Came at 19 with 2 teenage brothers
Graduated in 2 ½ years
Zahra received a scholarship from Concordia and is getting A's

5. **Janette** – Congo
Didn't go to High School
Came at 19 – Broken English
Drifts from job to job (6)
Currently unemployed – No purpose, focus

Bismarck Senate Education Committee
March 26, 2013
Vonnie Sanders, ELL – Fargo Public Schools

#1

- A. Who are we talking about? Narrow our focus
1. English Language Learners
 2. Refugees and possibly immigrants
 3. Small group who come to this country as older teenager/young adults (18 years and over)
 4. In Fargo – Currently about 6 students
- B. Why does it matter if they graduate?
1. For the student who wants to attend college
 2. For the good of our community
 3. For earning potential
 4. For extended family who come for the same reasons your ancestors came



- C. How can you help?
1. Same high standards
 2. College and career ready
 3. More time? Study needed to come up with best solution
- D. What happens now?
1. We register them and hope they can learn enough English to get their GED
 2. It takes 5-7 years to learn academic English
 3. The good news is every year English proficiency increases
- E. Why help?
1. **Cindy** – Burmese – Persecution
20 years old
Started education at Adult Learning Center
 2. **Halima** – Somali - Her parents are deceased
Educated in Kenya in English
Studying for grad test
Very intelligent – needs diploma

3. **Philip** – Sudanese – Parents deceased
Couldn't go to school in camp – he had to forage for food for his siblings
Likes school and he can focus on his future

4. **Zahra** – Afghani – Mom died and dad killed by Al Qaeda
The mayor wanted another wife
Came at 19 with 2 teenage brothers
Graduated in 2 ½ years
Zahra received a scholarship from Concordia and is getting A's

5. **Janette** – Congolese
Didn't go to High School
Came at 19 – Broken English
Drifts from job to job (6)
Currently unemployed – No purpose, focus

F. Suggestions for changes in Language to Resolution

1. Strike "English Language Learners" whenever it appears and substitute "older New American Immigrants"
2. Line 8 – Strike "often" and substitute "sometimes"

#2

**TESTIMONY ON HCR 3035
EDUCATION COMMITTEE**

March 25, 2013

By: Kerri Whipple, Assistant Director ELL Programs

701-298-4638

Department of Public Instruction

Mr. Chairman and Members of the Education Committee:

My name is Kerri Whipple and I work for the Department of Public Instruction in the Title I unit. I am responsible for English language learner programming and support. I have been working with English language learner programs for ten years at both the district and state levels. I am here to provide information about English language learners related to HCR 3035.

The purpose of HCR 3035 is to study graduation requirements for English language learner students who are unable to meet the regular or optional high school graduation requirements with either flexibility or separate high school graduation requirements. On behalf of the Department of Public Instruction and the English language learner educators in the state, I want to thank you for recognizing the challenges that some of our students face and acknowledging the tremendous efforts of the students that we teach.

The Department of Public Instruction would support this resolution with amendments. We propose removing language that potentially lowers the graduation requirements and include language to encourage stronger collaboration between K-

12, post secondary education and adult education. We propose amending the resolution in order to allow a broader study on innovative programs that help all English language learners to increase academic proficiency to meet the same high standards that we expect of all North Dakota students.

I would also like to clear up a few misconceptions from the language of the resolution.

- The resolution refers to English language learners facing challenges as they build lives in a new land. However, the majority of English language learners in North Dakota are not immigrants. In fact, only 15% of North Dakota English language learners qualify as "new immigrants" as defined in Title III (born outside of the United States and 3 years or less in United States schools).
- The resolution also states that English language learners are often unable to satisfactorily meet all regular or even optional high school graduation requirements. On the contrary, North Dakota English language learners graduate from high school at a rate of 66%. If we examine the rate for immigrant English language learners, we find an increase up to 75% (based on 2010-11 graduation rate data). If the intended benefactors of the resolution are the students who cannot meet the high school graduation requirements due to reaching age 21

before earning a diploma, there were eight such students in 2011-12 and also eight students in 2010-11. When we study the English language learner graduation data, we are most concerned with the Native American and the non-migrant, Hispanic subgroup graduation rates.

The statewide English Language Learner Program Advisory Committee met recently and discussed other potential unintended consequences based on the current language of HCR 3035:

- There is a potential that the number of Native American English language learners will increase due to the ambiguous federal English language learner definition. We may see an increase in the number of Native American English language learners who may potentially qualify for a diploma with flexible requirements.
- Three large school districts in North Dakota are already heavily impacted by English language learner students who cannot pass the graduation assessment requirements in other states. English language learner educators from these districts feel that a diploma with revised standards for graduation may attract a larger influx of secondary migrant students from other states who may relocate to their districts in order to complete high school.

- Many English language learner students are anxious to graduate in order to begin work to help support their families. Therefore, the number of English language learners who ordinarily would have met the requirements of a regular diploma may choose the other graduation option without understanding the consequences.
- When tiered graduation choices are available, students may be counseled and pointed in a direction based on limited language proficiency. The counseling may not be based on the student's scholastic ability or future aspirations.

The statewide English Language Learner Program Advisory Committee is concerned that this piece of legislation does not expand upon innovative programs which would have an impact on all of the English Language Learners in North Dakota. The issue of students without sufficient time to earn a diploma is an issue for a small group of students in just a few schools in our state.

The North Dakota Department of Public Instruction recognizes that there is a small group of students who arrive in the country at an age where a typical high school graduation is not possible. However, more time is never going to be enough time for this small group of students. There will always be an unlucky few who arrive in North Dakota just short of the amount of time needed to earn a diploma.

Some of the districts in North Dakota are additionally challenged by enrolling high school students who have limited formal education. Although the research is not disaggregated by school experience, teachers anecdotally report that students with limited formal schooling prior to coming to the United States need more than the typical 5-7 years to reach the sufficient level of English needed to succeed in the classroom setting.

Although research supports the fact that English language learner students who start at the beginning levels of English proficiency typically need an average of 5-7 years to reach proficiency, we also have some groups of students in North Dakota English language learner programs who take significantly less time. The amount of time needed to reach proficiency varies greatly based on subgroup and quality of programming.

If the legislature is interested in studying programs for English language learners, West Fargo's Immersion Center is an example of a program that was designed to meet the needs of the group of students that seem to be the benefactors of this legislation. West Fargo has identified a need to provide a special program for new immigrant students with limited documentation of schooling and/or not enough time to reach the minimum number of credits needed for graduation. The program currently serves seven students. The students in this program are very diverse. One female student was not allowed to attend school in her native country

and is learning to read for the first time. On the other end of the spectrum is a male student with extensive schooling who is transferring his content knowledge into English and preparing to take the GED before reaching age 21.

The Immersion Center program has ties with adult education, Job Corps, and local GED programs so that as students approach the age of 21, they are presented with options for transitioning out of a high school setting and into employment and/or continued education. The reality of our accountability system is that all seven of these students are considered high school dropouts and none will leave with a West Fargo High School diploma. However, each of these students will leave with a plan for the next phase of their life. West Fargo Public Schools will ensure the seven students in this program will meet the district's goal: all students will graduate high school ready for college and/or career ready. Please consider expanding the study to include widespread implementation and increased financial support of this type of program.

The statewide English Language Learner Program Advisory Committee fully supports legislation that will help English language learners succeed in college or careers. Other potential areas of study as brought forth by the statewide English language learner program advisory committee that would impact all English language learners include: extended learning opportunities (e.g., after school programs, summer programs) and increased access to early learning (e.g.,

head start and preschool programs). Another potential area of growth is to expand the academic offerings in adult education programs that meet the needs of young adult English language learners. Studying and/or financially supporting these types of initiatives will make a bigger impact in all areas of the state and have a positive effect on a greater number of North Dakota students.

English language learner education is an area of education that relies heavily on local resources for financial support. Due to the variance of needs within any one classroom, student to teacher ratios must remain low; therefore, the cost of education is higher than average. The North Dakota Department of Public Instruction and the statewide English Language Learner Program Advisory Committee supports studies that lead to increased opportunities for students and increased financial support in order to help their students meet the challenging academic standards already in place. We are not in support of a lower standard for English language learners. If the role of education is to open doors, will this study and potential legislation open doors or close doors for North Dakota English language learner students?

Mr. Chairman, this concludes my testimony. Thank you for your support with our recommendations, and I am available to answer any questions the committee may have.