

**2013 SENATE EDUCATION**

**SB 2329**

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee  
Missouri River Room, State Capitol

SB 2329  
2-12-13  
18794

Conference Committee

Committee Clerk Signature 

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

Relating to home education

## Minutes:

You may make reference to "attached testimony."

**Chairman Flakoll** opened the hearing

**Senator Unruh:** This bill would provide an exemption for the home educator's achievement test if the parent is licensed to teach by education standards, holds a Bachelor's degree, or has met or exceeded the cut off score of a national teacher's examination. The parent would also be required to file a notification and I have a proposed amendment that would require necessary documentation (#1 attached)

**Oley Larsen, Senator District 3:** I was an educator for 16 years. I proctored these tests and it does not work for this state. Staff in schools may be rewarded if they don't meet the AYP. Taxpayer's money brings more people on board to help bring the score up. No teachers are administrators are punished.

**Chairman Flakoll:** How do we protect the edge of the edge so a few whose parents aren't doing what they are doing?

**Oley Larsen, Senator District 3:** I don't think this test is helping the process. If a student fails the test, they are already learning the best they can in the homeschool environment because they work the best there. We should not take that student away from an environment they are doing well in and stick them in a public school environment. That won't help the student. When teachers come together and meet and work together through essential learning, it is more beneficial.

**Paul Henderson, Calvin Homeschooling dad:** I have a statement from our board president Kenneth D. Knight who is not able to be here (Written Testimony #2 attached)

**Chairman Flakoll:** What is an example of a religious exemption?

**Paul Henderson:** At some point the testing might have some objectionable content they aren't comfortable teaching.

**Dr. Glynn Breuer, Minot Homeschooling parent:** I wish to make some comments in support of SB 2329. (Written Testimony #3 attached)

**Chairman Flakoll:** Who has the prevailing authority to opt out in a situation involving divorced parents?

**Dr. Glynn Breuer, Minot Homeschooling parent:** I couldn't imagine how a court would decide but I would trust they would work it out.

**Breanne Larson, Elementary Education:** I wish to testify in support of SB 2329. (Written Testimony #4 attached)

**Sid Hughes:** I wish to testify in support of SB 2329 (Written Testimony #5 and #6 attached)

**Senator Luick:** How many homeschooled children are there in the state?

**Sid Hughes:** I do not know.

**Brooke Sullivan, homeschool teacher:** I wish to testify in support of SB 2329. (Written testimony #7 attached)

**Senator Heckaman:** How many children do you homeschool and how many times a year to do you test?

**Brooke Sullivan, homeschool teacher:** I have four children. They are preschool, kindergarten, second, and fourth grade. This would be the first year according to the current law that I would have to submit the standardized test to my fourth grader.

**Senator Heckaman:** So you haven't done the assessment yet?

**Brooke Sullivan, homeschool teacher:** As a public school teacher I know what is involved and I know this year we have had to adjust and it has been a detriment to the flow of teaching because one of the huge benefits as a home educator is customizing the teaching plan. I have some areas where my kids are far ahead of standard and some areas they are just level with. We have had to stop the areas they accelerate to make sure they are ready for the standardized test. I have noticed that it changes the dynamic of how they look at learning because they are learning for a test instead of realizing everything is for relevance.

**Senator Heckaman:** How do you determine mastery?

**Brooke Sullivan, homeschool teacher:** With every day I am with them so I know exactly where they are at. If they don't understand we stay on that topic for a week or a month until they understand it.

**Chairman Flakoll:** Do you have a similar calendar for your children like the public school or do you flow in and flow out differently? I am looking at start and end times.

**Brooke Sullivan, homeschool teacher:** We work close to year round. We work in the summer as well.

**Martin J Klingenberg, York, North Dakota:** I was born in South Africa and came to realize that was not the place to raise my children. That was why I moved to the United States. It was directly linked to the homeschooling possibility I have here. He standardized testing is detrimental to my family. It teaches them not what I want to teach them. Last year we moved from North Dakota to Oregon where they also had standardized testing. It was a concern to me the way this was done here because the standardized testing is not in the same fashion as Oregon. I have to teach my children with a different style of teaching in order to pass the test because the homeschooling requirements are different. I have to teach two things now in order for them to pass the test. Children are the future of the state and I want my children to be the future of this wonderful state. Coming from a different country it is difficult.

**Senator Heckaman:** Some parents access services in the public or private schools. Do your children access any services in the area schools?

**Martin J Klingenberg, York, ND:** We have not yet in North Dakota but we did in Oregon with music.

**Robin Smith, Ellendale homeschool teacher:** I wish to testify in support of SB 2329 (Written Testimony #8 attached)

**Chairman Flakoll:** Part of our obligation as a committee is to uphold the Constitution of the state of North Dakota in providing a uniform system of education that allows students to be successful and makes sure they are college ready. That is what our challenge is.

**Robin Smith, Ellendale homeschool teacher:** We have older children who succeeded in college even though they tested poorly. I don't see the standardized testing is a way to evaluate their academic abilities.

**Donna Henderson, homeschooling mom:** I wish to testify in support of SB 2329. (Written testimony #9 attached)

**Chairman Flakoll:** PPST is Pre-Professional Skills Test.

**Donna Henderson:** Yes.

**Senator Heckaman:** Is this bill considering any board across the United States?

**Robin Smith, Ellendale homeschool teacher:** That language was in the homeschooling bill. I assume this state.

**Andrew Bornemann, District 28:** I did not go to college. I am a farmer and didn't see the need for furthering my education. My mother did most of my education. She took the national teacher's exam when she started homeschooling us. She has a four year college degree as well. We did the standardized achievement testing and I always scored very

well. My lowest score was in the 90<sup>th</sup> percentile. I found the tests unpleasant. You are studying for the test, not to better your education. The testing isn't a good indicator of a child's development. My mom spent a lot of time with us and knew better than the achievement test showed. She already knew our development status. I believe parents already know the status of their children's development and this test doesn't help. I plan on homeschooling children when I have them and I would prefer to opt out of testing my children.

**Alyssa Martin, North Dakota School Board's Association Director of Policy Services:**  
We wish to testify in opposition of SB 2329. (Written Testimony #10 attached)

**Chairman Flakoll:** You are saying you tested them and they aren't prepared?

**Alyssa Martin, North Dakota School Board's Association Director of Policy Services:**  
A homeschooler will request to attend a public school. We have to determine where to place them. They either do not have transcripts or they have very vague transcripts. The school district can at least look at the standardized test scores to determine placement.

**Chairman Flakoll:** How will this change current practice if this bill is passed?

**Alyssa Martin, North Dakota School Board's Association Director of Policy Services:**  
By eliminating the standardized testing requirement our school districts will have to start from ground zero when these students arrive in our schools which will mean extensive placement testing. The financial impact on the schools could be significant in those cases. In addition those students will have to have weeks of testing to determine placement.

**Chairman Flakoll:** So they are in six hours a day taking tests for weeks?

**Alyssa Martin, North Dakota School Board's Association Director of Policy Services:**  
I'm not sure. DPI would be in a better position to speak to the type of placement testing.

**Chairman Flakoll:** How many are tested a year?

**Alyssa Martin, North Dakota School Board's Association Director of Policy Services:**  
I don't have that number but I do receive calls from superintendents on a regular basis with this problem.

**Chairman Flakoll:** How much would the testing provision save them?

**Alyssa Martin, North Dakota School Board's Association Director of Policy Services:**  
I don't have that data. I do know we rely on the standardized achievement scores when we don't have appropriate transcripts so we are at least able to determine what placement testing to provide the students.

**Chairman Flakoll:** Can they use a MAPs test?

**Alyssa Martin, North Dakota School Board's Association Director of Policy Services:**  
I am uncertain of the tests they use.

**Vice Chairman Schaible:** Are we talking about kids that were homeschooled going a full day or are a lot of these just taking a certain class or certain area.

**Alyssa Martin, North Dakota School Board's Association Director of Policy Services:** Some ask for admission for one class. More and more students ask for admission their junior or senior year because they want a diploma from a credited high school.

**Vice Chairman Schaible:** If we have a military student or another scenario we hear their transcripts aren't up to date or very good. Is that the same process?

**Alyssa Martin, North Dakota School Board's Association Director of Policy Services:** Military students have a different process because we have the Compact for Military students Act which says we have to accept at face value the transcripts, place the students based on those transcripts, and then if there are issues we would do placement testing.

**Vice Chairman Schaible:** Students are coming to schools for a variety of reasons and I was wondering if we need a better system of a student entering the school.

**Alyssa Martin, North Dakota School Board's Association Director of Policy Services:** There are some issues but they are the best measurement we have to date.

**Senator Luick:** How long does it take to get a transcript transferred on average?

**Alyssa Martin, North Dakota School Board's Association Director of Policy Services:** It depends. In some cases within a couple of days. I have also heard of several weeks.

**Senator Luick:** We had a young man move into our home and it took us two months and one week to get that transcript transferred. That problem is in other environments as well.

**Senator Poolman:** How many junior and senior homeschool students transferred in last year?

**Alyssa Martin, North Dakota School Board's Association Director of Policy Services:** I don't have that data.

**Chairman Flakoll:** Would it be helpful if families would provide transcripts annually?

**Alyssa Martin, North Dakota School Board's Association Director of Policy Services:** Yes it would be helpful to the families thinking of enrolling in public schools.

**Chairman Flakoll:** There is a proposed amendment that may be offered so review that before we meet again (referring to attachment #1)

**Chairman Flakoll:** Closed the hearing on SB 2329

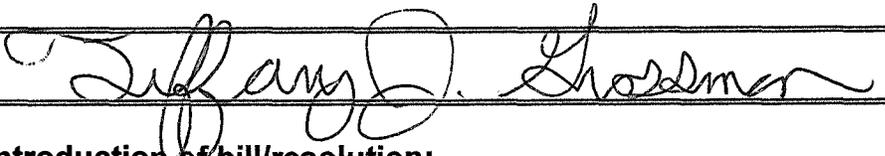
# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee  
Missouri River Room, State Capitol

SB 2329  
2-12-13  
18805

Conference Committee

Committee Clerk Signature



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

Relating to home education

## Minutes:

You may make reference to "attached testimony."

**Chairman Flakoll** opened the hearing on SB 2329

**Chairman Flakoll:** I asked Legislative Council about the two parent situation and got an answer. (Attachment #1)

**Senator Luick:** Move Luick amendment to SB 2329

**Senator Heckaman:** Second

A roll call vote was taken to adopt the amendment to SB 2329: 6 yeas, 0 neas, 0 absent

**Senator Heckaman:** Move Do Pass on 2329 as amended

**Senator Marcellais:** Second

A roll call vote was taken for a Do Pass as amended

**Senator Poolman** will carry

13.0849.01001  
Title.02000

Adopted by the Education Committee

February 12, 2013

  
2-12-13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2329

Page 2, line 4, after "notification" insert "and necessary documentation"

Renumber accordingly

2329

Date: 2-12-13  
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO.

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number 13,0849.01001

Action Taken adopt amendment

Motion Made By Luick Seconded By Heckaman

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 \_\_\_\_\_

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

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

2329

Date: 2-12-13  
Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO.

Senate Education Committee

Check here for Conference Committee  
Legislative Council Amendment Number 13,0849.01001

Action Taken do pass as amended

Motion Made By Heckaman Seconded By Marcellais

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 \_\_\_\_\_

Floor Assignment Poolman

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

**REPORT OF STANDING COMMITTEE**

**SB 2329: Education Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2329 was placed on the Sixth order on the calendar.

Page 2, line 4, after "notification" insert "and necessary documentation"

Renumber accordingly

**2013 HOUSE EDUCATION**

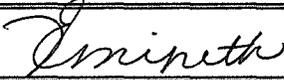
**SB 2329**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

SB 2329  
March 20, 2013  
20388

Conference Committee



Relating to home education

## Minutes:

**Ch. Nathe:** We will call SB 2329 to order.

Senator Unruh: Prime sponsor of this bill; I will walk you through what this bill does. This bill provides an exemption for children receiving home education from being required to take the standardized achievement test. The only way they would be exempt from that is if the parent is licensed to teach by education standards, hold a baccalaureate degree or has taken and passed the national teacher examination. Then they would have to provide that documentation to the school district when they file their intent to home school children.

Rep. Rust: Would you have the same feeling about public and private schools not having to give those standardized tests in those grades?

Senator Unruh: I will leave that question to the other people that will present more testimony.

Senator Larson: Someone has the idea to bring forth it's time to change. We don't agree with that and that is where this bill is. This bill should be the start of ending that N.D. state test. Home school students take the lead in this and their ACT scores show that this test is ineffective. At the public school level and the private school level the students have no skin in the game in this. The kids that do have skin in the game are the home schooled students. Nobody is held accountable to this test.

The fix for N.D. has been on professional learning communities; it is working with essential learning and collaborating with elementary schools and the middle schools and the high schools and the colleges to give us a seamless education.

The kids have learned that if they bad in the test they will get a half day off from the school. Somebody was talking about a degree on the test that they have to have a 4 year degree to be able to be exempt from the test.

Rep. Nathe: In section 1 subsection2 line 22 "it says hold a baccalaureate degree" is that for the parent that is teaching? So if my wife is teaching and has no degree and I have the degree she can do this?

Senator Larson: I am not sure about that; but you do have to have a degree to exempt this test.

Rep. Nathe: The bill says "hold the baccalaureate degree" so that must be for the parent that is doing the teaching.

Senator Larson: Yes.

Dr. Glynn Breuer: This bill offers exemption criteria for the standardized testing for home school students. I passed out 3 documents one of them is a compilation of the different states and territories procedures on testing. (Testimony 1)

The second one is a compilation of statements from fairtest.org (Testimony2) that details the limits of standardized testing and the third is a single sheet of some quotations and some information about my wife and family. (Testimony3)

This bill does not eliminate the testing requirement all together but it allows opting out for those home schooling parents who show a higher level of qualification and therefore a higher level of responsibility in assisting the performance of their students.

The assessment of performance, the technologies involved that allow us to assess somebody's performance either at mastering a domain of knowledge or at a performance activity such as flying an aircraft is also advancing. So a single standardized test is useless in all areas of human education.

Notice that this does not eliminate the testing it just allows a higher level of accountability by allowing those parents who have furthered education, sought a teaching certificate or qualified themselves by taking a normed exam have shown their ability to assist their children's performance to a higher standard than that which would be required by a standardized test.

Rep. Rust: When I look at this bill there is a qualifier. This bill does not provide for not having to take those tests if you have your license does hold a baccalaureate degree of the meted score. That is a secondary thing. The qualifying think is that you must have a philosophical moral or religious objection to taking the test. That has to be met first and then the others are secondary. Would you suspect that most people would object to taking this test for philosophical, moral or religion objection be the reason for them opting out?

Dr. Glynn Breuer: The reason that a person may give will vary and these allowances here for the reason to me say that any legitimate reason that you can come up with if questioned would be legitimate.

Rep. Rust: My reason for asking this is because I think part of this is not necessary. You have to have a reason for opting out. Then you have to have there are 3 qualifying things in this bill that you must adhere to. Is that first part even reasonable?

Dr. Glynn Breuer: I don't think that the reason that a person might give is as important as their qualifications for qualifying to opt out. I think this is a caveat that is a reasonable ground for opting out and whether it is necessary or not; I like the fact that it allows any reasonable based objection plus the qualifications should allow the home schooling parents to opt out of the test.

Rep. Rust: Your last 2 aren't allowed. It's a philosophical, moral or religious objection.

Rep. Heilman: Would you have any issue if that language was taken out because I am on the same page as Rep. Rust. I think you can open the door to somebody refuting that philosophical, moral or religious objection and taking that out and say "if you have an objection and then meet the criteria" Would you have a problem with that?

Dr. Glynn Breuer: I don't see any need for a reason to be given that if a parent qualified to opt out I would be satisfied that they simply show their qualifications for opting out and say I choose to opt out and not give a reason.

Rep. Nathe: It is pretty subjective language.

Rep. Wall: In getting a Doctors degree you were subjected to a lot of test; did you see any learning value in the tests?

Dr. Glynn Breuer: In higher education these days very little assessment of the students learning is done with testing. At the end of graduate level you often have fill in the blank and multiple choice questions but at graduate levels most of the time you have written material and dialogue with the instructors and are measured on your skills at putting together arguments and amassing information and quotations and information from other authors and researchers. The assessment of higher education has gone beyond that.

Rep. Heller: On that area that says " hold the baccalaureate degree" is the person home schooling or is that it has to be one member of that family?

Dr. Glynn Breuer: This is the qualification for of one of the two parents that is home schooling the child not the qualification to home school to begin with but the qualification to opt out of the examinations.

Rep. Nathe: That is a different answer than I got the first time. Is it one parent that does most of the home schooling teaching or is it a group effort between both parents?

Dr. Glynn Breuer: It is my understanding that this applies to the parent that is doing the active teaching and that parent if qualifies the one that choose to opt out.

Rep. Mock: I am concerned that the language is setting us up for a double standard or discrimination in allowing individuals to exercise freedoms to opt out of exams. Why is this only for home schools?

Dr. Glynn Breuer: Applying standards to public schools is not what this bill is about. Issues of fairness between public and private schools are beyond what we are discussing here.

Rep. Nathe: I think Rep. Mocks point is if we were to pass this with this language in it if we do it for one group then we need to do it for another group. So it opens that door for us as policy makers; how do we justify it for one and not another?

Dr. Glynn Breuer: How a public school parent deals with the testing requirement is covered by a lot of different considerations of whether home students would be required to take a test.

In the public schools testing is often coupled with funding and the assessment of a public schools performance.

That is not the case with home students. The uses of testing whatever they may be in a public school are tied with so many different considerations that are not a consideration of a home school student. So we can't even compare the two because they are used for different purposes yet on the surface there are used to assess performance.

Rep. Nathe: There are public parents that do take issue with having those tests.

Dr. Glynn Breuer: If this bill is passed and the parents of public schools wish to use it as a model I would say they are doing the right thing.

Rep. Nathe: But that is something we have to think about.

Rep. Rohr: Under page1 line 2 this century code relates to home education.

Rep. Rust: You probably will have divisions with home school people as well. You will probably have a philosophical, moral or religious objection but don't need one of those criteria and they would have to give the test whereas you might have some that have that objection but meet those and don't have to.

Dr. Glynn Breuer: All home school students are not exactly the same in their beliefs about testing. As far as this bill being fair to all of the home schooled parents my believe is that the very nature of education is when you show yourselves as qualified and approved for a higher level of responsibility then that responsibility is granted to you.

Rep. Wall: Line 22 page 1 has been brought up several times why give a test is that even there? Why isn't it wide open?

Dr. Glynn Breuer: There are minimum criteria that are established for any qualification. Whatever you apply at some point may seem arbitrary yet does it take a four year degree to administer a test properly? No but that is a criteria that shows a level of responsibility.

Rep. Wall: I am wondering about the level of responsibility needed for this.

Dr. Glynn Breuer: If I had my personal preference there wouldn't be any qualification above and beyond those basic qualifications that allows parents to home school to begin with.

Rep. Nathe: When you give a test to one of your children how long does it take you to do that?

Dr. Glynn Breuer: My wife administers the test. The test that she gives is often criteria test out of the curriculum or they can be a verbal quarry to each individual student about the mastery of the passage that they have read.

Breanne Larson: Has a degree in Elementary Education with a minor in coaching; (Testimony4) this bill is an easy one and a safe one and a great do pass for the committee.

Kenneth Knight: President of the N.D. Home School Association Board of Directors; our board has voted unanimously to support this bill. We feel that it is important and a sufficient step in helping home scholars operate their schools in the right way. One area that we talked about is that there are consequences if a student does not perform the way they should. I have a daughter who has test anxiety, has physical systems because of the pressure that these tests which don't accomplish what they are supposed to be accomplishing do and we have to deal with that and so I believe that for the sake of other students that are in these situations that this bill should get a do pass.

Rep. Nathe: When you give the test do you get the results back?

Kenneth Knight: We put them in a file so that if we are asked we have them available.

Rep. Nathe: Do you use that information for teaching other kids going forward?

Kenneth Knight: We dealt with them and found that the only thing that we use the results for is to try and help meet the requirements.

Rep. Nathe: Do you use any of those results in your lesson plans?

Kenneth Knight: They are not sufficient.

Rep. Hunsakor: Do you know what the number of home schoolers is? And are the numbers increasing?

Kenneth Knight: The numbers that we have as members of our N.D. Home School Association are increasing and there are many home schools that are not members of our Association.

Rep. Heller: Did this bill come from your organization?

Kenneth Knight: We did not submit this bill through our organization. This was through the efforts of Paul Henderson's predominately.

Rep. Heller: If it is necessary that these people have a baccalaureate degree to be opted out why wasn't the bill drafted to allow all home schools to opt out of the test because if they are qualified to home school they should be responsible enough to be able to opt out of the test.

Kenneth Knight: The main reason that wording was put in is this was submitted in the bill we submitted last legislature and that was deleted. The reason that wording was put in is because that is the wording that the legislature has had in the past pertaining to monitoring.

Mike Liffbrig: from Center; I am a former prosecutor and would like to talk about diversity and how important diversity has been in the history of our country. (Personal story) There

is a diversity of needs not everyone is the same as so this bill allows the people, who know the children the best to make those judgment calls; that are the parents.

Let freedom flourish. There have been some questions about testing and I refer to this as standardized paper testing because Charlie has heard in the news about the governor's Inaugural ball. I asked the kids what does inaugural mean. They didn't know so that test that you asked how long does the test take depends.

I was testing their spelling and their current events that test took 15 seconds. To think about testing as only academic paper testing is wrong. What the public schools have to do is much different from ours I don't think it is unfair to have rules for people who are in different circumstances.

The school systems are different. One of the questions was "why do you need a bachelor's to proctor the test if you don't need a bachelors to be a home school teacher. That is confusing because the bill sets up those three opt out requirements; the license teacher, a bachelor's degree or to pass the teachers exam it sets that up as a way for opting out of the testing itself. It doesn't adjust the proctoring of the test for the kids that need to be tested.

Another thing is the kids who fall through the cracks we had 7 year olds in my county who were badly abused and were coming home from school and watching porn. They were not home schooled kids there were no parents the grandparents were raising these kids. Those are the kids who are most vulnerable and who we need to be concerned about.

The home school movement has been very cooperative with this committee and with the legislature for 30 years now. We feel like we have advanced and taken small earning the trust of the committee.

Rep. Rust: Our state has a compelling interest to guarantee that we have an educational citizenry and I think would legislatures somewhat fixated on data. How do we know if home school students are not being harmed or if we don't test them?

Mike Liffrig: You have hearings, you get research, you listen to the social welfare people, there is a whole network of bureaucracy out there to indicate to policy makers such as you to when there is a problem and there is somebody falling through the cracks when there is a failure on our hands. Paper testing is not effective to accomplish that objective.

Rep. Rust: Then you would not place a whole lot of stock in test scores?

Mike Liffrig: It depends on the kid. For some students that are very important do you have to do one size fits all?

Rep. Nathe: Are you looking for flexibility or diversity?

Mike Liffrig: I think we are in agreement in more areas than one.

Rep. Nahe: On lines 18 and 19 the discussion on philosophical moral and religious rejections; if we were to remove that what is your opinion on that?

Mike Liffrig: This is not an issue that we get any feedback at all we just say we have a philosophical issue and they don't hassle us at all. We want to get this thing done.

Rep. Hunsakor: What all of this in-between stuff is doesn't make any difference; it is the final product of that kid who comes out of whatever school situation as his being prepared for adult life. What is in-between is irrelevant.

Mike Liffrig: I think the process by which we produce good citizens is kind of where we are going with this. It does matter in a sense that it says who we are as a people.

Rep. Hunsakor: What I am saying is to the bill; does it make any difference whether they take the test or not if the end product is able to go out and are successful?

Mike Liffrig: I agree with you on that.

Rep. Nathe: What you are saying is success is not tied on taking a test?

Rep. Hunsakor: What I am saying is if these kids are coming out of home schools and have the success that I hear than making it mandatory for them to take the test why?

Rep. Rohr: You probably heard about page 1 line 18 relative to the parent and the philosophical, moral and religious objection. What are your thoughts on that?

Mike Liffrig: As a practical matter that hasn't been an objection my concern is to get the bill done rather invite a whole lot of changes and amendments.

Donna Henderson: I am a home schooling mom with 6 children; I would like to touch on where this bill came from. This bill was drafted last session under the directorship of Jim Bartlett who is the Director of Home Schools Association and a legislative of 6 home schooling dads who proposed it. It got amended out in the last session. (Testimony #5)

We are diverse; we teach children different within our home. We don't have any standard home schools that use the same teaching because all of the children are different. We are not asking for to remove testing all together but rather to provide a provision to opt out. One question that I would like to talk about is "which parent needs the degree" As I read the bill it says" the parent notifies the school district" on the statement it has a form it has a place where one or both parents can sign on the bottom if they are the ones that are attaching their copies of their certificates.

Brooke Sullivan: I have a biology major, teaching and coaching certifications; (personal testimony # 6) 1:13:00-1:14:32 the goal is to bring out the best in each child.

Mark Klingenberg: I am from York N.D. a naturalized from So. Africa: I came to America because of schooling and because of the standardized testing that was done in Africa. When I moved to N.D. the first thing that I looked for was the laws on home schooling. I want to support this bill in any way I can even if it is difficult for me to talk to important people.

Robin Smith: I am from Ellendale; we were notified by the public school that our son needed to be tested for learning disabilities and would have to be monitored. This was because of a standardized that score that he scored poorly on. Because of this one test score we were demeaned incapable of adequately educating our child without monitoring. The standardized test if not reflect that he is an intelligent child and is now in college and does not do well with the standardized tests. I have more testimony to pass out (Testimony 7,8,9,)

Rep. Nathe: We will close the hearing on SB 2329.

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

SB2329  
March 25, 2013  
20388

Conference Committee

*Emineth*

Relating to home education

**Minutes:**

**Ch. Nathe:** We will open SB 2329.

Rep. Mock: I visited with Gynn about the testing requirements of public, nonpublic and home schooled students and assume that you would have some information related to the statutory requirements of testing?

Dr. Glwen Marback: Assistant Director of Teacher and School effectiveness of DPI; The question I had was; is the committee considering taking out all testing in this bill?

Rep. Nathe: That is up for discussion.

Rep. Schatz: If the parents go to the public school and say they don't want their kids to take the test do they have to take it?

Dr. Gwen Marback: No they do not.

Rep. Koppelman: I move a do pass on this bill.

Rep. Nathe: We have a do pass and a second from Rep. Heilman.

Rep. Mock: We have 3 types of schools the public nonpublic and home school all defined and spelled out in the Century Code in Chapter 15.1. Public school students are required by statute to take assessments in grades 3-8 and once in high school currently at grade 11 and then take the ACT or work case exam. Non-public students are not required to take those exams but many of them do. Home school students are required by law in the 4, 6, 8 and 10<sup>th</sup> grade and there is no other requirement listed related to ACT or any other standardized tests. Is it accurate statement to say that in any public or non-public school setting if a parent objects based on philosophical, moral, or religious objections to the use of the standardized that child can opt out of that exam.

Gwen Marback: That is accurate.

Rep. Mock: Is that for all exams whether it is the N.D. assessments in grades 3-8 and once in high school as well as the ACT?

Gwen Marback: That is correct.

Rep. Mock: Does that have implications related to the student's ability to graduate?

Gwen Marback: Not that I am aware of.

Rep. Mock: Then the only students that cannot opt out under law are home school students.

Gwen Marback: At this time the way I see it yes.

Rep. Rust: Is that in the reference of the law?

Gwen Marback: I don't have the law.

Matt Stranden: Director of Teacher and School Effectiveness with DPI.

That is not in the law in the Century Code. We clarified that with Greg Gallagher with our standards and achievement unit and that has standard practice.

Rep. Rust: Is it part of the administrative rules?

Matt Stranden: It is not.

Rep. Nathe: The clerk will take the roll

Yes 13 No 0 Absent 0 Carrier: Rep. Heller

Date: 3/25

Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 2329

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 Koppelman Seconded By Heilman

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) 13 (NO) 0 (ABSENT) 0

FLOOR ASSIGNMENT Heller

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

**REPORT OF STANDING COMMITTEE**

**SB 2329, as engrossed: Education Committee (Rep. Nathe, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2329 was placed on the Fourteenth order on the calendar.

**2013 TESTIMONY**

**SB 2329**

AMENDMENT TO SB 2329

#1

Section 15.1-23-09,

Page 2, line 4, after "notification", insert-- "and necessary documentation"

#2

Testimony of Kenneth Knight, President of North Dakota Home School Association

Ladies and gentle of the committee: The North Dakota Home School Association has unanimously voted to support SB 2329. We feel that passing this bill as written will provide an opportunity for homeschool families to express their moral or philosophical objections to achievement testing for their own children. This bill will leave the achievement testing option available for anyone who feels it will benefit the education of their students. The NDHSA board of directors endorses a do-pass recommendation from this senate education committee for SB 2329 as written.

Sincerely,

  
Kenneth D. Knight,

President, Board of Directors for North Dakota Home School Association

#3

"Tests are not perfect...No single test score can be considered a definitive measure of a student's knowledge."

*High Stakes: Testing for tracking, Promotion, and Graduation* -National Research Council Report  
, courtesy the National Center for Fair and Open Testing,  
<http://fairtest.org/organizations-and-experts-opposed-high-stakes-test>)

Our family has been home schooling for nearly 15 years now. We have seen four of our children graduate here at home. One daughter has obtained a bachelor's degree in early childhood education with certification in grades K4-3<sup>rd</sup> and a master's degree in early childhood ed/special ed at Minot State. She now teaches Head Start at Minot AFB. We are currently home educating five children.

I'll be frank and say "I hate testing". I'm tired of wasting valuable school time to prepare for this. I'm tired of my children worrying about it. I'm tired of one daughter, a bright student, feel like she's a failure and crying because she hates being timed and she hates the way they test for reading comprehension and thus her scores say she doesn't do well when I very well know otherwise from my interactions with her here at home.

I'm tired of having to worry about a 30% core total score, especially with my children who don't test well. We've seen it all here in home educating nine children (4 of whom are already graduated)--some of our children do well, others don't. But why should less than 30% mean there has to be testing for a learning disability? Frankly, that's just plain silly.

"Using one test as a high-stakes hurdle is unfair and often inaccurate, violates the standards of the measurement professions, and damages educational quality."

-Dr. Monty Neill, executive director, FairTest

Either drop the testing requirement or drop the 30%. I've researched out testing requirements in the 50 states and the US Territories and North Dakota is one of only three or four states who require testing and who have no other alternative. My husband and I feel this testing requirement violates our rights as parents to educate our children as we see fit. We know we're successful because we've seen it with our three young adult children--we don't need a test to prove that. We see it each and every day we work with our children.

Sincerely,

Kim Breuer,

- B.A. history, Bob Jones University, 1979
- M.L.A. history emphasis, Southern Methodist University, 1981
- home schooling mom of nine, three of whom have graduated and one of whom is getting a master's degree in early childhood ed/special ed at Minot State University and who hopes to be teaching in the Minot Public Schools next year
- Certified Iowa Test of Basic Skills tester currently unable to administer such tests despite being certified because North Dakota law only allows a North Dakota certified teacher be able to do so--why should a newly-graduated and licensed 22-year-old college graduate be able to administer a test and I, with a master's degree, can't? If I satisfy the testing company's requirements, why then is that not good enough for the state of North Dakota?

And

Glynn Breuer

- B.S., Criminal Justice, University of Maryland, 1979
- M.S., Aviation Management, Embry-Riddle Aeronautical University, 1994
- Ph.D., Training and Performance Improvement, Capella University, 2010
- Retired U.S. Air Force officer, having flown B-52's for 24 years
- Currently working in the B-52 simulator for ProActive Technologies at Minot AFB and teaching classes for Embry-Riddle's satellite campus at MAFB

## The Limits of Standardized Tests for Diagnosing and Assisting Student Learning

Submitted by fairtest on August 17, 2007 - 1:00pm

<http://fairtest.org/The+Limits+of+Standardized+Tests>

Standardized tests have historically been used as measures of how students compare with each other (norm-referenced) or how much of a particular curriculum they have learned (criterion-referenced). Increasingly, standardized tests are being used to make major decisions about students, such as grade promotion or high school graduation, and schools. More and more often, they also are intended to shape curriculum and instruction.

Proponents of the expanded uses and consequences of tests claim that newer exams are superior to the flawed exams of the past, measure what is important, and are worth teaching to. These arguments ignore the real-world limits to what standardized tests can usefully do. Repeating such false claims perpetuates test misuse and the dangerous belief that what is worth teaching is that which can be assessed by a standardized test.

Under a new federal law, state assessments of reading and math must be administered for accountability annually in grades 3-8 and once in high schools. The assessments must be based on state content and performance standards; measure higher order thinking; provide useful diagnostic information; and be valid and reliable. While the law does not mandate the use of standardized tests, many states will be inclined administer them to meet the federal law. An examination of each requirement, however, reveals the limits of standardized tests.

### Tests are to be based on state standards

State standards are often too long and detailed to ever be taught. Many fail to distinguish what is important from what is unimportant or to separate what all students ought to learn in a subject from what only the most interested might learn. In part because of the level of detail, much of the content in state standards is not assessed by state tests.

Moreover, much of value in state standards cannot be tested with any paper-and-pencil test of a few hours duration. In a high quality education, students conduct science experiments, solve real-world math problems, write research papers, read novels and stories and analyze them, make oral presentations, evaluate and synthesize information from a variety of fields, and apply their learning to new and ill-defined situations. Standardized tests are poor tools for evaluating these important kinds of learning. If instruction focuses on the test, students will not learn these skills, which are needed for success in college and often in life.

### Measure higher-order thinking

Standardized exams offer few opportunities to display the attributes of higher-order thinking, such as analysis, synthesis, evaluation, and creativity. Higher order thinking is encouraged and revealed by in-depth and extended work, not by one-shot tests.

### Provide useful diagnostic information

Assessments of educational strengths and weaknesses can be useful at the individual, classroom, school or district levels. However, information needs to be sufficiently timely, accurate, meaningful, detailed and comprehensive for the kind of diagnosis being made. The lengthy turn-around time for scoring most standardized tests makes them nearly useless for helping a particular individual, though the information might be of some value to teachers and schools for longer-range planning.

In addition, standardized tests usually include only a few questions on any particular topic. This is too little information to produce accurate, comprehensive or detailed results. Many topics in state standards are not addressed at all in state exams, so the tests provide no diagnostic information about them.

Diagnosis suggests the use of "formative" assessment – assessments that can help a teacher and student know what to do next. Standardized tests administered at the end of the year – "summative assessment" – cannot possible meet this need. Sound diagnostic practices also include understanding why a student is having difficulty or success and determining appropriate action. As snapshots with limited information, standardized tests provide neither an answer to "why" nor little guidance for successful instruction.

### Valid and reliable

Test validity, experts explain, resides in the inferences drawn from assessment results and the consequences of their uses. Relying solely on scores from one test to determine success or progress in broad areas such as reading or math is likely to lead to incorrect

inferences and then to actions that are ineffective or even harmful. For these and other reasons, the standards of the testing profession call for using multiple measures for informing major decisions – as does the ESEA legislation.

Reliability, or consistency of information, is sometimes treated as the most important aspect of testing. However, consistent information about too narrow a range of topics, skills or knowledge cannot provide adequate information for credible decisions: a doctor needs more than just reliable blood pressure results to treat a patient. Well-designed classroom-based assessments can provide richer, consistent information that enhances validity, diagnostic capacity, and the ability to assess progress toward meaningful standards.

### **Conclusion**

When standardized tests are the primary factor in accountability, the temptation is to use the tests to define curriculum and focus instruction. What is not tested is not taught, and what is taught does not include higher-order learning. How the subject is tested becomes a model for how to teach the subject. At the extreme, school becomes a test prep program – and this extreme already exists.

It is of course possible to use a standardized test and not let its limits control curriculum and instruction. However, this can result in a school putting itself at risk for producing lower test scores. It also means parents and the community are not informed systematically about the non-tested areas, unless the school or district makes a great effort.

To improve learning and provide meaningful accountability, schools and districts cannot rely solely on standardized tests. The inherent limits of the instruments allow them only to generate information that is inadequate in both breadth and depth. Thus, states, districts and schools must find ways to strengthen classroom assessments and to use the information that comes from these richer measures to inform the public.

**1-Testing not required**

Alabama  
Arizona  
California  
Connecticut  
Delaware  
District of Columbia

Idaho  
Illinois  
Indiana  
Kansas  
Kentucky

Maryland  
Michigan  
Mississippi  
Missouri  
Montana  
Nebraska  
Nevada  
New Jersey  
New Mexico  
Oklahoma  
Rhode Island

Texas  
Utah

Wisconsin  
Wyoming  
American Samoa  
Guam  
Northern Mariana Islands  
Puerto Rico  
U.S. Virgin Islands

**(30)**

**2-scores not turned in and/or no core total**

Arkansas

Georgia

Minnesota

North Carolina

Pennsylvania

South Dakota  
(6)

**3-available as one option of other choices**

Alaska  
Colorado (core total 13%)

Florida

Hawaii

Iowa

Louisiana  
Maine  
Massachusetts

New Hampshire

Ohio

South Carolina  
Tennessee

Vermont  
Virginia  
Washington State  
West Virginia  
(16)

**4-Religious Freedom**  
Colorado (see col 3)

Delaware (see col 1)  
New Mexico (see c.1)  
New Jersey (see col 1)

Pennsylvania(see col 2)

Rhode Island (see col 1)  
Virginia (see col 3)  
(7)

**Standardized testing requirements with no other options and/or punitive requirements:**

- North Dakota: testing in grades 4, 6, 8 & 10; 30% core total required or must be tested for a learning disability
- New York: standardized test required in grades 4, 6, 8, 10, 11 and 12 with 33% core total-not made clear what happens if that core total is not met
- Oregon: required in grades 3, 5, 8 & 10; *scores not reported to the school district*; score 15% core total; if below 15% must be given another test within one year of the first; if still below 15% then another test is given with remedial actions if still below 15%

As you can see, North Dakota's has by far the most stringent testing requirement. Thirty of the US States and Territories don't even require testing. Twenty-two states either require testing as an option of 1, 2, 3 or even 4 choices OR they don't require the scores to be turned in OR they don't have a mandatory core total.

Alabama: testing “not required by statute

Alaska: testing required only under option 4 of 5 available

Arizona:

“The standardized test and optional evaluation requirement was repealed in 1995 by Arizona Senate Bill 1348.”

Arkansas: “

“Each student enrolled in a home school program who is considered to be at a grade level, or no more than two (2) years beyond the normal age for the appropriate grade for which the State mandates norm-referenced tests for public school students shall be tested using a nationally recognized norm-referenced achievement test selected by the State Board of Education.” Ark. Stat. Ann. § 6-15-504(a). “

**NOTE: no minimum test score is required in Arkansas**

California: “Not required by statute.”

Colorado:

- Nationally standardized achievement test with a minimum core total of 13%

OR

- Must be evaluated by a “qualified person” who is “selected by the parent” and is a Colorado certified teacher *or* a teacher employed by a private school *or* a licensed psychologist *or* a person with a graduate degree in education. The evaluation must “show that the child is making sufficient academic progress according to the child’s ability. . . . If the evaluation results show that the child is not making sufficient academic progress, the school district shall require the child’s parents to place the child in a public or independent or parochial school until the next testing period.” Colo. Rev. Stat. § 22-33-104.5(5)(a)(II).

Connecticut: “Not required by statute or regulation. However, “an annual portfolio review will be held with the parents and school officials to determine if instruction in the required courses has been given.” (“Revised Procedures,” p. 3).

**Religious Freedom Act:** Conn. Gen. Stat. § 52-571b “

Delaware: no testing requirement

District of Columbia: “DCMR 5206 allows the OSSE to request at most twice per year to review a portfolio of homeschooling material. The request must be made in writing and the review is to be held at a time and place mutually agreeable to the OSSE and parent or guardian. Homeschooled students are eligible to participate in public school-sponsored testing in their resident district without charge. “

Florida: **Standardized Tests:** required under option 1 of 3

Georgia: “Children must take a national standardized achievement test every three years beginning at the end of the third grade. Since science and social studies are required subjects and the testing is required to evaluate the student’s “educational progress,” Test scores are not required to be submitted to public school authorities. Ga. Code Ann. § 20-2-690(c)(7).”

Hawaii: “**Standardized Tests:** one of 4 options

Idaho: testing is “not required by statute”

Illinois: testing is “not required by statute”

Indiana: testing is “not required by statute”

Iowa: **Standardized Tests:** required under option 2 of 2 available

Iansas: testing is “not required by statute”

Kentucky: testing is “Not required by statute for private or religious schools (homeschools). “

Louisiana: Parents have three options which only apply if the homeschool is operating under the home study law (Option 1 above). La. Rev. Stat. Ann. § 17:236.1(D).

renewal application "shall be approved" if (in lieu of submitting the materials mentioned above):

1. child receives passing score on the Louisiana Educational Assessment Program (LEAP) test;
2. or the child scored at or above his grade level on a California Achievement Test or other standardized test approved by the board or has "progressed at a rate equal to one grade level for each year in [the] home study option
3. or a teacher certified to teach at the child's grade level writes a statement that the child "is being taught in accordance with a sustained curriculum of quality at least equal to public schools" or "at least equal to that offered by public schools to a child of similar disabilities."

Maine: only under option 2 of 2--must supply "progress reports" 4x a year then

Maryland: Testing is not mandatory. COMAR 13A§ 10.01.02.

Massachusetts: *When the superintendent or school committee requests assessments*, parents have two choices [see 1(d) above]: 1) standardized test results; or, 2) an alternative form of assessment. This may consist of progress reports, dated work samples, a portfolio review, an assessment by a certified teacher of the parent's choice, or another method agreed upon between the parents and the superintendent or school committee.

Michigan: standardized testing is not required

Minnesota: Children not enrolled in an accredited program or public school "must be assessed using a nationally norm-referenced standardized achievement examination." The test, administration, and location of the test must be agreed to by the district superintendent. Minn. Stat. Ann. § 120A.22 Subd.11.

1. Minnesota law does not require homeschools that are accredited by a recognized Minnesota accrediting association to administer standardized tests. Minn. Stat. Ann. § 120A.22 Subd. 11(d). Accrediting associations such as TEACH (Teaching Effective Academics and Character at Home) or HBEAA (Home Based Educators' Accrediting Association) are free to set their requirements for standardized testing.

Parents who do not meet teacher requirements 2(a), (b), or (c) above must assess their children in required subject areas not covered by the test. Minn. Stat. Ann. § 120A.22 Subd.11(b).

3. Children who score below the thirtieth percentile, or one full grade below children of the same age, must be evaluated for learning problems. Minn. Stat. Ann. § 120A.22 Subd.11(c).

**4. The test results do not have to be submitted to the school district.**

Mississippi: testing not required

Missouri: not required

Montana: not required

North Carolina: Parent must administer an annual standardized test (§ 115C-564) any time during the school year which must be made available on request "for inspection" by the state. "For one year after the testing, all records shall be made available ... at the principal office of such school, at all reasonable times, for annual inspection by a duly authorized representative of the State of North Carolina." (§ 115C-549 or § 115C-557).

North Dakota: Under the home school statute, either a standardized achievement test used by the school district in which the child resides, or a nationally normed standardized achievement test must be given to each home schooled student in grades 4, 6, 8, and 10. A certified teacher must administer the test, and it must be given in the child's learning environment or the public school at the option of the parent. The parent must provide the results to the local public school superintendent or county superintendent of schools. N.D. Cent. Code §§ 15.1-23-09 and 15.1-23-11.

If the child's basic composite score falls below the 30th percentile, the child must be professionally evaluated for a potential learning problem by a multidisciplinary assessment team. If the multidisciplinary team determines that the child is not learning disabled and does not need special education services, the parent may continue to provide instruction if the parent files with the local superintendent or county superintendent (if there is no local superintendent) a plan of remediation to address the academic deficiencies of the child. This plan must be developed by the parent in consultation with and with the approval of a state-certified teacher. The plan of remediation must remain in effect until the child achieves a test score at or above the 30th percentile or a score indicating one year of academic progress. If a child has a disability which requires special education services, the parent must file

an individualized education program with the superintendent of the school district. N.D. Cent. Code §§ 15.1-23-11, 15.1-23-12, and 15.1-23-13.

Nebraska: testing not required

Nevada: testing not required

New Hampshire: four choices available

New Jersey: testing not required

New Mexico: None. On March 15, 2001, New Mexico enacted S.B. 374 which specifically repealed testing requirements for homeschoolers.

**Religious Freedom Act**: N.M. Stat. Ann. § 28-22-1 through -5.

New York: The parent can choose one of the following: the Iowa Test of Basic Skills, the California Achievement Test, the Stanford Achievement Test, the Comprehensive Test of Basic Skills, the Metropolitan Achievement Test, a State Education Department test, or another test approved by the State Education Department (such as the PASS test) and have it administered at a place of the parents' choosing.

The test score is deemed to be adequate if the child's composite score is above the 33rd percentile, or the child's score reflects one academic year of growth compared to a test administered the prior school year.

A standardized test is required every other year between 4th through 8th grades and every year in high school. (New York's PEP test is not required for home school children).

Ohio: only required under option 1 of 3 options available

Oklahoma: not "required under statute"

Oregon: 1. Parents must choose one of the comprehensive examinations approved by the State Board of Education which must be administered in grades 3, 5, 8, and 10 by "a qualified neutral person," as defined by the State Board of Education. ORS § 339.035(3). Testing shall occur no later than August 15. OAR 581-021-0026 (5).

2. If the child was withdrawn from public school, the first examination must be administered at least 18 months after the date the child was withdrawn from public school. If the child never attended public or private school, the first examination must be administered to the child prior to the end of grade 3. ORS § 339.035(3); OAR 581-021-0026 (5).

3. The person administering the examination shall score it and report the results to the parent or legal guardian. Test results are reported to the ESD only if the superintendent of the ESD requests them. ORS § 339.035(3)(c) and (d); OAR 581-021-0026 (5)(b) and (c).

4. If the composite **score on the examination is below the 15th percentile**, the child must be given an additional examination within one year. If the score on the second examination is a lower percentile than the previous examination, the child must be given an additional examination within one year of when the second examination was given, and the superintendent of the ESD may place the education of the child under a certified teacher selected by and at the expense of the parent or guardian. ORS § 339.035(4); OAR 581-021-0026 (7)(a) and (b).

5. If the composite score on the third examination continues to decline, the superintendent of the ESD may: (1) allow the home schooling to continue under the supervision of a certified teacher selected by the parent or guardian and require an additional examination within one year; (2) allow the child to be taught by the parent, guardian, or private teacher and require an additional examination within one year; or (3) order the parent or guardian to send the child to school for a period not to exceed 12 consecutive months. ORS § 339.035 (4); OAR 581-021-0026 (7)(c).

6. If the composite score on an examination is equal to or greater than the percentile score on the prior test, the child may be taught by a parent, guardian, or private teacher without any previous restrictions imposed because of a declining score. ORS § 339.035 (4)(d); OAR 581-021-0026 (7)(e).

Pennsylvania: Students enrolled in a home education program (Option I) must be tested with a nationally normed standardized test approved by the PA Department of Education or the Statewide tests administered to public school students in grades 3, 5, and 8. The results in mathematics and reading/language arts or the results of the Statewide tests must be submitted with the annual portfolio. Tests shall not be administered by the child's parent or guardian. § 13-1327.1(e)(1). MAP testing is not required (see *Stobaugh*, p. 656).

*Approved tests are:*

California Achievement Test

♦ Comprehensive Testing Program (CTPIV)

- ◆ Iowa Test of Basic Skills
- ◆ Metropolitan Achievement Test
- ◆ Peabody Achievement Individual Test – Revised Version
- ◆ Stanford Achievement Test
- ◆ Terra Nova
- ◆ Woodcock Johnson Revised Tests of Achievement III

**Religious Freedom Protection Act:** 71 P.S. 2401, *et seq.*

Rhode Island: Not required by statute. However, the Commissioner of Education has ruled that local school districts have the authority to require some type of evaluation under their “approval” authority as long as they “accommodate the preferences of parents for certain mechanisms for measurement.” *Thifault v. North Smithfield School Committee*, (R.I. Comm’r. Educ. July 2, 1990 at 7-8).

If the parents choose standardized testing, the Commissioner ruled that religious home schoolers, under the first Amendment, have the right to choose their standardized test *and* the testing site. *Thifault*, slip op. at 13-14. The Commissioner held: “we cannot discern the presence of any administrative burdens placed on the School Committee by accommodation of the parents’ choice of standardized test. Thus, we do not find the School Committee’s test choice (or its requirement that children be tested in the public school) to be the “least restrictive alternative.” *Thifault*, at 13-14.

**Religious Freedom Act:** R.I. Gen. Laws § 42-80.1-1 *et seq.*

South Carolina: required under option 1 of 2 available

South Dakota: Children who are in grade levels 2, 4, 8, and 11 must take either the standardized test used in the local public school district or, at their option, any other nationally standardized test. South Dakota Codified Laws § 13-27-3. Parents must file with the local school. South Dakota Codified Laws § 13-27-7. Although a school district has authority to monitor the test, this is done so rarely (essentially never) that any demand to monitor should be carefully examined for discrimination. The school district has no authority to enter a home to monitor a test.

If a subsequent test shows “less than satisfactory” academic progress, the school board may refuse to renew the child’s certificate of excuse. South Dakota Codified Laws § 13-27-7.

Tennessee: required under options 1 & 2 of 3 available, not required under option 3

Texas: not required

Utah: not required by statute

Vermont: an option of 3 available to show progress, no minimum score

Virginia: only under option 1 of 4 options available

**Religious Freedom Act:** Virginia Code § 57-2.02

Washington State: only under option #1 of 2 available

West Virginia: only under option 2 of 2 available

Wisconsin: testing not required

Wyoming: testing not required

American Samoa: testing not required

Guam: testing not required

Northern Mariana Islands: testing not required

Puerto Rico: testing not required

U.S. Virgin Islands: testing not required

## In support of SB 2329

#4

Chairman Flakoll and members of the Senate Education Committee,

My name is Breanne Larson. I have a degree in Elementary Education with a Coaching minor. I taught Second Grade for six years and was a coach for thirteen. My husband is Gannon Larson. We homeschool two children.

This bill is a very safe one. Parents who have invested time and money into obtaining a college degree recognize the value of learning and are more than capable to provide for and direct the education of their own children.

This bill doesn't change anything for those homeschool parents who would like to use the standardized tests as an assessment tool. This bill allows those parent-teachers, like myself, the freedom to choose the best way to assess their children's progress.

While in the public school classroom, neither myself nor my colleagues would have attempted to assess the progress made in our classrooms by giving our students an achievement test from an institution with differing content and differing benchmarks. My homeschool tests are not likely suited for students of corresponding ages at the public school. Their teachers wouldn't appreciate having to administer my tests to their class and have their students' progress judged by the results. I shouldn't have to give their tests to my students. I don't teach exactly the same material at exactly the same time. For instance, my children began learning Latin when they were five years old. I think the best time to learn a language is early rather than later on. A public school may not offer Latin until senior high. That is just one example.

The bottom line is this bill is a great one! It's an easy Do-Pass for the committee. Senate Bill 2329 frees competent and caring parent-teachers to make decisions for the educational success of their students.

Thank you for your time,

Breanne Larson

#5

Good morning Chairman Flakoll, members of the Senate Education committee and fellow citizens. I consider it a privilege to rise today to speak in favor of SB 2329. One of the hallmarks of our great country is a recognition of the value of diversity. America has always been a melting pot of ideas and ideals. People from all around the globe came here to be free. In this great melting pot the best ideas and ideals were not only allowed, but encouraged and they became a part of the mosaic that is America. That was and still is a great idea.

Education is no different. When I visited with Kirsten Baesler at the state convention I was encouraged that she shared my convictions on the benefits of diversity of educational methods. These methods include but are not limited to public education, private school and home school. You may have a special place in your heart for whichever one of these you used but that in no way means that the others are not as successful.

I would like to offer four points as you consider SB 2329.

1. Homeschooling has proven itself. For three decades homeschooling has been growing and producing leaders across the board which are making the fabric of our nation stronger and more beautiful. As you can see by the information which I have provided to each one of you the comparison between public school students and homeschooled students academic achievements would speak to the fact that we must be doing something right. On the achievement test subject areas homeschoolers outperform public schoolers by somewhere between thirty and forty percentage points. I say this not to indict public schools but to ask that with this understanding we allow homeschoolers to continue to build upon this success by trusting in them to do what is in their individual child's best interest.

2. The education level of the parents is not an indicator of the level to which their children may rise. I remember one time my dad introducing me to a gentleman in Miles City. He jokingly told the man, "This is Sid, my youngest son and also my dumbest." The man replied, "Well Scott, it's hard to raise the water above the fountainhead. So does the parents educational achievement factor in to the child's success? Statistics would show that the degree of variance in educational achievement resulting from the parents education is inconsequential. I don't know how many of you are familiar with Dr. Ben Carson. His mom was one of 24 children. Her life was very hard. She married young and had two children before her husband deserted her. Ben was considered stupid by all of his peers. He was destined to be a loser. His mother decided that she wanted better than that for her children. She kept them in after school and required them to read several books per week and deliver to her two book reports per week. She would look these book reports over and make correction marks on them. And as he read he developed a deep interest in and lifelong love of learning. He currently serves as Director of Pediatric Neurosurgery at Johns Hopkins Hospital. He said that he and his brother didn't learn until much later that their mother could not even read their book reports.

3. What about the child who may fall through the cracks? This bill in no way changes the statutory requirements of the law for those individuals who are subject to or just make a choice to avail themselves to this testing. What it does do is to recognize that by one of several criteria, as prescribed in this bill, that a person who fulfills one of these criteria has demonstrated a level of belief in the value of education which I think we must agree would impact the way in which they view their children's education. And to this we must add the value of the normal nurturing relationship which occurs between a parent and a child. Although we have many very good teachers in North Dakota, we can exhaust all of the surplus in our treasury and yet not pay them enough to care as much about the outcome of my children as I do.

In homeschooling we have a student-teacher ratio of one to one. We can help our children by encouraging the different interests which they have, tailoring their education to their individual needs. This is sometimes referred to as delight directed learning. How many of you understand that when you are doing something which interests you that you learn much more and have a much higher retention rate of the material covered?

Is every one going to succeed? Probably not. Statistically around 89% of high school students graduate in North Dakota. Is this an 11% failure rate? Could we regulate these parents in such a way as to ensure that this can not happen? I think that we all know the answer to that question. But I believe that homeschooling has created a sufficient record of success that we can trust these parents to do what is in the best interest of their children. No level of government regulation will ensure that every parent is a good parent. But this bill leaves in place the necessary safeguards to address this. Just because a person goes to a local bar, gets drunk, gets behind the wheel of his car and wrecks killing himself or someone else we do not rush to reinstitute prohibition, or make it illegal to own an automobile? No one would even think of that. Neither should the opportunity for the majority to succeed be in some way restricted because of the perception that one child might fall through the cracks. Success is never guaranteed in any case, but freedom will produce much greater success.

Some individuals come to mind who, had we looked at them at the right point we would have declared them losers or dropouts. How about Bill Gates or Steve Jobs, both of who dropped out of college to pursue their interests? or Thomas Edison who at six years old was put out of school as addled and not able to be taught? He tried and failed over 2000 times before he invented a successful lightbulb. He holds more patents than anyone. Or Walt Disney who tried, failed and declared bankruptcy several times before he eventually succeeded. I can only imagine the thoughts of the banker to whom he applied for a loan to build Disneyland. Do you think he thought, "I wonder what kind of Mickey Mouse idea he's got this time?" And if time would allow I could recite many more examples of failure that led to eventual success.

4. And last, but certainly not the least, ladies and gentlemen, it's a question of freedom. And that freedom extends even to the freedom to fail. America was a great experiment in self-government,

the likes of which had never been tried. A small, ragtag bunch of what in Great Britain were regarded as misfits, embarked upon what was thought surely to be a lost cause. They had faith in Almighty God and a belief that all men were created equal and were "endowed by their Creator with certain unalienable rights, among which one of these was Liberty. They set up a system of limited government to protect this freedom. Individual achievement blossoms when fertilized with liberty.

So allow me to reiterate these four points.

Homeschooling has been proven to be successful by all academic measurements.

Second, not the parents academic achievement but their desire to see their child succeed is the greater determiner of how far that child can rise.

Third, concerning the child who may fall through the cracks, the safeguards are in place to protect against that. Nothing else in this law is changed except that it allows for parents who provide the proper credentials to be exempted from mandatory testing requirements.

And last but most important, it is liberty that has made America great. I urge you to recognize this and support SB 2329. Thank you for your time and attention.

# RESEARCH FACTS ON HOMESCHOOLING

#6

Brian D. Ray, Ph.D.

June 8, 2011

## General Facts and Trends

- Homeschooling – that is, parent-led home-based education – is an age-old traditional educational practice that a decade ago appeared to be cutting-edge and “alternative” but is now bordering on “mainstream” in the United States. It may be the fastest-growing form of education in the United States. Home-based education has also growing around the world in many other nations (e.g., Australia, Canada, France, Hungary, Japan, Kenya, Mexico, South Korea, Thailand, and the United Kingdom).
- There were an estimated 2.04 million home-educated students (1.73 to 2.35 million) in grades K to 12 during the spring of 2010 in the United States. It appears the homeschool population is continuing to grow (at an estimated 2% to 8% per annum over the past few years).
- Families engaged in home-based education are not dependent on public, tax-funded resources for their children’s education. The finances associated with their homeschooling likely represent over \$16 billion that American taxpayers do not have to spend since these children are not in public schools
- Homeschooling is quickly growing in popularity among minorities. About 15% of homeschool families are non-White (i.e., American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, or two or more of these racial categories; White means a person having origins in any of the original peoples of Europe, North Africa, or the Middle East).
- A demographically wide variety of people homeschool – these are atheists, Christians, and Mormons; conservatives, libertarians, and liberals; low-, middle-, and high-income families; black, Hispanic, and white; parents with Ph.D.s, GEDs, and no high-school diplomas.

## Reasons for Home Educating

- Most parents and youth decide to homeschool for more than one reason.
- The most common reasons given for homeschooling are the following:
  - customize or individualize the curriculum and learning environment for each child,
  - accomplish more academically than in schools,
  - use pedagogical approaches other than those typical in institutional schools,
  - enhance family relationships between children and parents and among siblings,
  - provide guided and reasoned social interactions with youthful peers and adults,
  - provide a safer environment for children and youth, because of physical violence, drugs and alcohol, psychological abuse, and improper and unhealthy sexuality associated with institutional schools, and
  - teach and impart a particular set of values, beliefs, and worldview to children and youth.

## Academic Performance

- The home-educated typically score 15 to 30 percentile points above public-school students on standardized academic achievement tests. (The public school average is the 50<sup>th</sup> percentile; scores range from 1 to 99.)
- Homeschool students score above average on achievement tests regardless of their parents’ level of formal education or their family’s household income.
- Whether homeschool parents were ever certified teachers is not related to their children’s academic achievement.
- Degree of state control and regulation of homeschooling is not related to academic achievement.
- Home-educated students typically score above average on the SAT and ACT tests that colleges consider for admissions.
- Homeschool students are increasingly being actively recruited by colleges.

## Social, Emotional, and Psychological Development

- The home-educated are doing well, typically above average, on measures of social, emotional, and psychological development. Research measures include peer interaction, self-concept, leadership skills, family cohesion, participation in community service, and self-esteem.
- Homeschool students are regularly engaged in social and educational activities outside their homes and with people other than their nuclear-family members. They are commonly involved in activities such as field trips, scouting, 4-H, political drives, church ministry, sports teams, and community volunteer work

## Gender Differences in Children and Youth Respected?

- One researcher finds that homeschooling gives young people an unusual chance to ask questions such as, "Who am I?" and "What do I really want?," and through the process of such asking and gradually answering the questions home-educated girls develop the strengths and the resistance abilities that give them an unusually strong sense of self.
- Some think that boys' energetic natures and tendency to physical expression can more easily be accommodated in home-based education. Many are concerned that a highly disproportionate number of public school special-education students are boys and that boys are 2.5 times as likely as girls in public schools to be diagnosed with attention deficit hyperactivity disorder (ADHD).

## Success in the "Real World" of Adulthood

The research base on adults who were home educated is growing; thus far it indicates that they:

- participate in local community service more frequently than does the general population,
- vote and attend public meetings more frequently than the general population, and
- go to and succeed at college at an equal or higher rate than the general population.
- Internalize the values and beliefs of their parents at a very high rate.

## General Interpretation of Research on Homeschool Success or Failure

It is possible that homeschooling causes the positive traits reported above. However, the research designs to date do not conclusively "prove" that homeschooling causes these things. At the same time, there is no empirical evidence that homeschooling causes negative things compared to institutional schooling. Future research may better answer the question of causation.

### Sources

The above findings are extensively documented in one or more of the following sources, all (except one) of which are available from [www.nheri.org](http://www.nheri.org):

- A Homeschool Research Story, Brian D. Ray, 2005, in *Homeschooling in Full View: A Reader*.
- Academic achievement and demographic traits of homeschool students: A nationwide study, Brian D. Ray, 2010, *Academic Leadership Journal*, [www.academicleadership.org](http://www.academicleadership.org).
- *A Sense of Self: Listening to Homeschooled Adolescent Girls*. Susannah Sheffer, 1995.
- *Home Educated and Now Adults: Their Community and Civic Involvement, Views About Homeschooling, and Other Traits*, Brian D. Ray, 2004.
- Home schooling: The Ameliorator of Negative Influences on Learning, Brian D. Ray, *Peabody Journal of Education*, 2000, v. 75 no. 1 & 2, pp. 71-106.
- Homeschoolers on to College: What Research Shows Us, by Brian D. Ray, *Journal of College Admission*, 2004, No. 185, 5-11.
- National Education Association. (2005). *Rankings and estimates: A Report of School Statistics Update*. Retrieved 7/10/06 online <http://www.nea.org/edstats/images/05rankings-update.pdf>.
- *The Truth About Boys and Girls*. Sara Mead, 2006.
- *Worldwide Guide to Homeschooling*, Brian D. Ray, 2005.

### About the Author

Brian D. Ray, Ph.D. is an internationally known researcher, educator, speaker, and expert witness, and serves as president of the nonprofit National Home Education Research Institute. He has taught as a certified teacher in public and private schools and served as a professor in the fields of science, research methods, and education at the graduate and undergraduate levels. His Ph.D. is in science education from Oregon State University and his M.S. is in zoology from Ohio University. Dr. Ray has been studying the homeschool movement for about 24 years.

For more homeschool research and more in-depth interpretation of research, please contact:  
**National Home Education Research Institute (NHERI)**

PO Box 13939 Salem OR 97309 USA  
tel. (503) 364-1490 mail@nheri.org www.nheri.org

Copyright © 2011 by Brian D. Ray

#7

Support of SB 2329

My name is Brooke Sullivan. I have a Biology major and teaching and coaching certifications. I'm a former 7-12th grade science teacher and coach and I now home school my children.

I think we all want even better for our children than what we've had throughout our lives. As someone who's earned a college degree and been qualified to teach whole classrooms of children who aren't mine, certainly I'm qualified to teach and ensure the education of my own children whom I want the utmost success and happiness for.

The standardized tests that home educators have been required to have their children take in the past, do not serve as a useful or productive assessment tool for me in evaluating the educational success of my children. Rather, it's a distraction and detrimental to the flow of teaching for both myself and my children.

I teach my children for mastery of the subject, and we do not move on until mastery has been shown. Therefore, I know exactly what my children do and do not know throughout the year. I'm able to customize the curriculum for each of my children's individual learning styles, and speed. This is an important contrast as it's a very different situation than what a classroom teacher in a public school faces where they may have 30 students of various abilities, interests, and skill sets that they are attempting to teach together in unison as a class. In that type of situation a standardized test may be of some benefit in assessing who is and who isn't learning what's being taught.

I think we all agree here that the goal is to help bring out the absolute best for each child. With that in mind, I ask each of you to support this bill being passed, as the standardized tests are of no value or relevance to me in teaching my children.

Thank you for your time and service.

Sincerely,

Brooke Sullivan

My name is Robin Smith, I am from Ellendale. I am in favor of passing SB 2329, allowing some parents to choose whether or not to utilize nationally standardized tests. Standardized tests do not always reflect the student's abilities. Some of our children do very well on standardized tests, but others, who are no less intelligent score much lower.

In August of 2011 the public school informed us that based on the test scores from one test we were to have our son tested for learning disabilities and we were to be monitored. We did not submit to these directives because we knew the law was being misinterpreted and did not apply to us.

My husband earned his masters and doctoral degrees from UND, and is a college professor. I have a BA in elementary ed. Between the two of us we have nearly 30 years of teaching experience. Yet based on one test score we were supposed to be monitored.

We have homeschooled four older children. Two of them graduated from college with high honors, one was the salutatorian of her class. The other two are currently in college maintaining high GPAs. But because of one test score we were to be monitored.

Our son currently in college did not score high on standardized tests. His scores ranged mostly from the upper 30s to lower 60s. Yet he has completed 56 credits and has a GPA of 3.76. Has it in any way helped him to see test scores in the 30s? Another example of the degree to which test scores can be misleading is that one year his reading score was 33%, and two years later his reading score was 97%. His math scores for the same period remained in the 60s. This would indicate that test scores are not a reliable means of evaluation for all children.

We refused to submit to testing for learning disabilities or monitoring because we knew the law did not require it for us. After a lawyer for the Home School Legal Defense Association clarified the law and its proper interpretation, we were still threatened to be charged with child educational neglect if we did not submit to monitoring. Finally someone stepped in for us and went to the head of the Department of Public Instruction, and the directive for monitoring was then rescinded.

This bill would not entirely do away with testing, but would allow parents who meet certain requirements the option of choosing whether or not to test. These well educated parents will be able to make a decision based on their needs and knowledge of their children.

Our son is very intelligent, and has a real talent for writing. Sometimes he asks me, "Mom, am I stupid?" I reply, "No, of course not." And I wish he had never taken a test indicating a lesser intelligence.

#9

Mr Chairman, and members of the Senate Education Committee,

My name is Donna Henderson; I am a homeschooling mom of 6 children. I also ask for your support of SB2329. I believe this bill offers choice into the testing laws for home educated students in ND. It's not that we don't test our children, but we confirm what they are learning using a different system. We use performance-based assessment of our children. We know their progress by evaluating their daily work, essays, projects, and by asking them questions regarding their work. Standardized tests are meant for a standardized curriculum and standardized teaching methods. We are not asking to remove testing altogether but rather to provide a provision to opt out of standardized tests if the parent has an objection and certain qualifications.

When we were first considering the possibility of homeschooling our children, we looked at North Dakota's homeschooling laws. Back then, the parents had to be monitored unless they had a four year degree, a teacher's certificate, or had met or exceeded the cut off score of a national teacher examination.

I only had a 2 year degree, so was unable to opt out under the first 2 qualifications, so I researched what the 3<sup>rd</sup> option would entail. After much consideration, we decided it would be an advantage to us and to our children to go ahead and invest the time and effort into furthering my education and take the test. I studied for it, made the appointment, paid the appropriate fee to take the test, made plans for my family to be cared for on the test date, made the 2 hour trip to the University and took the three part PPST test including reading, writing, and mathematics. 6 weeks later I received my score and found I was successful in exceeding the cut off score.

This is a great option for those of us that did not get a teacher's certificate or a 4 year degree. It is a process open to all dedicated home educating parents who are committed to their child's education. I for one would rather go and do what it takes to pass this one test, than to subject my children to several standardized tests that I think are less than beneficial.

Page 1

Educational requirements are not needed for this test. Anyone can take it. I found out about it thru the NDHSA at our annual convention. And across the state there are 29 home school support groups. They are in place to help fellow home educators find resources and we unofficially act as mentors. The network is there to help any homeschooling parent so desiring to take this test.

Homeschooling has been proven to be an effective method of educating children here in North Dakota. ~~The~~ The first homeschooling laws were written 24 years ago. I believe the probation period should be over, and I ask this committee for a Do Pass on SB 2329.

Thank you -

Donna Henderson  
Calum, ND.

*Donna Henderson*

# 10

Senate Bill 2329

North Dakota School Boards Association's (NDSBA) Testimony

Alyssa Martin, NDSBA Director of Policy Services

[alyssa.martin@ndsba.org](mailto:alyssa.martin@ndsba.org)

Chairman Flakoll and members of the Senate Education Committee, the North Dakota School Boards Association opposes Senate Bill 2329. We understand that for some North Dakota students, home schooling plays an important role in responding to their unique needs whether those needs stem from a desire to take accelerated coursework, a learning disability, or religious reasons. We also believe that all students in North Dakota, regardless of where they are educated, have a right to learn basic and essential knowledge and skills needed to be productive citizens of this state. By making the standardized achievement test optional to many home schooled students, which is what this bill would do, the legislature will be substantially weakening the one mechanism that still exists to assess that our home schooled students have obtained necessary skills. The benchmarks established by standardized achievement tests help hold educators, whether providing instruction in a public, private, or home-based setting, accountable for preparing students for success by measuring students' knowledge and skills at critical stages of their development, namely in grades four, six, eight, and ten.

This bill also concerns NDSBA for the following reason. "Each public school must be free, open, and accessible at all times to any child" (NDCC 15.1-06-01). This means that public schools must admit homeschooled students upon their request. Many such students arrive at our schools with vague or incomplete transcripts. By law requiring home schooled students to take standardized achievement tests, school districts currently have at least one method of determining grade placement when such students request public school admission. This allows these students to be assigned to a classroom and begin learning almost immediately without the need for extensive placement testing. By making standardized testing optional for many home schooled students, public school districts will likely be forced to require extensive placement testing for home schoolers who have not undergone standardized testing. We are concerned that such entrance testing will discourage homeschoolers from even considering participation in public school curricular offerings. For these reasons, we recommend a do not pass on this bill.

2329

# 1

**Flakoll, Tim**

---

**m:** Thomas, Anita  
**sent:** Tuesday, February 12, 2013 1:09 PM  
**To:** Flakoll, Tim  
**Subject:** RE: Quick question

This is in the we hope it doesn't happen category. Under normal circumstances, if custody has been established, the custodial parent would have the right to "file the notification." However, home education is defined as a program of education "supervised by a child's parent . . . ." There is no requirement that this be a custodial parent. As with many things, parents could disagree and hopefully they are smart enough or kind enough to sort out their differences without putting the child and a school district in the middle of their issue(s).

---

**From:** Flakoll, Tim  
**Sent:** Tuesday, February 12, 2013 12:55 PM  
**To:** Thomas, Anita  
**Subject:** Quick question

In SB 2329 I asked the question regarding if parents differ on if a child should be tested who has or what is the controlling authority?  
Could be a difference of opinion of a married couple or those of a divorced couple with shared custody.

I would guess that it would go to the parent with custody if the courts establish custody with one parent.

1-Testing not required

2-scores not turned in and/or no core total

3-available as one option of other choices

4-Religious Freedom

Colorado (see col 3)

Alabama  
Arizona  
California  
Connecticut  
Delaware  
District of Columbia

Arkansas

Alaska  
Colorado (core total 13%)

Delaware (see col 1)  
New Mexico (see c.1)  
New Jersey (see col 1)

Idaho  
Illinois  
Indiana  
Kansas  
Kentucky

Georgia

Florida

Hawaii

Pennsylvania(see col 2

Rhode Island (see col 1)  
Virginia (see col 3)  
(7)

Maryland  
Michigan  
Mississippi  
Missouri  
Montana  
Nebraska  
Nevada  
New Jersey  
New Mexico  
Oklahoma  
Rhode Island

Minnesota

Iowa

Louisiana  
Maine  
Massachusetts

Texas  
Utah

North Carolina

New Hampshire

Ohio

Pennsylvania

South Carolina  
Tennessee

South Dakota  
(6)

Vermont  
Virginia  
Washington State  
West Virginia  
(16)

Wisconsin  
Wyoming  
American Samoa  
Guam  
Northern Mariana Islands  
Puerto Rico  
U.S. Virgin Islands

(30)

Standardized testing requirements with no other options and/or punitive requirements:

- North Dakota: testing in grades 4, 6, 8 & 10; 30% core total required or must be tested for a learning disability
- New York: standardized test required in grades 4, 6, 8, 10, 11 and 12 with 33% core total-not made clear what happens if that core total is not met
- Oregon: required in grades 3, 5, 8 & 10; scores not reported to the school district; score 15% core total; if below 15% must be given another test within one year of the first; if still below 15% then another test is given with remedial actions if still below 15%

As you can see, North Dakota's has by far the most stringent testing requirement. Thirty of the US States and Territories don't even require testing. Twenty-two states either require testing as an option of 1, 2, 3 or even 4 choices OR they don't require the scores to be turned in OR they don't have a mandatory core total.

Alabama: testing “not required by statute

Alaska: testing required only under option 4 of 5 available

Arizona:

“The standardized test and optional evaluation requirement was repealed in 1995 by Arizona Senate Bill 1348. “

Arkansas: “

“Each student enrolled in a home school program who is considered to be at a grade level, or no more than two (2) years beyond the normal age for the appropriate grade for which the State mandates norm-referenced tests for public school students shall be tested using a nationally recognized norm-referenced achievement test selected by the State Board of Education.” Ark. Stat. Ann. § 6-15-504(a). “

**NOTE: no minimum test score is required in Arkansas**

California: “Not required by statute.”

Colorado:

• Nationally standardized achievement test with a minimum core total of 13%

OR

• Must be evaluated by a “qualified person” who is “selected by the parent” and is a Colorado certified teacher *or* a teacher employed by a private school *or* a licensed psychologist *or* a person with a graduate degree in education. The evaluation must “show that the child is making sufficient academic progress according to the child’s ability. . . . If the evaluation results show that the child is not making sufficient academic progress, the school district shall require the child’s parents to place the child in a public or independent or parochial school until the next testing period.” Colo. Rev. Stat. § 22-33-104.5(5)(a)(II).

Connecticut: “Not required by statute or regulation. However, “an annual portfolio review will be held with the parents and school officials to determine if instruction in the required courses has been given.” (“Revised Procedures,” p. 3).

**Religious Freedom Act:** Conn. Gen. Stat. § 52-571b “

Delaware: no testing requirement

District of Columbia: “DCMR 5206 allows the OSSE to request at most twice per year to review a portfolio of homeschooling material. The request must be made in writing and the review is to be held at a time and place mutually agreeable to the OSSE and parent or guardian. Homeschooled students are eligible to participate in public school-sponsored testing in their resident district without charge. “

Florida: **Standardized Tests:** required under option 1 of 3

Georgia: “Children must take a national standardized achievement test every three years beginning at the end of the third grade. Since science and social studies are required subjects and the testing is required to evaluate the student’s “educational progress,” Test scores are not required to be submitted to public school authorities. Ga. Code Ann. § 20-2-690(c)(7).”

Hawaii: “**Standardized Tests:** one of 4 options

Idaho: testing is “not required by statute”

Illinois: testing is “not required by statute”

Indiana: testing is “not required by statute”

Iowa: **Standardized Tests:** required under option 2 of 2 available

Kansas: testing is “not required by statute”

Kentucky: testing is “Not required by statute for private or religious schools (homeschools).”

Louisiana: Parents have three options which only apply if the homeschool is operating under the home study law (Option 1 above). La. Rev. Stat. Ann. § 17:236.1(D).

A renewal application “shall be approved” if (in lieu of submitting the materials mentioned above):

1. child receives passing score on the Louisiana Educational Assessment Program (LEAP) test;
2. or the child scored at or above his grade level on a California Achievement Test or other standardized test approved by the board or has “progressed at a rate equal to one grade level for each year in [the] home study option
3. or a teacher certified to teach at the child’s grade level writes a statement that the child “is being taught in accordance with a sustained curriculum of quality at least equal to public schools” or “at least equal to that offered by public schools to a child of similar disabilities.”

Maine: only under option 2 of 2--must supply “progress reports” 4x a year then

Maryland: Testing is not mandatory. COMAR 13A§ 10.01.02.

Massachusetts: *When the superintendent or school committee requests assessments*, parents have two choices [see 1(d) above]:

- 1) standardized test results; or,
- 2) an alternative form of assessment. This may consist of progress reports, dated work samples, a portfolio review, an assessment by a certified teacher of the parent’s choice, or another method agreed upon between the parents and the superintendent or school committee.

Michigan: standardized testing is not required

Minnesota: Children not enrolled in an accredited program or public school “must be assessed using a nationally norm-referenced standardized achievement examination.” The test, administration, and location of the test must be agreed to by the district superintendent. Minn. Stat. Ann. § 120A.22 Subd.11.

1. Minnesota law does not require homeschools that are accredited by a recognized Minnesota accrediting association to administer standardized tests. Minn. Stat. Ann. § 120A.22 Subd. 11(d). Accrediting associations such as TEACH (Teaching Effective Academics and Character at Home) or HBEAA (Home Based Educators’ Accrediting Association) are free to set their requirements for standardized testing.
2. Parents who do not meet teacher requirements 2(a), (b), or (c) above must assess their children in required subject areas not covered by the test. Minn. Stat. Ann. § 120A.22 Subd.11(b).
3. Children who score below the thirtieth percentile, or one full grade below children of the same age, must be evaluated for learning problems. Minn. Stat. Ann. § 120A.22 Subd.11(c).
4. ***The test results do not have to be submitted to the school district.***

Mississippi: testing not required

Missouri: not required

Montana: not required

North Carolina: Parent must administer an annual standardized test (§ 115C-564) any time during the school year which must be made available on request “for inspection” by the state. “For one year after the testing, all records shall be made available ... at the principal office of such school, at all reasonable times, for annual inspection by a duly authorized representative of the State of North Carolina.” (§ 115C-549 or § 115C-557).

North Dakota: Under the home school statute, either a standardized achievement test used by the school district in which the child resides, or a nationally normed standardized achievement test must be given to each home schooled student in grades 4, 6, 8, and 10. A certified teacher must administer the test, and it must be given in the child’s learning environment or the public school at the option of the parent. The parent must provide the results to the local public school superintendent or county superintendent of schools. N.D. Cent. Code §§ 15.1-23-09 and 15.1-23-11.

If the child’s basic composite score falls below the 30th percentile, the child must be professionally evaluated for a potential learning problem by a multidisciplinary assessment team. If the multidisciplinary team determines that the child is not learning disabled and does not need special education services, the parent may continue to provide instruction if the parent files with the local superintendent or county superintendent (if there is no local superintendent) a plan of remediation to address the academic deficiencies of the child. This plan must be developed by the parent in consultation with and with the approval of a state-certified teacher. The plan of remediation must remain in effect until the child achieves a test score at or above the 30th percentile or a score

indicating one year of academic progress. If a child has a disability which requires special education services, the parent must file an individualized education program with the superintendent of the school district. N.D. Cent. Code §§ 15.1-23-11, 15.1-23-12, and 15.1-23-13.

Nebraska: testing not required

Nevada: testing not required

New Hampshire: four choices available

New Jersey: testing not required

New Mexico: None. On March 15, 2001, New Mexico enacted S.B. 374 which specifically repealed testing requirements for homeschoolers.

**Religious Freedom Act:** N.M. Stat. Ann. § 28-22-1 through -5.

New York: The parent can choose one of the following: the Iowa Test of Basic Skills, the California Achievement Test, the Stanford Achievement Test, the Comprehensive Test of Basic Skills, the Metropolitan Achievement Test, a State Education Department test, or another test approved by the State Education Department (such as the PASS test) and have it administered at a place of the parents' choosing.

The test score is deemed to be adequate if the child's composite score is above the 33rd percentile, or the child's score reflects one academic year of growth compared to a test administered the prior school year.

A standardized test is required every other year between 4th through 8th grades and every year in high school. (New York's PEP test is not required for home school children).

Ohio: only required under option 1 of 3 options available

Oklahoma: not "required under statute"

Oregon: 1. Parents must choose one of the comprehensive examinations approved by the State Board of Education which must be administered in grades 3, 5, 8, and 10 by "a qualified neutral person," as defined by the State Board of Education. ORS § 339.035(3). Testing shall occur no later than August 15. OAR 581-021-0026 (5).

2. If the child was withdrawn from public school, the first examination must be administered at least 18 months after the date the child was withdrawn from public school. If the child never attended public or private school, the first examination must be administered to the child prior to the end of grade 3. ORS § 339.035(3); OAR 581-021-0026 (5).

3. The person administering the examination shall score it and report the results to the parent or legal guardian. Test results are reported to the ESD only if the superintendent of the ESD requests them. ORS § 339.035(3)(c) and (d); OAR 581-021-0026 (5)(b) and (c).

4. If the composite score on the examination is below the 15th percentile, the child must be given an additional examination within one year. If the score on the second examination is a lower percentile than the previous examination, the child must be given an additional examination within one year of when the second examination was given, and the superintendent of the ESD may place the education of the child under a certified teacher selected by and at the expense of the parent or guardian. ORS § 339.035(4); OAR 581-021-0026 (7)(a) and (b).

5. If the composite score on the third examination continues to decline, the superintendent of the ESD may: (1) allow the home schooling to continue under the supervision of a certified teacher selected by the parent or guardian and require an additional examination within one year; (2) allow the child to be taught by the parent, guardian, or private teacher and require an additional examination within one year; or (3) order the parent or guardian to send the child to school for a period not to exceed 12 consecutive months. ORS § 339.035 (4); OAR 581-021-0026 (7)(c).

6. If the composite score on an examination is equal to or greater than the percentile score on the prior test, the child may be taught by a parent, guardian, or private teacher without any previous restrictions imposed because of a declining score. ORS § 339.035 (4)(d); OAR 581-021-0026 (7)(e).

Pennsylvania: Students enrolled in a home education program (Option I) must be tested with a nationally normed standardized test approved by the PA Department of Education or the Statewide tests administered to public school students in grades 3, 5, and 8. The results in mathematics and reading/language arts or the results of the Statewide tests must be submitted with the annual portfolio. Tests shall not be administered by the child's parent or guardian. § 13-1327.1(e)(1). MAP testing is not required (see *Stobaugh*, p. 656).

*Approved tests are:*

- ♦ California Achievement Test

- ◆ Comprehensive Testing Program (CTPIV)
- ◆ Iowa Test of Basic Skills
- ◆ Metropolitan Achievement Test
- ◆ Peabody Achievement Individual Test – Revised Version
- ◆ Stanford Achievement Test
- ◆ Terra Nova
- ◆ Woodcock Johnson Revised Tests of Achievement III

**Religious Freedom Protection Act:** 71 P.S. 2401, *et. seq.*

Rhode Island: Not required by statute. However, the Commissioner of Education has ruled that local school districts have the authority to require some type of evaluation under their “approval” authority as long as they “accommodate the preferences of parents for certain mechanisms for measurement.” *Thifault v. North Smithfield School Committee*, (R.I. Comm’r. Educ. July 2, 1990 at 7-8).

If the parents choose standardized testing, the Commissioner ruled that religious home schoolers, under the first Amendment, have the right to choose their standardized test *and* the testing site. *Thifault*, slip op. at 13-14. The Commissioner held: “we cannot discern the presence of any administrative burdens placed on the School Committee by accommodation of the parents’ choice of standardized test. Thus, we do not find the School Committee’s test choice (or its requirement that children be tested in the public school) to be the “least restrictive alternative.” *Thifault*, at 13-14.

**Religious Freedom Act:** R.I. Gen. Laws § 42-80.1-1 et seq.

South Carolina: required under option 1 of 2 available

South Dakota: Children who are in grade levels 2, 4, 8, and 11 must take either the standardized test used in the local public school district or, at their option, any other nationally standardized test. South Dakota Codified Laws § 13-27-3. Parents must file with the local school. South Dakota Codified Laws § 13-27-7. Although a school district has authority to monitor the test, this is done so rarely (essentially never) that any demand to monitor should be carefully examined for discrimination. The school district has no authority to enter a home to monitor a test.

If a subsequent test shows “less than satisfactory” academic progress, the school board may refuse to renew the child’s certificate of excuse. South Dakota Codified Laws § 13-27-7.

Tennessee: required under options 1 & 2 of 3 available, not required under option 3

Texas: not required

Utah: not required by statute

Vermont: an option of 3 available to show progress, no minimum score

Virginia: only under option 1 of 4 options available

**Religious Freedom Act:** Virginia Code § 57-2.02

Washington State: only under option #1 of 2 available

West Virginia: only under option 2 of 2 available

Wisconsin: testing not required

Wyoming: testing not required

American Samoa: testing not required

Guam: testing not required

Northern Mariana Islands: testing not required

Puerto Rico: testing not required

U.S. Virgin Islands: testing not required

## The Limits of Standardized Tests for Diagnosing and Assisting Student Learning

Submitted by fairtest on August 17, 2007 - 1:00pm

<http://fairtest.org/The+Limits+of+Standardized+Tests>

Standardized tests have historically been used as measures of how students compare with each other (norm-referenced) or how much of a particular curriculum they have learned (criterion-referenced). Increasingly, standardized tests are being used to make major decisions about students, such as grade promotion or high school graduation, and schools. More and more often, they also are intended to shape curriculum and instruction.

Proponents of the expanded uses and consequences of tests claim that newer exams are superior to the flawed exams of the past, measure what is important, and are worth teaching to. These arguments ignore the real-world limits to what standardized tests can usefully do. Repeating such false claims perpetuates test misuse and the dangerous belief that what is worth teaching is that which can be assessed by a standardized test.

Under a new federal law, state assessments of reading and math must be administered for accountability annually in grades 3-8 and once in high schools. The assessments must be based on state content and performance standards; measure higher order thinking; provide useful diagnostic information; and be valid and reliable. While the law does not mandate the use of standardized tests, many states will be inclined administer them to meet the federal law. An examination of each requirement, however, reveals the limits of standardized tests.

### Tests are to be based on state standards

State standards are often too long and detailed to ever be taught. Many fail to distinguish what is important from what is unimportant or to separate what all students ought to learn in a subject from what only the most interested might learn. In part because of the level of detail, much of the content in state standards is not assessed by state tests.

Moreover, much of value in state standards cannot be tested with any paper-and-pencil test of a few hours duration. In a high quality education, students conduct science experiments, solve real-world math problems, write research papers, read novels and stories and analyze them, make oral presentations, evaluate and synthesize information from a variety of fields, and apply their learning to new and ill-defined situations. Standardized tests are poor tools for evaluating these important kinds of learning. If instruction focuses on the test, students will not learn these skills, which are needed for success in college and often in life.

### Measure higher-order thinking

Standardized exams offer few opportunities to display the attributes of higher-order thinking, such as analysis, synthesis, evaluation, and creativity. Higher order thinking is encouraged and revealed by in-depth and extended work, not by one-shot tests.

### Provide useful diagnostic information

Assessments of educational strengths and weaknesses can be useful at the individual, classroom, school or district levels. However, information needs to be sufficiently timely, accurate, meaningful, detailed and comprehensive for the kind of diagnosis being made. The lengthy turn-around time for scoring most standardized tests makes them nearly useless for helping a particular individual, though the information might be of some value to teachers and schools for longer-range planning.

In addition, standardized tests usually include only a few questions on any particular topic. This is too little information to produce accurate, comprehensive or detailed results. Many topics in state standards are not addressed at all in state exams, so the tests provide no diagnostic information about them.

Diagnosis suggests the use of "formative" assessment – assessments that can help a teacher and student know what to do next. Standardized tests administered at the end of the year – "summative assessment" – cannot possibly meet this need. Sound diagnostic practices also include understanding why a student is having difficulty or success and determining appropriate action. As snapshots with limited information, standardized tests provide neither an answer to "why" nor little guidance for successful instruction.

### Be valid and reliable

Test validity, experts explain, resides in the inferences drawn from assessment results and the consequences of their uses. Relying solely on scores from one test to determine success or progress in broad areas such as reading or math is likely to lead to incorrect

inferences and then to actions that are ineffective or even harmful. For these and other reasons, the standards of the testing profession call for using multiple measures for informing major decisions – as does the ESEA legislation.

Reliability, or consistency of information, is sometimes treated as the most important aspect of testing. However, consistent information about too narrow a range of topics, skills or knowledge cannot provide adequate information for credible decisions: a doctor needs more than just reliable blood pressure results to treat a patient. Well-designed classroom-based assessments can provide richer, consistent information that enhances validity, diagnostic capacity, and the ability to assess progress toward meaningful standards.

### **Conclusion**

When standardized tests are the primary factor in accountability, the temptation is to use the tests to define curriculum and focus instruction. What is not tested is not taught, and what is taught does not include higher-order learning. How the subject is tested becomes a model for how to teach the subject. At the extreme, school becomes a test prep program – and this extreme already exists.

It is of course possible to use a standardized test and not let its limits control curriculum and instruction. However, this can result in a school putting itself at risk for producing lower test scores. It also means parents and the community are not informed systematically about the non-tested areas, unless the school or district makes a great effort.

To improve learning and provide meaningful accountability, schools and districts cannot rely solely on standardized tests. The inherent limits of the instruments allow them only to generate information that is inadequate in both breadth and depth. Thus, states, districts and schools must find ways to strengthen classroom assessments and to use the information that comes from these richer measures to inform the public.

"Tests are not perfect...No single test score can be considered a definitive measure of a student's knowledge."

"High Stakes: Testing for tracking, Promotion, and Graduation" -National Research Council Report (courtesy the National Center for Fair and Open Testing, <http://fairtest.org/organizations-and-experts-opposed-high-stakes-test>)

Our family has been home schooling for nearly 15 years now. We have seen four of our children graduate here at home. One daughter has obtained a bachelor's degree in early childhood education with certification in grades K4-3<sup>rd</sup> and a master's degree in early childhood ed/special ed at Minot State. She now teaches Head Start at Minot AFB. We are currently home educating five children.

I'll be frank and say "I hate testing". I'm tired of wasting valuable school time to prepare for this. I'm tired of my children worrying about it. I'm tired of one daughter, a bright student, feel like she's a failure and crying because she hates being timed and she hates the way they test for reading comprehension and thus her scores say she doesn't do well when I very well know otherwise from my interactions with her here at home.

I'm tired of having to worry about a 30% core total score, especially with my children who don't test well. We've seen it all here in home educating nine children (4 of whom are already graduated)--some of our children do well, others don't. But why should less than 30% mean there has to be testing for a learning disability? Frankly, that's just plain silly.

"Using one test as a high-stakes hurdle is unfair and often inaccurate, violates the standards of the measurement professions, and damages educational quality."

-Dr. Monty Neill, executive director, FairTest

Either drop the testing requirement or drop the 30%. I've researched out testing requirements in the 50 states and the US Territories and North Dakota is one of only three or four states who require testing and who have no other alternative. My husband and I feel this testing requirement violates our rights as parents to educate our children as we see fit. We know we're successful because we've seen it with our three young adult children--we don't need a test to prove that. We see it each and every day we work with our children.

Sincerely,  
Kim Breuer,

- B.A. history, Bob Jones University, 1979
- M.L.A. history emphasis, Southern Methodist University, 1981
- home schooling mom of nine, three of whom have graduated and one of whom is getting a master's degree in early childhood ed/special ed at Minot State University and who hopes to be teaching in the Minot Public Schools next year
- Certified Iowa Test of Basic Skills tester currently unable to administer such tests despite being certified because North Dakota law only allows a North Dakota certified teacher be able to do so--why should a newly-graduated and licensed 22-year-old college graduate be able to administer a test and I, with a master's degree, can't? If I satisfy the testing company's requirements, why then is that not good enough for the state of North Dakota?

And  
Glynn Breuer

- B.S., Criminal Justice, University of Maryland, 1979
- M.S., Aviation Management, Embry-Riddle Aeronautical University, 1994
- Ph.D., Training and Performance Improvement, Capella University, 2010
- Retired U.S. Air Force officer, having flown B-52's for 24 years
- Currently working in the B-52 simulator for ProActive Technologies at Minot AFB and teaching classes for Embry-Riddle's satellite campus at MAFB

In Support of SB2329

Chairman Nathe and members of the House Education Committee,

My name is Breanne Larson. I have a degree in Elementary Education with a Coaching minor. I taught 2nd grade for six years and coached for thirteen. My husband is Gannon Larson. He farms near Leeds and we homeschool our children.

This bill is a very safe one. Parent-teachers who have invested time and money into obtaining a college degree recognize the value of learning. They are capable of directing and providing for the educational success of their own students.

This bill doesn't change anything for those who homeschool and want to use the standardized tests. They remain free to do so. This bill allows the parent-teachers, like myself, the freedom to choose the best way to assess their students' progress.

While in the public school classroom, neither myself nor my colleagues, would have attempted to assess the progress made in our classrooms by giving our students and achievement test from an institution with differing content and benchmarks. My homeschool tests are not likely suited for students of corresponding ages at the public school. Their teachers wouldn't appreciate having to administer my tests to their class and have their students' progress judged by the results. I shouldn't have to give their tests to my students. I don't teach exactly the same material at exactly the same time. For example, my children began learning Latin when they were five years old. I think the best time to learn a language is early rather than later on. A public school may not offer Latin until senior high. That is just one example.

The bottom line is this bill is a great one! It's an easy DO-Pass, as is, for the committee. Senate Bill 2329 frees competent and caring parent-teachers to make decisions for the educational success of their students. Thank you for your time and have a great day!

*Breanne Larson*

**1) Diversity makes the mosaic of America**

- a) Sons to Notre Dame & Coast Guard Academy, daughters at small private schools
- b) Please recognize the value of diversity in educational policy too. We are not all the same.

**2) Homeschooling has proven itself.**

- a) Rocky start; now three decades of trust between Homeschoolers and Legislature
- b) Performing 15% -- 30% above average. *"Delight directed learning."*
- c) Key: we know and love our own children more than anyone in the world
- d) Allow us to build on this success.

**3) Parents education level does not indicate child's success**

- a) Dr. Ben Carson, heard him at Ohio Science Olympiad
- b) System said he was stupid, destined to be a loser. But mom insisted two books/week.
- c) Illiterate mother → top brain surgeon Johns Hopkins.

**4) What about the child who may fall through the cracks?**

- a) States Attorney experience. High risk parents *extremely* unlikely to qualify under bill.
- b) Qualifying parents believe in education, dedicating lives to best outcome
- c) No system is perfect. But homeschooling has a record of success; we can trust these parents

**5) It's a question of freedom.**

- a) Some children want and need LOTS of testing; some need very little testing.
- b) Best law: recognize the order that God created requires freedom from "one size fits all", recognize that these homeschooling parents know best (not government testers)

Donna Henderson

Support of SB 2329

My name is Brooke Sullivan. I have a Biology major and teaching and coaching certifications. I'm a former 7-12th grade science teacher and coach and I now home school my children.

I think we all want even better for our children than what we've had throughout our lives. As someone who's earned a college degree and been qualified to teach whole classrooms of children who aren't mine, certainly I'm qualified to teach and ensure the education of my own children whom I want the utmost success and happiness for.

The standardized tests that home educators have been required to have their children take in the past, do not serve as a useful or productive assessment tool for me in evaluating the educational success of my children. Rather, it's a distraction and detrimental to the flow of teaching for both myself and my children.

I teach my children for mastery of the subject, and we do not move on until mastery has been shown. Therefore, I know exactly what my children do and do not know throughout the year. I'm able to customize the curriculum for each of my children's individual learning styles, and speed. This is an important contrast as it's a very different situation than what a classroom teacher in a public school faces where they may have 30 students of various abilities, interests, and skill sets that they are attempting to teach together in unison as a class. In that type of situation a standardized test may be of some benefit in assessing who is and who isn't learning what's being taught.

I think we all agree here that the goal is to help bring out the absolute best for each child. With that in mind, I ask each of you to support this bill being passed, as the standardized tests are of no value or relevance to me in teaching my children.

Thank you for your time and service.

Sincerely,

Brooke Sullivan

Chairman Nathe and Members of the Education Committee,

My name is Theresa Deckert and I am from Devils Lake, ND. I have been home educating since 1987 and am currently the office secretary for the North Dakota Home School Association. I have three graduates from my homeschool program: Jonathan (married) a construction foreman with Gleason Construction, Devils Lake; Larisa (married, M.A. from UND) an academic advisor and instructor at the University of Colorado at Boulder; Jared (engaged, A.A. Lake Region State College) employed at North Central Granite, Devils Lake. I am still homeschooling my 6<sup>th</sup> grader.

I have been part of the homeschooling movement in North Dakota since it began. My children have been tested many times during those years. It is those years of testing that have made me realize that testing in the homeschool situation can be expensive, a waste of time and counter-productive. I am philosophically opposed to testing primarily because it is of no benefit to me as an educating parent. I remember meeting with a school administrator in the early days of home education and asking them to please interpret the test results for me. Those results, once interpreted, did not tell me one thing about my student I did not already know; that is because home education is tutorial.

I am morally opposed to government imposed, mandatory testing after having a son with extreme test anxiety. Anything labeled as a "test" almost always sets him up for failure. According to his ACT scores he should have done poorly in college and yet he maintained a 3.8 throughout his college years. Testing does not show the work ethic or diligence of a student. It did, however, make him feel like a failure. I felt in his situation mandatory testing was just short of state inflicted child abuse.

I do not currently have a religious objection to testing. That would change, however, if homeschoolers would ever have to take the North Dakota Assessment Test. I have read all of the North Dakota benchmarks and some are in conflict with my religious beliefs.

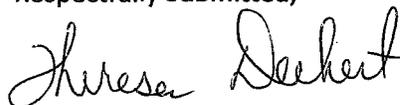
I have often been told that the purpose of mandatory testing for home educated children is to make sure that no child "falls through the cracks". As secretary of the North Dakota Home School Association, I answer phone calls and emails from all across the state. One of the primary reasons parents give for pulling their children out of a classroom situation to homeschool is that they feel their children are "falling through the cracks". If testing in the public school sector is not remedying this problem, then how should I expect it to help in the home education setting?

#7

As a homeschool association, we try to give support to any home educator desiring it. This past year we sent an information packet to every public school in the state giving them information about our association and encouraging schools to refer new homeschooling families to us. It is our hope to equip homeschooling families in ways that logically fit with education at home and that are of true value.

For these reasons I ask you to vote yes on SB 2329.

Respectfully Submitted,



Theresa Deckert (701-662-4790)

office@ndhsa.org

Hello to all interested in the SB 2329. I am able to send you my written testimony in regards to this Senate Bill 2329. I am definitely in favor of allowing Certified Teachers and those who have completed Degree's to opt out of the current home-school requirement to administer Standardized Testing in 4th, 6th, 8th, (and earn a passing score based on the Nat'l Average). I won't be able to attend any meetings.

We moved here from Utah where we home-educated our children for close to five years and Standardized Testing was not a requirement. I simply filled out a home-school affidavit, had that notarized and submitted to the Superintendent of Schools each year, and that was all that was required from me. While living there, I was asked to teach Voice Lessons/Choir to the Home-school Community and I agreed to do that. I loved it!!! My children loved being part of it. We enjoyed several recitals and parents were so supportive. In our community, other parents offered their gifts; a class on fashion design/sewing, Constitution, Math, Art Classes, 4-H, Drama, etc. There was freedom and encouragement for our home-school community to come together and grow and stretch ourselves, etc. It didn't hit me back them, but I believe that the lack of testing and such burdens freed up the parents to focus on their strengths. This is so important!! This year, while preparing for testing, I haven't have the energy or time to consider teaching a class for our new ND community. This is sad.

When we decided to consider a major move based on the economy, we first called the Home School Legal Defense Association to inquire about the home-school laws in North Dakota and unfortunately, I was informed that it was one of the more difficult states. I was disappointed to hear about all the requirements (to include, at that time, a cooperating teacher to supervise, etc.) and it did factor into our enthusiasm as well as our interest in moving here. My husband has family in the area and needed full-time employment with benefits so we did eventually make the major move and did take on a good paying job here the rich economy based on the Oil boom, the "Persia on the Plains".

I had loved the freedom of home-educating without the burden of testing (based on an outside source who is not a fair or accurate judge over methods or what we have been working toward for the past several years). Now that we live here, we did indeed test this year and it was a burden for me. I actually feel that I had less time to spend educating and had to spend more time teaching "to the test", something that was a non-issue for me in the past and something I am embarrassed to admit is now a temptation. I do have my North Dakota Teaching License and submitted all the paperwork to transfer my license here. For the first time, instead of teaching the materials in my own chosen curriculum, I was spending time researching tests and purchasing materials to prepare our children for the standardized test. There were many new topics to add and prepare them for. (For example, North Dakota History which is an all-inclusive topic: geography, First Nations studies, (w/ new literature), history, industry, and emblems, just to tackle a few.

In the past, I could give flexibility to our curriculum. Some of my students are advanced in literature but average in math. Some are advanced in math but below average in reading. Some are very gifted in the arts or musically or are socially advanced and have the "gift of gab" and some are gifted with grammar or technological "know how", or language learning while some are especially athletic. Others have a knack for cooking or have a "green thumb" or a way with training animals. In order to "hit the mark", so

# 8

to speak, I have had to focus on academic weaknesses and have not taught with the same freedom and flow (with the time to invest in the arts and extra-curricular subjects in addition to other academic subjects) and so the advanced areas have slowed considerably. One of the many reasons I love to home-educate is because I know my students so well and can instill in them the love of learning and also the very important ability to work with people and develop close friendships. I have a small classroom :) and I have the highest motivation to see my students achieve all that they can!!! If I could only show what they ARE learning and how they ARE progressing without having to have an outside entity make those estimations, I would once again be free to do what I do best....teach vs. become a proctor for a test every other year! I believe that it is in the best interests of North Dakota to lift this requirement for standardized testing for Certified Teachers or those who have completed a degree. This actually would allow for amazing high school graduates from the best "private schools" in the country!!! We have the financial resources here in North Dakota and because of the booming economy we are attracting all kinds of wonderful families. I know ND would see the results that they so desire if they gave this freedom! Namely, I believe home-educated students will become citizens who have moral, ethical, and all other necessary training to best prepare them to become amazing people who are incredible leaders, innovators and strong contributors to our communities for years to come. By encouraging Home-Education, the Public Schools will have less pressure and less overcrowding. The students that are being privately educated at home will be given extra time and focus. This can only be good for the state! I really love the freedom I have in this country to home-educate my children in the ways I find best based on all the research I have done. I love to pour into them and give them the best without hindrances.

Thank you for listening,

Alida Arnegard

Home-Educator (N.D. Certified K-6 Grade/Illinois Certified K-9)

Watford City, North Dakota (Resident for two years)

Good morning Chairman Nathe, Vice Chairman Schatz, members of the House Education committee and fellow citizens. I consider it a privilege to rise today to speak in favor of SB 2329. One of the hallmarks of our great country is a recognition of the value of diversity. America has always been a melting pot of ideas and ideals. People from all around the globe came here to be free. In this great melting pot the best ideas and ideals were not only allowed, but encouraged and they became a part of the mosaic that is America. That was and still is a great idea.

Education is no different. When I visited with Kirsten Baesler at the state convention I was encouraged that she shared my convictions on the benefits of diversity of educational methods. These methods include but are not limited to public education, private school and home school. You may have a special place in your heart for whichever one of these you are familiar with but that in no way means that the others are not as successful.

I would like to offer four points for your consideration as you deliberate over SB 2329.

1. Homeschooling has proven itself. For three decades homeschooling has been growing and producing leaders across the board. On achievement test subject areas homeschool students outperform public school students by somewhere between fifteen and thirty percentage points. I say this not to indict public schools but to ask that with this knowledge we allow homeschoolers to continue to build upon this success by trusting in them to do what is in their individual child's best interest.
2. The education level of the parents is not an indicator of the level to which their child may rise. Statistics would show that any degree of variance in educational achievement as a result of the parents education is inconsequential. I don't know how many of you are familiar with Dr. Ben Carson. His mom was one of 24 children. Her life was very hard. She married young and had two children before her husband deserted her. Ben was considered stupid by all of his peers. He was destined to be a loser. But his mother decided that she wanted better than that for her children. She kept them in after school and required that they read several books per week and deliver to her two book reports per week. She would look over these book reports and seemingly make correction marks on them. As he read he developed a deep interest in and a lifelong love of learning. He currently serves as Director of Pediatric Neurosurgery at Johns Hopkins Hospital. He said that he and his brother didn't learn until much later that their mother could not even read their book reports.
3. What about the child who may fall through the cracks? This bill in no way changes the statutory requirements of the law for those individuals who are subject to or just make a choice to avail themselves of this testing. What it does do is to recognize that by one of several criteria, as prescribed in this bill, a person which fulfills one of these criteria has demonstrated a level of belief in the value of education which I think we would agree would impact the way in which they view their children's education. And to this we must add the value of the normal nurturing relationship which occurs between a parent and a child. Although we have many very good teachers in North Dakota, we can exhaust all of the surplus in our treasury and yet not pay them enough to care as much about the outcome of my children as I do.

In homeschooling we have a student-teacher ratio of one to one. We can help our children by encouraging the different interests which they have, and tailoring their education to their individual

interests. This is sometimes referred to as delight directed learning. How many of you understand that when you are doing something which interests you that you learn much more and have a much higher retention rate of the material covered?

Is every one going to succeed? Probably not. Statistically around 89% of high school students graduate in North Dakota. Is this an 11% failure rate? Could we regulate these parents in such a way as to ensure that this can not happen? I think that we all know the answer to that question. But I believe that homeschooling has created a sufficient record of success that we can trust these parents to do what is in the best interest of their children. No level of government regulation will ensure that every parent is a good parent. But this bill leaves in place the necessary safeguards to address this. Just because a person goes to a local bar, gets drunk, gets behind the wheel of his car and wrecks killing himself or someone else we do not rush to reinstitute prohibition, or make it illegal to own an automobile? No one would even think of that. Neither should the opportunity for the majority to succeed be in some way restricted because of the perception that one child might fall through the cracks. Success is never guaranteed in any case, but freedom will produce much greater success.

Some individuals come to mind who, had we looked at them at the right point in their life we would have declared them losers or dropouts. How about Bill Gates or Steve Jobs, both of who dropped out of college to pursue their interests? or Thomas Edison who at six years old was put out of school as addled and not able to be educated? He tried and failed over 2000 times before he invented a successful lightbulb. He holds more patents than anyone else. Or Walt Disney who tried, failed and declared bankruptcy several times before he eventually succeeded. I can only imagine the thoughts of the banker to whom he applied for a loan to build Disneyland. Do you think he thought, "I wonder what kind of Mickey Mouse idea he's got this time?" And if time would allow I could recite many more examples of failure that led to eventual success.

4. And last, but certainly not the least, ladies and gentlemen, it's a question of freedom. And that freedom extends even to the freedom to fail. America was a great experiment in self-government, the likes of which had never been tried. A small, ragtag bunch of what in Great Britain were regarded as misfits, embarked upon what was thought surely to be a lost cause. They had faith in Almighty God and a belief that all men were created equal and were "endowed by their Creator with certain unalienable rights, among which one of these was Liberty. They set up a system of limited government to protect this freedom. Individual achievement blossoms when fertilized with liberty.

So allow me to reiterate these four points.

Homeschooling has been proven to be successful by all academic measurements.

Second, not the parents academic achievement but their desire to see their child succeed is the greater determiner of how far that child can rise.

Third, concerning the child who may fall through the cracks, the safeguards remain in place to protect against that. Nothing else in this law is changed except that it allows for parents who provide the required credentials to be exempted from mandatory testing requirements.

#9

And last but most important, it is liberty that has made America great. I urge you to recognize this and support SB 2329. Thank you for your time and attention.

Sid Hughes  
Minot, ND

Mr Chairman, and members of the House Education Committee,

My name is Donna Henderson; I am a homeschooling mom of 6 children. I also ask for your support of SB2329. I believe this bill offers choice into the testing laws for home educated students in ND. It's not that we don't test our children, but we confirm what they are learning using a different system. We use performance –based assessment of our children. We know their progress by evaluating their daily work, essays, projects, and by asking them questions regarding their work. Standardized tests are meant for a standardized curriculum and standardized teaching methods. We are not asking to remove testing altogether but rather to provide a provision to opt out of standardized tests if the parent has an objection and certain qualifications.

When we were first considering the possibility of homeschooling our children, we looked at North Dakota's homeschooling laws. Back then, the parents had to be monitored unless they had a four year degree, a teacher's certificate, or had met or exceeded the cut off score of a national teacher examination.

I had a 2 year degree, so was unable to opt out under the first 2 qualifications, so I researched what the 3<sup>rd</sup> option would entail. After much consideration, we decided it would be an advantage to us and to our children to go ahead and invest the time and effort to take the test. There were no educational requirements needed to take the test which was the three part Pre- Professional Skills Test (or PPST ). It consisted of reading, mathematics, and an essay. 6 weeks later I received my results and found I was successful in exceeding the cut off score.

This is a great option for those of us that did not get a teacher's certificate or a 4 year degree. It is a process open to all dedicated home educating parents who are committed to their child's education. I for one would rather go and do what it takes to pass this one test, than to subject my children to several standardized tests that I think are less than beneficial.

I had found out about this test thru the North Dakota Home School Association at their annual statewide convention. Across this state there are 29 home school

support groups that help fellow home educating families with resources and support. This network is in place to help any homeschooling parent to research and follow through on this option of taking a national teachers examination.

Homeschooling has been proven to be an effective method of educating children. The first home school laws were established in North Dakota the 1980's. That's over 24 years ago! I believe the probation period should be over.

I ask this committee for a DO PASS on SB2329.

Thank you,

Donna Henderson

A handwritten signature in cursive script that reads "Donna Henderson". The signature is written in black ink and is positioned below the printed name.