

FISCAL NOTE
Requested by Legislative Council
12/19/2014

Bill/Resolution No.: SB 2090

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$100,000	\$0	\$100,000	\$0	\$100,000	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

\$90,000 - \$100,000 will provide an additional 1-10 students who meet the new criteria in lines 24-26 of SB 2090, to receive a ND Scholarship.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

After reviewing both 2013-2014 ACT and NDSA test scores for identifying eligible students, 15 students fit the criteria in lines 24-26, resulting in an increase of \$90,000 at the current \$6,000 scholarship award. However, with the new ND Smarter Balance test, we believe the students eligible will have a slight decrease, and predict 5-10 students would meet the criteria every year, resulting in a \$100,000 increase (10 students at \$10,000).

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

No revenue is generated by this legislation.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The expenditures would provide an additional 1-10 students who meet the new criteria in lines 24-26 of SB 2090, to receive a ND Scholarship.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

The Department assumes that additional appropriation would be identified by the Legislative Assembly and appropriated to the Department agency budget. It is further assumed the appropriation would come from the state's general funds or other available funding sources.

Name: Dr. Sherryl Houdek

Agency: DPI

Telephone: 701-328-2755

Date Prepared: 12/30/2014

2015 SENATE EDUCATION

SB 2090

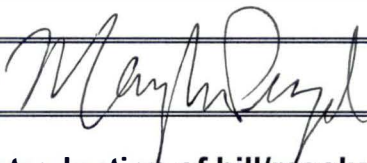
2015 SENATE STANDING COMMITTEE MINUTES

Education Committee
Missouri River Room, State Capitol

SB 2090
1/14/2015
Job # 21940 (10:19)

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

relating to eligibility for a ND academic scholarship

Minutes:

1 attachment

Vice Chairman Rust called the committee to order at 9:40am with Chairman Flakoll absent with a separate hearing.

Gwyn Marback, Assistant Director of Teacher and School Effectiveness Unit for the DPI (see attachment #1)

Marback: The first and foremost reason as to why this bill is introduced is to allow students another avenue to qualify for the North Dakota scholarship. The fiscal note is \$100,000. We went to another unit to get data as to how many students would qualify for this scholarship. By using this data assessment, at the advanced level in all four assessments, we knew there was going to be a low number. It was 10-15 students. When taking the ACT or dual credit courses, those tests cost money. This does not cost students money because the students are able to take the test in the school free of charge. From high school administrators and counselors, we hear that when the students are tested in the 11th grade, it's not a high stakes test for them. They know that, so they don't do as well as they could. This assessment would make it a more high stakes test for them and it would allow more students to qualify with this avenue.

Vice Chairman Rust: You said the highest achievement level?

Marback: yes, advanced. There are 4 levels. In order to qualify, students need to meet advanced in all four levels.

Senator Schaible: please go over the levels

Marback: novice, partially proficient, proficient, advanced

Senator Schaible: If they are taking the test, it's for the top 4 levels. So it's not a just perfect test, just top scores in the 4 areas.

Marback: correct.

Senator Davison: So we are moving the test from fall to spring. Could that account for a larger number of students who may have a banned proficiency since the test is moved?

Marback: we're hoping that happens, but every time you introduce a new test to students, they have a tendency to score lower. At the beginning it may not have as big of an impact as we want, but as we go forward, it will give another avenue without cost for students to qualify.

Senator Davison: are the reports similar from an evaluation standpoint with level of proficiency?

Marback: They are different; they are numbered 1-4. The advanced would be 4

Chairman Flakoll: do you have any data that will tie the various categories with the proficiency and achievement in college?

Marback: no, that would be adjusted with university systems.

Senator Marcellais: you said there were 10-15 students who would qualify in the state. What areas and locations?

Marback: we did not identify students based on demographics. We used student ID for the data collection.

Chairman Flakoll returns from separate hearing and closes the hearing.

Senator Davison requested available data regarding the ACT scores for the last 3 years in further committee discussion.

Chairman Flakoll adjourns for recess.

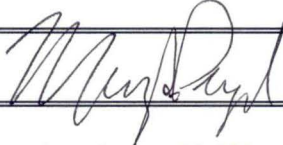
2015 SENATE STANDING COMMITTEE MINUTES

Education Committee
Missouri River Room, State Capitol

SB 2090
1/14/2015
Job # 21991 (3:04)

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Committee work

Minutes:

Attachment #2

Chairman Flakoll: any discussion on the bill?

Senator Davison: do we require all 11th graders to take the science portion of the test, or is that a school district decision? On 9 letter b, it says "performed at the highest achievement level in state assessments in English, Language Arts, Mathematics and Science given to students in the 11th grade." I know we just recently started implementing Science as an assessment piece so I wonder if we require all schools to include science. I want to confirm because if you didn't take the Science portion of the assessment then technically despite achieving high in the other three, you wouldn't qualify.

Michele Burian, Assistant Director of Teacher and School Effectiveness for the DPI, was called to the podium.

Burian: I believe 11th graders take the science across the state. I will check on that to be positive. *(attachment #2 emailed later that day)*

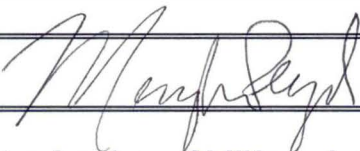
2015 SENATE STANDING COMMITTEE MINUTES

Education Committee
Missouri River Room, State Capitol

SB 2090
1/21/2015
Job # 22315 (4:50)

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

COMMITTEE WORK

Minutes:

No attachments

Chairman Flakoll: I will note the fiscal note is \$100,000 for this bill.

Vice Chairman Rust: I see this as a merit scholarship. We keep adding little pieces to it and after a while it gets too complex. On the other hand, I can see this benefiting students who are poor test takers, but are smart and may do well on a state assessment. I believe that is the intent for this.

Senator Oban: I don't need it, but I'm always in support for opening up the pool wider.

Senator Davison: It might be interesting to see data regarding this smarter balance test in the next biennium.

Vice Chairman Rust motions a Do Not Pass.

Senator Davison seconds the motion.

A vote was taken: Yes: 5, No: 1, Absent: 0

Senator Oban opposed the motion; however it passed with the majority vote.

Vice Chairman Rust will carry.

**2015 SENATE EDUCATION COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2090**

Senate Education Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Vice Chairman Rust Seconded By Senator Davison

Senators	Yes	No	Senators	Yes	No
Chairman Flakoll	X		Senator Marcellais	X	
Vice Chairman Rust	X		Senator Oban		X
Senator Davison	X				
Senator Schaible	X				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Vice Chairman Rust

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

REPORT OF STANDING COMMITTEE

SB 2090: Education Committee (Sen. Flakoll, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2090 was placed on the Eleventh order on the calendar.

2015 TESTIMONY

SB 2090

#1
1/14/15

**TESTIMONY ON SB 2090
SENATE EDUCATION COMMITTEE**

January 14, 2015

By Gwyn Marback, Assistant Director, Teacher and School Effectiveness

701-328-2295

Department of Public Instruction

Mr. Chairman and members of the committee:

My name is Gwyn Marback and I am the Assistant Director of Teacher and School Effectiveness Unit for the Department of Public Instruction. I am here to speak in favor of SB 2090 relating to the eligibility of the North Dakota Academic and Career and Technical Education Scholarship.

Provisions in this bill found on page 3, letter c, would allow students to qualify for the North Dakota Scholarship by performing at the highest level in statewide assessments in English, language arts, mathematics and science given to students in the eleventh grade. The provision does have a fiscal impact of \$100,000.

This concludes my written testimony. I will be happy to answer any questions.



Department of Public Instruction

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#2
1/14/15

Kirsten Baesler
State Superintendent
Robert J. Christman
Deputy Superintendent

January 14, 2015

Education Committee,

While sitting in committee I was asked to approach the microphone to answer a question on testing in reference to **SB 2090**. Senator Davison asked if the Science test was given across the state, or if each individual school had the choice of whether to test 11th graders in Science.

Reading, Language Arts and Math are part of the Smarter Balance testing. CTB is a separate vendor testing Science. **All** 11th graders in the state are tested in Science, Math, Language Arts, and Reading. They are all scored as follows: Advanced-4, Proficient-3, Partially Proficient-2, and Novice-1.

Attached you will find evidence of this. Note: the total number of students is inclusive of "grades 3-8 and 11 who participated in the North Dakota State Assessments."

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1/4

Report: North Dakota Assessment - State
State of North Dakota

2013-14

Math Achievement Rates (Across All Grades)¹

Section D

Group	Total Number of Students	Achievement Levels				Combined Levels	
		Novice	Partially Proficient	Proficient	Advanced	Not Proficient ²	Proficient ³
State - ALL	52598	7.3%	18.5%	48.6%	25.7%	25.7%	74.3%
State - Male	26698	7.3%	18.1%	48.4%	26.2%	25.4%	74.6%
State - Female	25510	7.1%	18.8%	48.9%	25.3%	25.8%	74.2%
State - White	42802	4.7%	16.7%	49.9%	28.8%	21.4%	78.6%
State - Native American	5094	20.0%	28.7%	41.7%	9.6%	48.7%	51.3%
State - Black	1866	20.7%	26.0%	41.8%	11.5%	46.7%	53.3%
State - Hispanic	1878	13.2%	25.6%	48.4%	12.8%	38.8%	61.2%
State - Asian American	958	16.5%	16.1%	40.2%	27.2%	32.6%	67.4%
State - Limited English Proficient (LEP)	2091	33.5%	26.0%	34.1%	6.4%	59.5%	40.5%
State - Non LEP	50507	6.2%	18.2%	49.2%	26.5%	24.3%	75.7%
State - Low Income	17286	13.8%	24.9%	46.4%	15.0%	38.7%	61.3%
State - Non Low Income	35312	4.1%	15.4%	49.6%	30.9%	19.4%	80.6%
State - Students w/disabilities (IEP)	6391	18.7%	30.5%	41.0%	9.8%	49.2%	50.8%
State - Non IEP	46207	5.7%	16.8%	49.6%	27.9%	22.5%	77.5%
State - Migrant	124	16.1%	20.2%	54.8%	8.9%	36.3%	63.7%
State - Non Migrant	52474	7.2%	18.5%	48.5%	25.7%	25.7%	74.3%

¹Includes all enrolled students in grades 3-8 and 11 who participated in the North Dakota State Assessments;

²Combines Novice and Partially Proficient;

³Combines Proficient and Advanced

Report: North Dakota Assessment - State

2013-14

State of North Dakota

Math Participation Rates (Across All Grades)¹

Section D

Group	Total Number of Students	Number of Students Who:					Not Tested Rate	Participation Rate
		Took Regular State Test	Took Alternate Assessment	Had No Valid Attempt	Had Invalidated Test	With Valid Test Score		
State - ALL	53375	50856	1742	744	33	52598	1.46%	98.54%
State - Male	27082	25710	988	364	20	26698	1.42%	98.58%
State - Female	25871	24917	593	349	12	25510	1.40%	98.60%
State - White	43288	41612	1190	461	25	42802	1.12%	98.88%
State - Native American	5231	4740	354	136	1	5094	2.62%	97.38%
State - Black	1916	1775	91	48	2	1866	2.61%	97.39%
State - Hispanic	1961	1786	92	79	4	1878	4.23%	95.77%
State - Asian American	979	943	15	20	1	958	2.15%	97.85%
State - Limited English Proficient (LEP)	2126	1976	115	35	0	2091	1.65%	98.35%
State - Non LEP	51249	48880	1627	709	33	50507	1.45%	98.55%
State - Low Income	17675	16246	1040	378	11	17286	2.20%	97.80%
State - Non Low Income	35700	34610	702	366	22	35312	1.09%	98.91%
State - Students w/disabilities (IEP)	6561	4649	1742	159	11	6391	2.59%	97.41%
State - Non IEP	46814	46207	0	585	22	46207	1.30%	98.70%
State - Migrant	140	113	11	16	0	124	11.43%	88.57%
State - Non Migrant	53235	50743	1731	728	33	52474	1.43%	98.57%

¹Includes all enrolled students in grades 3-8 and 11 who participated in the North Dakota State Assessments

Report: North Dakota Assessment - State
State of North Dakota

2013-14

Reading Achievement Rates (Across All Grades) ¹

Section D

Group	Total Number of Students	Achievement Levels				Combined Levels	
		Novice	Partially Proficient	Proficient	Advanced	Not Proficient ²	Proficient ³
State - ALL	52502	7.4%	19.9%	56.4%	16.3%	27.3%	72.7%
State - Male	26660	8.9%	21.9%	55.8%	13.5%	30.8%	69.2%
State - Female	25459	5.8%	17.6%	57.3%	19.3%	23.4%	76.6%
State - White	42804	5.2%	17.8%	58.8%	18.2%	23.1%	76.9%
State - Native American	5101	18.4%	31.8%	44.0%	5.9%	50.1%	49.9%
State - Black	1839	17.5%	27.4%	46.4%	8.8%	44.8%	55.2%
State - Hispanic	1865	12.8%	27.6%	51.1%	8.5%	40.4%	59.6%
State - Asian American	893	17.7%	16.8%	47.3%	18.3%	34.5%	65.5%
State - Limited English Proficient (LEP)	1967	33.7%	34.0%	29.6%	2.7%	67.7%	32.3%
State - Non LEP	50535	6.4%	19.3%	57.5%	16.8%	25.7%	74.3%
State - Low Income	17215	13.5%	26.6%	50.6%	9.3%	40.1%	59.9%
State - Non Low Income	35287	4.5%	16.6%	59.3%	19.7%	21.0%	79.0%
State - Students w/disabilities (IEP)	6375	18.2%	32.5%	43.1%	6.2%	50.7%	49.3%
State - Non IEP	46127	5.9%	18.1%	58.3%	17.7%	24.0%	76.0%
State - Migrant	129	20.9%	36.4%	39.5%	3.1%	57.4%	42.6%
State - Non Migrant	52373	7.4%	19.8%	56.5%	16.3%	27.2%	72.8%

¹Includes all enrolled students in grades 3-8 and 11 who participated in the North Dakota State Assessments;

²Combines Novice and Partially Proficient;

³Combines Proficient and Advanced

Report: North Dakota Assessment - State
State of North Dakota

2013-14

Reading Participation Rates (Across All Grades) ¹

Section D

Group	Total Number of Students	Number of Students Who:					Not Tested Rate	Participation Rate
		Took Regular State Test	Took Alternate Assessment	Had No Valid Attempt	Had Invalidated Test	With Valid Test Score		
State - ALL	53375	50547	1985	812	31	52532	1.58%	98.42%
State - Male	27082	25475	1198	386	23	26673	1.51%	98.49%
State - Female	25871	24848	628	388	7	25476	1.53%	98.47%
State - White	43288	41408	1398	459	23	42806	1.11%	98.89%
State - Native American	5231	4726	375	128	2	5101	2.49%	97.51%
State - Black	1916	1749	97	68	2	1846	3.65%	96.35%
State - Hispanic	1961	1770	99	89	3	1869	4.69%	95.31%
State - Asian American	979	894	16	68	1	910	7.05%	92.95%
State - Limited English Proficient (LEP)	2126	1879	118	128	1	1997	6.07%	93.93%
State - Non LEP	51249	48668	1867	684	30	50535	1.39%	98.61%
State - Low Income	17675	16074	1160	430	11	17234	2.50%	97.50%
State - Non Low Income	35700	34473	825	382	20	35298	1.13%	98.87%
State - Students w/disabilities (IEP)	6561	4391	1985	170	15	6376	2.82%	97.18%
State - Non IEP	46814	46156	0	642	16	46156	1.41%	98.59%
State - Migrant	140	116	13	11	0	129	7.86%	92.14%
State - Non Migrant	53235	50431	1972	801	31	52403	1.56%	98.44%

¹ Includes all enrolled students in grades 3-8 and 11 who participated in the North Dakota State Assessments

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Report: North Dakota Assessment - State
State of North Dakota

2013-14

Science Achievement Rates (Across All Grades) ¹

Section D

Group	Total Number of Students	Achievement Levels				Combined Levels Not Proficient ² Proficient ³	
		Novice	Partially Proficient	Proficient	Advanced		
State - ALL	22219	10.7%	25.4%	47.3%	16.6%	36.0%	64.0%
State - Male	11166	10.0%	23.0%	47.5%	19.5%	32.9%	67.1%
State - Female	10885	11.3%	27.8%	47.2%	13.7%	39.0%	61.0%
State - White	18269	7.2%	23.3%	50.5%	18.9%	30.5%	69.5%
State - Native American	2041	28.2%	38.1%	29.5%	4.2%	66.3%	33.7%
State - Black	782	27.7%	31.3%	35.9%	5.0%	59.1%	40.9%
State - Hispanic	725	19.9%	35.6%	36.4%	8.1%	55.4%	44.6%
State - Asian American	402	29.4%	23.4%	33.6%	13.7%	52.7%	47.3%
State - Limited English Proficient (LEP)	821	50.4%	31.1%	15.8%	2.7%	81.5%	18.5%
State - Non LEP	21398	9.2%	25.1%	48.5%	17.2%	34.3%	65.7%
State - Low Income	6846	20.7%	32.2%	38.5%	8.6%	52.9%	47.1%
State - Non Low Income	15373	6.2%	22.3%	51.2%	20.2%	28.5%	71.5%
State - Students w/disabilities (IEP)	2568	23.8%	38.1%	31.5%	6.7%	61.8%	38.2%
State - Non IEP	19651	9.0%	23.7%	49.4%	17.9%	32.7%	67.3%
State - Migrant	40	27.5%	35.0%	25.0%	12.5%	62.5%	37.5%
State - Non Migrant	22179	10.6%	25.3%	47.4%	16.6%	36.0%	64.0%

¹Includes all enrolled students in grades 4, 8, and 11 who participated in the North Dakota State Assessments;

²Combines Novice and Partially Proficient;

³Combines Proficient and Advanced

Report: North Dakota Assessment - State
State of North Dakota

2013-14

Science Participation Rates (Across All Grades) ¹

Section D

Group	Total Number of Students	Number of Students Who:					Not Tested Rate	Participation Rate
		Took Regular State Test	Took Alternate Assessment	Had No Valid Attempt	Had Invalidated Test	With Valid Test Score		
State - ALL	22614	21623	596	384	11	22219	1.75%	98.25%
State - Male	11375	10837	329	203	6	11166	1.84%	98.16%
State - Female	11054	10695	190	165	4	10885	1.53%	98.47%
State - White	18516	17843	426	239	8	18269	1.33%	98.67%
State - Native American	2118	1945	96	76	1	2041	3.64%	96.36%
State - Black	806	746	36	24	0	782	2.98%	97.02%
State - Hispanic	763	693	32	37	1	725	4.98%	95.02%
State - Asian American	411	396	6	8	1	402	2.19%	97.81%
State - Limited English Proficient (LEP)	845	790	31	24	0	821	2.84%	97.16%
State - Non LEP	21769	20833	565	360	11	21398	1.70%	98.30%
State - Low Income	7054	6512	334	206	2	6846	2.95%	97.05%
State - Non Low Income	15560	15111	262	178	9	15373	1.20%	98.80%
State - Students w/disabilities (IEP)	2654	1972	596	85	1	2568	3.24%	96.76%
State - Non IEP	19960	19651	0	299	10	19651	1.55%	98.45%
State - Migrant	51	37	3	11	0	40	21.57%	78.43%
State - Non Migrant	22563	21586	593	373	11	22179	1.70%	98.30%

¹ Includes all enrolled students in grades 4, 8, and 11 who participated in the North Dakota State Assessments

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