

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

EDUCATION COMMITTEE

Tuesday, April 18, 2006
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Layton W. Freborg, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Layton W. Freborg, Robert S. Erbele, Tim Flakoll, Gary A. Lee, Tom Seymour; Representatives C. B. Haas, Gil Herbel, Bob Hunskor, Dennis Johnson, Lisa Meier, David Monson, Phillip Mueller, Mike Norland, John Wall, Steven L. Zaiser

Members absent: Senators Michael A. Every, Harvey Tallackson; Representatives Stacey Horter, RaeAnn G. Kelsch

Others present: See Appendix A

It was moved by Senator Flakoll, seconded by Representative Delmore, and carried on a voice vote that the minutes of the previous meeting be approved.

P-16 INITIATIVE

Chairman Freborg called on Ms. Janet Welk, Executive Director, Education Standards and Practices Board, Bismarck, who presented testimony regarding the P-16 Initiative. Her testimony is attached as Appendix B. She said the P-16 Education Task Force is researching and studying the standards and alignment process for students leaving high school and entering the workforce or college. She said meetings are scheduled for the second Wednesday of each month through the end of September 2006.

Chairman Freborg called on Dr. Michel Hillman, Vice Chancellor for Academic and Student Affairs, North Dakota University System, who presented testimony regarding the P-16 Initiative. His testimony is attached as Appendix C. He said the United States has one of the highest college enrollment rates in the world but it has a comparatively low college graduation rate. He said the United States is falling behind other nations in preparing students for 21st century jobs.

Dr. Hillman said in 1950, 80 percent of all jobs were classified as unskilled, i.e., no postsecondary education was required and in 2005, 85 percent of all jobs were classified as skilled, i.e., some level of postsecondary education was required. He said while many North Dakota students go to college, many are not prepared for college. He said it is the goal of the task force to look at the situation but not to point fingers.

Dr. Hillman said the single largest predictor of success in postsecondary education is academic preparation in high school. He said societal, emotional, and financial factors do come into play. He said North Dakota ranks very low nationally in the number of eighth graders taking high school algebra. He said North Dakota also ranks very low, if not at the bottom of all states, for the number of students taking advanced placement classes. He said a recent report shows that only 25 percent of North Dakota high school students are prepared for college. He said 27 percent of college freshmen are enrolled in remedial education. He said that percentage translates into more than 2,200 students per year.

Dr. Hillman said North Dakota's college retention and graduation rates rank about 37th in the nation. He said the Bank of North Dakota is concerned about rising student loan default rates. He said the Bank is therefore also very interested in making certain that students are prepared for college when they go to college.

Dr. Hillman said the question is what is readiness for college. He said college readiness is related to work readiness. He said students who enter the workforce after high school basically need to have the same skills as students who enter college. He said readiness is the level of preparation that a student needs to be enrolled and succeed without remediation in credit-bearing courses at a two-year institution, a four-year institution, or at a trade or technical school. He said employers are looking for the same basic skills in high school graduates. He said they are looking for the ability to write, think, speak clearly, analyze information, conduct basic research, understand basic science, and solve difficult mathematics problems. He said there is a gap between what is occurring and what is expected.

Dr. Hillman said if we start with 100 students in the ninth grade and look at them after they have attended either a two-year or a four-year institution, only 18 of them will have graduated. He said this allows students six years to graduate from a four-year institution and three years to graduate from a two-year institution.

In response to a question from Representative Monson, Dr. Hillman said "readiness for college" means readiness for postsecondary work without needing remedial education.

Representative Delmore said the reason many students may not be completing a two-year or a

four-year program in this state is that they transfer elsewhere. She said other students may be ready for college but they cannot manage college financially.

Dr. Hillman said there is a problem with the national definition of graduation rates because every student who transfers is cited as a failure, even if that student later graduates. He said 7,000 of the North Dakota University System's 40,000-plus students are enrolled on at least their third campus.

In response to a question from Representative Delmore, Dr. Hillman said 60 percent of future jobs will require training that only 25 percent of today's workers will possess.

Representative Monson said some teachers believe that eighth grade students are not ready for algebra. He said the number of students taking advanced placement classes is not applicable to small schools because those schools cannot offer such classes. He said with respect to the college retention rate, we need to know how many students really should have been placed in a two-year program rather than a four-year program.

Dr. Hillman said the joint boards started down this track after hearing a presentation by three employers in North Dakota saying that North Dakota high school graduates are neither ready for college nor ready for employment with their companies. He said North Dakota's academic achievement is very high at the fourth grade and the eighth grade levels. However, he said, the academic achievement of North Dakota students leaving high school is not competitive. He said we often hear students say that they are not challenged academically in high school. He said the number of North Dakota students taking algebra is small compared to the number of students taking algebra in other states. He said the number of North Dakota students taking advanced placement courses is a concern, particularly with respect to whether or not students have access to the rigorous academic courses.

Dr. Hillman said remedial rates are as high on the two-year campuses as they are on the four-year campuses.

Representative Herbel said if students start algebra in the 8th grade, finish it in the 10th grade, and then do not take mathematics for two years prior to attempting a college placement test, there will be an issue with skills retention.

Dr. Hillman said the task force has talked about the importance of having mathematics at every grade level in high school. He said there is a difference in test results for students who take four years of mathematics in high school versus those who take just two years.

Representative Haas said if we are in fact teaching mathematics with the goal of mastery, there should not be such a loss of ability to use mathematics if a student does not take a course for two years. He said that is not mastery of subject matter.

Dr. Hillman said a high school principal told the task force that he does not have the resources to offer

four years of mathematics to his students. He said the task force represents the private sector and educators at all levels. He said there is plenty of room for improvement in this state. He said we may need to make changes in our curriculum offerings.

In response to a question from Representative Hunsakor, Dr. Hillman said the task force has not looked at the motivation of students except to note that because the state assessments are focused more on evaluating a school rather than individual students, there does seem to be a lack of motivation on the part of students.

Representative Delmore said short of a requirement that students take four years of mathematics, the decision to do so, even in those schools that offer the classes, is left up to the students and their parents.

Dr. Hillman said about 81 percent of North Dakota students take the American College Test (ACT). He said ACT scores coordinate with later success in college. He said if a student receives an 18 on the ACT English component, that student has a 75 percent chance of getting a C in English composition when in college. He said if a student receives a 24 on the ACT science component, that student has a 75 percent chance of getting a C in biology when in college. He said scores on the ACT reflect how a student will perform when in college. He said the majority of North Dakota high school graduates are not prepared to successfully complete college-level courses.

Dr. Hillman said on a state-by-state comparison of ACT scores in our region, North Dakota's scores are lower than the scores of Iowa, Minnesota, Nebraska, and South Dakota.

Dr. Hillman said North Dakota students who take fewer than three years of mathematics have an average ACT mathematics score that is lower than 18. He said the more mathematics a student takes in high school, the higher the ACT mathematics scores will be. He said if students take just the minimum Algebra I and II and geometry, they will not score very high. He said their scores are significantly improved if they take a fourth mathematics course in high school.

Dr. Hillman said if we look at reading, science, and mathematics scores, only 23 percent of North Dakota high school graduates are prepared to enter college and receive at least Cs in the introductory courses. He said the good news is that if students took a few additional courses, they would be much better prepared for college-level courses.

Dr. Hillman said 44 percent of students fail to return to a two-year school for their second year and 32.2 percent fail to return to a four-year school for their second year. He said only 40.8 percent of students complete a two-year program and only 46.4 percent of students complete a four-year degree. He said many issues go into why a student does not complete a course of study. However, he said, the single most important factor is academic preparation for college.

Representative Monson said he wondered if the task force had looked at whether North Dakota has too many colleges and whether there is too much competition for students. He said perhaps colleges are admitting students who really should not be admitted, just to fill up their classrooms.

Dr. Hillman said everyone is aware of North Dakota's demographics. He said there is an ongoing decline in the number of high school graduates. He said with that kind of decline, higher education also needs to look at different ways of doing business. He said higher education is serving more nontraditional students than it did a few years ago. He said higher education is also serving more students through distance-learning. He said the North Dakota Constitution dictates the number of campuses to be maintained in the state.

In response to a question from Senator Lee, Dr. Hillman said there has been only a very small fluctuation in North Dakota ACT scores during the past several years.

Representative Herbel said not all students realize that the opportunity to attend college may not be there when they graduate from high school. He said students seem to have a misconception that everybody is going to get into a college and, consequently, their level of preparation is not an issue. He said students often take the easy route so they can receive a higher grade point average. He said if a student takes the easier classes and receives a higher grade point average, the student can be the valedictorian, get into the Honor Society, etc.

In response to a question from Representative Herbel, Dr. Hillman said many students just want to know what are the fewest courses they have to take. He said they do not view high school as an opportunity to take academically challenging courses at no cost. He said with grade inflation, grade point averages are coming to have less and less meaning. He said many employers would rather hire a student who has taken challenging courses and received somewhat lower grades than a student who has a higher grade point average but who has not taken the challenging courses.

In response to a question from Representative Mueller, Dr. Hillman said North Dakota has one of the highest average Scholastic Aptitude Test (SAT) scores because so few North Dakota students take the SAT. He said some states require all students to take the ACT or SAT. He said people in Colorado were concerned that if all students had to take an ACT or an SAT, Colorado scores would not be very high when compared to those of other states. In fact, he said, Colorado's test scores changed very little.

In response to a question from Representative Meier, Dr. Hillman said one of the problems has been a lack of guidance counselors providing one-on-one career guidance to students. He said the guidance counselors that we do have are busy with other things.

In response to a question from Representative Wall, Dr. Hillman said we need to look at education in this state not as separate components, i.e., higher education, kindergarten through grade 12 education, career and technical education, and teacher preparation, but rather look at education as a total state system. He said all of the expectations that we have at this point involve seat time. He said kindergarten through grade 12 is driven by Carnegie units and higher education is driven by credit hours. He said neither is driven by competencies. He said what is viewed as being important is directly related to what one measures. He said we are trying to figure out how we can all work together, communicate expectations, and measure progress.

Senator Flakoll said we could probably do a better job of letting students and their parents know that students can take high school classes for free but that they have to pay for similar remedial courses at the university level.

In response to a question from Senator Flakoll, Dr. Hillman said we are already seeing higher ACT cutoff scores at both the University of North Dakota and North Dakota State University. He said even if a student does not succeed in college, the student still needs to pay off his or her student loans. He said that is often a significant financial burden that is not easily met with a low-paying job. He said the campuses are reluctant to raise standards across the board to screen out more students. He said the P-16 task force is looking not at screening out students but at better preparing those who want to go to college. He said this is a chicken and egg thing and we all need to move together.

In response to a question from Representative Monson, Dr. Hillman said costs have gone up over the last several years but we have not seen retention rates go up at the same time. He said there does not seem to be a correlation between costs going up and students taking their financial investment more seriously and remaining in college.

Chairman Freborg called on Mr. Tom Decker, Director of Finance and Organization, Department of Public Instruction, who presented testimony regarding the P-16 Initiative. He said the task force has been talking about whether North Dakota is keeping up with the rest of the country. He said other states are implementing significant increases in their high school graduation requirements. He said North Dakota does not have a policy that aligns high school standards with college admission requirements or with work expectations. Similarly, he said, North Dakota does not have any state-level requirements for high school graduation.

Mr. Decker said no state requires every student to take a college or work preparatory program in order to earn a high school diploma. However, he said, in every state, a student can take all the required courses for high school graduation and graduate being underprepared for both college and work. He

said North Dakota does not have a longitudinal student data system in place.

Mr. Decker said 26 states specify what students must take to graduate from high school. He said 24 states do not. He said North Dakota is one of the states that does not specify requirements for graduation.

Mr. Decker said eight states now require college and work-ready diplomas. He said 21 states have a process underway to align their standards with college and work expectations.

Mr. Decker distributed a document entitled *Pathways to Graduation*. The document is attached as Appendix D. He said the document summarizes a new South Dakota law that, beginning with the 2006 freshman class, will require students to choose either a standard, an advanced, or a distinguished route to high school graduation. He said all students will be required to participate at least in the advanced path unless the student has a parent's permission to pursue the standard or basic pathway. He said the advanced pathway will meet the minimum requirements for admission to South Dakota public universities. He said the major differences in the paths involve the requirements for mathematics, science, and foreign languages.

In response to a question from Representative Delmore, Mr. Decker said South Dakota has recognized that some students may want to make choices. He said if a student does not wish to take the more difficult courses in high school, the student and his or her parents need to be informed about the consequences of such choices.

Mr. Decker said the state of Wyoming has appropriated funds so every student can take the ACT as a junior in high school. He said Wyoming sees it as another baseline measurement of how students are doing. He said Colorado and Illinois also require every student to take the ACT. He said Michigan has raised the bar considerably in terms of its graduation requirements. He said North Dakota does not require any special coursework in order for a student to graduate from high school. He said that is strictly a local district issue. He said our requirements govern only what a school district must make available. He said the business and private sector representatives on the P-16 task force agree that there should be no difference in graduation requirements for students entering the workforce and for students entering college.

Mr. Decker said Iowa is appropriating money for preschool programs and making changes in the school calendar in order to maximize student-teacher contact time. He said North Dakota has not made a systematic effort to connect and make sure that preschool, elementary school, high school, and higher education flow into each other.

Mr. Decker said Indiana has also increased its high school graduation requirements. He said Indiana went from having no graduation requirements to

specifying what students must take and successfully complete in order to receive a high school diploma.

In response to a question from Representative Mueller, Mr. Decker said there is considerable variation in how states have set their standards for purposes of the No Child Left Behind Act. He said the state assessments that are required by the No Child Left Behind Act are generally not as rigorous as the requirements for success in college.

In response to a question from Representative Herbel, Mr. Decker said the resources to fund everything are simply not available, so we have to make choices.

Chairman Freborg called on Mr. Dean A. Koppelman, Superintendent, Dickinson Public Schools, who presented testimony regarding the P-16 Initiative. He said the task force has not yet concluded its work. He said the task force was established to involve participants from throughout the state in an open dialogue aimed at developing a more rigorous, seamless, and accountable education system. He said the goal of the task force is to continue providing a world class education to students. He said the task force's priorities are to align proficiency standards with expectations, provide a rigorous curriculum, determine how to recruit and retain quality teachers, educate parents and the public, develop new resources, reallocate existing resources, and provide career counseling.

Mr. Koppelman said 20 to 25 percent of our students do well in high school and go on to do well in college. He said we have a much larger percentage of students who are not in that situation. He said some students could do better with additional counseling for them and their parents, especially for first-generation college attendees.

Mr. Koppelman said we need to understand that maintaining our current level of achievement is not sufficient when we compare ourselves to other states and countries. He said many parents and educators do not realize where North Dakota fits in the grand scheme of things. He said there is still a presumption that if one has a high school diploma, that person is prepared for college. He said that might have been the case 30 or 40 years ago but that is not the case today.

In response to a question from Senator Seymour, Mr. Koppelman said the task force was working with representatives of higher education and kindergarten through grade 12 to ensure adequate discussion of best practices.

UNIVERSITY FACULTY ENGLISH COMMUNICATION SKILLS

Chairman Freborg called on Dr. Hillman who presented a report regarding implementation of the State Board of Higher Education's policy regarding faculty English communication skills. His testimony is attached as Appendix E.

Dr. Hillman said North Dakota Century Code Section 15-10-42 requires the State Board of Higher Education to create a policy relating to the assessment of faculty and teaching assistant communication skills, including the ability to speak English clearly and with good pronunciation. He said students must be notified of opportunities to file complaints. He said there must be a process in place for responding to student complaints and a process for resolving reported communication problems. He said the State Board of Higher Education has had a policy in place since 1993. He said the policy was revised in 1999 and again after the 2005 legislative session. He said students are notified, by whatever means a campus usually uses to communicate with them, of the provision that all instructors and other employees who deal with students must be proficient in the English language. He said students are also told who they can contact if they believe this requirement is not being met. He said the State Board of Higher Education requires campuses to provide data regarding any complaints that are filed and how they were handled.

Dr. Hillman said the report includes copies of the four complaints that were received from system campuses. He said two of the complaints were initiated by students and two were initiated by parents. He said three were from the fall term and one was from the spring term. He said three of the complaints were reported orally. He said two of the complaints were from community colleges and two were from four-year campuses. He said often there is more than just an English proficiency issue. He said probably a majority of the mathematics, science, and engineering graduate students in America are not native English speakers. He said many of the nonnative speakers are teaching the more rigorous courses in mathematics, science, and engineering. He said the culture and teaching styles also differ from country to country. He said sometimes there is a transition issue for both students and teachers.

In response to a question from Representative Herbel, Dr. Hillman said the 2005 legislation signaled an interest in ensuring that the instructors have adequate levels of English competence.

HIGHER EDUCATION LONG-TERM FINANCE PLAN

Chairman Freborg called on Dr. Hillman to present a report regarding the higher education long-term finance plan. He distributed the *Higher Education Funding and Accountability Study*, attached as Appendix F. He also distributed an executive summary of the report prepared by MGT of America, Inc. The summary is attached as Appendix G. In 2001, he said, the State Board of Higher Education adopted a long-term finance plan. He said that plan called for a review to be conducted at least once every six years. He said that study was scheduled to begin in 2005, at the conclusion of the legislative

session. He said the 2005 Legislative Assembly also mandated a review of the long-term finance plan. In addition, he said, the 2005 Legislative Assembly proposed that the Legislative Council study higher education funding and accountability. He said that study was done through a contract with MGT of America, Inc.

Dr. Hillman said the system's long-term finance plan committee consists of volunteers from several of the campuses. He said it met a number of times throughout the year to review the peer selection process. He said the 2005 Legislative Assembly appropriated \$2 million to the University System to address equity funding. He said equity funding refers to how campuses are funded vis-à-vis other campuses within the state.

Dr. Hillman said he will review the highlights of the State Board of Higher Education's response to the MGT of America, Inc., report. He said the system was pleased with the recommendation that state funding for higher education be increased to equal at least 21 percent of the state general fund budget. He said the report concluded that the Higher Education Roundtable was effective in improving higher education in North Dakota and especially in integrating higher education into the economy and making it a driver of the economy. He said the accountability measures were found to be appropriate and consistent with the roundtable recommendations. He said the long-term financing plan and peer funding model was found to be a valid approach for determining funding needs and allocating resources. He said the unified system of higher education is the most effective and efficient means of delivering higher education services in the state of North Dakota. He said there was also a reference to a Pew Charitable Trust study that concluded that the North Dakota higher education system was one of the five most productive state systems of higher education relative to its resources. He said he has always believed that in terms of the quality credit hours produced, North Dakota probably has the most efficient system of higher education in the country. He said our students do very well when they leave our institutions of higher education.

Dr. Hillman said it was also concluded that no funding model will sufficiently address the equity and other funding challenges without a large infusion of state resources. He said much of the focus has been placed on the differences in funding between the campuses. He said all of the campuses receive fewer dollars than their peer institutions.

Dr. Hillman said there were a number of recommendations in the MGT of America, Inc., report that the state higher education system supported. He said they included changes in the peer selection process, changes related to student count calculations, and regular updating of the benchmark figures and stabilization of the peer group.

Dr. Hillman said there are a number of issues that still require further analysis. He said some relate to

how the Agricultural Extension Service and the Agricultural Experiment Stations are treated in the North Dakota State University peer comparisons. He said others relate to parity and equity and how equity funding is allocated among the system campuses. He said an updated peer benchmark model will be used to develop the University System's 2007-09 budget request. He said no model will address the internal funding challenges without adequate additional state support. He said equity challenges existed under the former workload model and they will continue under the peer benchmark model, unless adequate funding is provided to address equity as well as to cover cost increases on all campuses.

In response to a question from Representative Delmore, Dr. Hillman said the roundtable process, which was a legislative review of higher education, began in 1999. He said the roundtable report suggested that higher education should become more responsive to state needs and more of an economic engine in the state. He said in exchange for doing that, it was felt that the share of the state's budget directed toward higher education should remain the same. He said higher education has implemented a number of new programs in response to employer demands. He said higher education has responded to different student markets, including older-than-average students, nontraditional students, and those who require distance delivery options. He said the roundtable report does not mention 21 percent. He said it just says that higher education's share of the budget should remain the same. In the 1990s, he said, higher education's share of the state's budget was more than 21 percent. However, he said, at the time of the roundtable report in 1999, the share was about 21 percent.

In response to a question from Representative Monson, Dr. Hillman said the centers of excellence started in the 2003 legislative session. He said the largest chunk of the investment came in 2005. He said they are just beginning to get those centers funded and operational. He said the thought was that the centers of excellence would be economic engines that would ultimately add to the state's economy. He said the centers of excellence are specific economic drivers, not higher education core functions. He said they were therefore funded through the Department of Commerce. He said since the centers are just getting up and off the ground, we cannot yet measure their impact.

In response to a question from Senator Lee, Dr. Hillman said there are many in higher education who feel that 21 percent is not adequate. He said someone will have to decide how much of that will be used for equity and how much for parity. He said parity is inflation-related cost, e.g., fuel. He said someone will also have to decide whether the goal is to fund each of the campuses at 100 percent of its peers nationally. He said if that is the goal, the 21 percent level will not be sufficient. He said if a

significant part of that 21 percent were put into equity, it would make a major impact.

In response to a question from Senator Lee, Dr. Hillman said the State Board of Higher Education was directed to develop a long-term finance plan. He said the effect of a long-term finance plan on a peer institution funding model required that we look at institutions from around the country that were similar to our institutions and then we compared the funding for those institutions with what our institutions received. He said there were similarities in the size of the institutions, the number of programs, and specifically the number of health-related programs, because those are more expensive to deliver. He said some campuses are funded at a level that is not significantly lower than their peers. He said other campuses are funded at a level that is lower than probably 50 percent of their peer institutions. He said the Legislative Assembly had some concerns about use of the peer institution model and wanted that reviewed. He said that is what was done by MGT of America, Inc., and MGT of America, Inc., in turn concluded that for North Dakota the peer institution model was appropriate.

FULL-DAY KINDERGARTEN PROGRAMS

Chairman Freborg called on Ms. Barb Arnold-Tengesdal, Assistant Professor, University of Mary, who presented testimony regarding full-day kindergarten programs. Her testimony is attached as Appendix H. She said the best educational start available to students involves full-day kindergarten programs. She said full-day kindergarten programs allow for a more relaxed instructional pace. She said they allow children time to reflect on their learning and they allow for more classroom involvement.

Ms. Arnold-Tengesdal said most parents choose to place their children in kindergarten. She said many parents do not realize that kindergarten is not mandatory. She said if a child is not prepared, parents tend to hold the child back before kindergarten but typically not prior to first grade.

Ms. Arnold-Tengesdal said an associated issue involves the economic impact on the child care industry. She said there are impacts but only short-term ones. She said child care providers typically adjust their programs in those districts that have full-day kindergartens. She said another issue involves teacher availability. She said North Dakota is producing many teachers. She said many of those would like to work in early childhood education but either end up working as aides or moving to other states.

Ms. Arnold-Tengesdal said kindergarten is not just a transitional year. She said it sets the base for the learning that happens in the first and future grades. She said today there is a different kind of child in school and likewise, she said, societal expectations are different.

In response to a question from Representative Mueller, Ms. Arnold-Tengesdal said current research

shows gains by students who have had full-day kindergarten programs. She said the gains are not only academic but also social.

In response to a question from Representative Herbel, Ms. Arnold-Tengesdal said she would like to see full-day kindergarten be mandatory.

In response to a question from Representative Herbel, Ms. Arnold-Tengesdal said all early childhood education is productive. She said legislators need to listen to parents and professionals in order to determine what is good for children.

Representative Monson said 30 years ago when he was preparing to become a teacher, he took educational psychology. He said they were told that the age of reading readiness was 7. He said the research showed that some students might be ready to read at 6 and some at 8. He said some might even have been ready at 4 or 5 and some not until 9 or 10. However, he said, for the most part, a child's brain is not prepared for reading earlier than 7. He said you can only push a child so far. He said he wondered if the push for earlier schooling was socially based or academically based. He said he wondered if it was in fact free day care at state expense.

In response to a question from Representative Monson, Ms. Arnold-Tengesdal said full-day kindergarten is there for academic gain. She said children are developmentally ready at different times. She said gender, age, and state start date differences have all been studied. She said the question is whether or not it is truly important academically to support this. She said what we now know about brain research is that children are ready to learn but it takes quality teachers and quality caregivers to help children tap into their potential. She said some ask if this would not happen naturally. She said reading does not happen naturally. She said reading takes time. She said children need to learn the skills to be able to read. She said children are ready at different ages. However, she said, it is important that we give children the opportunity to learn and develop their literacy skills and their mathematics skills. She said the social skills are a given.

Representative Monson said if we are starting children earlier and earlier, and if those children are not all ready to blossom, he cannot help but wonder if we are placing a stigma on them by setting them up for failure. He said he wonders if we are giving them a bad taste about school.

Ms. Arnold-Tengesdal said we give them a bad taste for school when we do not allow them to be as successful as they can be. She said we do not want to push too much assessment on kindergarten students at the expense of allowing flexibility for playing and exploring science, social studies, and drama. She said a full-day program allows children to have time to explore and experience things that they otherwise do not get a chance to do. She said some children are just left with day care providers who are perhaps not as skilled at providing learning experiences for children.

In response to a question from Representative Haas, Ms. Arnold-Tengesdal said early childhood educators have to be more developmental in their approach to curriculum. She said children do start school at different developmental ages. She said every child will approach learning differently. She said by the end of kindergarten, most children will have reached the expected goals.

Chairman Freborg called on Ms. Amy Neal, President, North Dakota Kindergarten Association, Minot, who presented testimony regarding full-day kindergarten programs. Her testimony is attached as Appendix I. She said in the past, kindergarten was considered a place to come and play prior to entering a curriculum-driven, first-grade environment. She said 21st century kindergarteners are exposed to a curriculum that includes mathematics, reading, language arts, science, social studies, music, art, guidance, technology, and health. She said the state standards have continued to expand but the time during which these are taught has remained limited. She said full-day kindergarten would allow all children to receive instruction in basic skills. She said the skills that were taught in first grade 15 years ago are the skills that are now being taught in kindergarten.

In response to a question from Representative Hunskor, Ms. Neal said some children should not start kindergarten as early as they do. As a teacher, she said, she can tell in one to two weeks whether a child is ready for kindergarten. She said it does not take nine months to make that determination. She said she visits with parents about their options. She said those options include taking the child out of the program for a year or changing the expectations for that particular child. She said the child can then repeat kindergarten or go on to first grade and receive Title I help.

In response to a question from Representative Meier, Ms. Neal said 18 to 20 students is a good size range for a kindergarten class.

Chairman Freborg called on Mr. Steve Swiontek, Superintendent, Devils Lake Public Schools, who presented testimony regarding full-day kindergarten programs. His testimony is attached as Appendix J. He said he would like to ask the Legislative Assembly for a full foundation aid payment for full-day everyday kindergarten, beginning with the 2007-08 school year. He said the educational psychology books have changed considerably in the last 30 years. He said there is a great deal of new research about learning abilities and about how children learn.

Mr. Swiontek said in his experience, the statistics show significant improvements in student achievement among those who have attended full-day kindergarten programs. He said if every school added a full-day kindergarten program, it would cost the state \$6 million to \$7 million each year. He said one source for those funds might be the lottery money.

In response to a question from Representative Herbel, Mr. Swiontek said the Devils Lake Public

School District is continuing to track the progress of students.

Chairman Freborg called on Dr. Chuck DeRemer, Assistant Superintendent of Instructional Services, Fargo Public Schools, who presented testimony regarding full-day kindergarten programs. His testimony is attached as Appendix K. He said his testimony includes statistics regarding differences in the percentage of students functioning at grade level between those who attended full-day kindergarten programs and those who attended only half-day kindergarten programs.

Dr. DeRemer said the research shows that there are no long-term negative effects from children attending full-day kindergarten programs. He said those children do, in fact, experience significant gains. He said the payback in dollars for money spent is believed to be at least \$3.78/\$1.00. He said he is concerned that we are talking about full-day everyday kindergarten in isolation from all the other things that should be happening in a comprehensive public school system.

In response to a question from Senator Flakoll, Dr. DeRemer said there are a number of studies that have followed students well into their 30s to look at the payback of preschool and full-day kindergarten programs. He said they found that among these individuals, there were fewer discipline problems, a lower rate of incarceration, a lower dropout rate, and a higher rate of college graduation. He said those students required far fewer intervention programs and that is where the cost-savings lie.

In response to a question from Senator Flakoll, Dr. DeRemer said the amount of learning that takes place through age 7 is greater than it is in the high school span. He said the physical development of the child is so different and so much quicker during the early years than it is during the high school years. He said there are many things going on developmentally and much learning is taking place.

EDUCATIONAL ASSOCIATIONS GOVERNED BY JOINT POWERS AGREEMENTS

Chairman Freborg called on Mr. Decker to present testimony regarding educational associations governed by joint powers agreements. His testimony is attached as Appendix L.

Mr. Decker said the biggest challenge to North Dakota's constitutional directive to provide a free and uniform system of public education is demographics, particularly declining enrollment and enrollment concentration. He said by 2012 there will be fewer than 90,000 students.

Mr. Decker said in a normal school district population, there will be more students in grades 1 through 3 than in grades 10 through 12. He said in North Dakota school districts having high schools with 550 or more students, 12,285 students are enrolled in grades 1 through 3 and 13,363 are enrolled in

grades 10 through 12. He said that is an enrollment shift of -8.1 percent. He said these statistics are not projections, they are fall 2005 enrollment figures.

Mr. Decker said in North Dakota school districts having high schools with 150 to 549 students, the enrollment shift is -29.1 percent. He said in school districts having high schools with 75 to 149 students, the enrollment shift is -27.9 percent and in those school districts having high schools with 1 to 75 students, the enrollment shift is -29.8 percent. He said this assumes no dropouts and no students moving out of the district.

Mr. Decker said the eight largest school districts have 52 percent of the public school enrollment. He said they are declining in enrollment but not nearly at the pace being experienced by the remaining 192 districts. He said those 192 districts educate the other half of the state's student population.

Mr. Decker said if a school district has twice as many students in the first eight grades as it does in the high school grades, it has an enrollment factor of 2.0 and it will maintain its high school population. He said only five of this state's counties have factors of 2.0. He said the rest are below 2.0.

Mr. Decker said educational associations governed by joint powers agreements include school districts the size of Bismarck as well as the smallest districts in the state. He said those educational associations can provide services to a critical mass of students.

Mr. Decker said there will continue to be teacher and administrator retirements. He said by the 2010-11 school year, many teachers will have retired and a significant shortage will be felt. He said school districts will have difficulty replacing teachers who have retired. He said schools with fewer than 185 to 200 students will have a very difficult time providing the full range of services that are expected of schools today.

Mr. Decker said there is a plethora of organizations trying to provide services to school districts. He said they include special education units, career and technical education centers, telecommunications cooperatives, Title I cooperatives, Title IV safe and drug-free schools, and teacher learning centers.

Chairman Freborg called on Mr. Jon Martinson, Executive Director, North Dakota School Boards Association, who presented testimony regarding educational associations governed by joint powers agreements. He said there are nine educational associations governed by joint powers agreements in the state. He said they serve 94 percent of the state's public school enrollment. He said if the Mandan and Carrington School Districts would join an educational association, 98 percent of North Dakota students would be served. He said educational associations governed by joint powers agreements are currently providing staff development opportunities, summer school courses, English language learner programs, curriculum development, technology support, and grant writing services. In addition, he said, the educational associations have allowed school districts

to operate on common school calendars and common clocks.

Mr. Martinson said educational associations governed by joint powers agreements have also provided advanced placement and dual-credit courses. He said 122 out of 174 high schools offer dual-credit courses. He said all 174 high schools should be offering dual-credit courses. He said educational associations governed by joint powers agreements are comprehensive support agencies that can equalize access to educational opportunities. He said they are support organizations for school districts. He said they can ensure access to a more uniform system of education, particularly when districts cannot provide those services themselves.

Mr. Martinson said educational associations governed by joint powers agreements need the authority to hire people directly, the ability to receive funding directly, and an adequate level of state financial support.

In response to a question from Representative Delmore, Mr. Martinson said he is optimistic that there will be 100 percent participation in educational associations governed by joint powers agreements. He said some of the educational associations have more experience than others. He said those that were just formed recently are still experiencing some growing pains.

Representative Delmore said educational associations governed by joint powers agreements are very good for students across the state. She said they are moving in a wonderful direction.

Chairman Freborg called on Ms. Lois Myran, Coordinator, Roughrider Educational Services Program (RESP), Dickinson, who presented testimony regarding educational associations governed by joint powers agreements. She said during this past year a web site was developed to allow for better communication regarding the efforts of the state's educational associations. She said the web site is www.ndjpa.com or ndjpa.org. She said the web site includes information regarding educational associations governed by joint powers agreements as a whole and individually. She said it also includes individual association's calendars, directories, e-mail links, minutes of individual and joint meetings, newsletters, resources such as bylaws and strategic plans, and available administrative and student services.

Ms. Myran said because of the sharing of resources, RESP was able to provide staff development opportunities that included bringing in several nationally renowned speakers. She said RESP also put together a wellness plan. She said the plan was taken largely from what Bismarck had already done. She said time did not have to be spent creating a plan from scratch. She said RESP has also put together an English language learner plan and it works with the alternative high school to make services available to students in the member school districts.

Chairman Freborg called on Ms. Deb Syvertson, Coordinator, North Central Educational Cooperative (NCEC), who presented testimony regarding educational associations governed by joint powers agreements. In the early 1990s, she said, six schools participated in the Bottineau County Consortium. She said three of the six schools have closed since then. She said there are now 16 schools in NCEC. She said there are similarities in the services that each educational association provides and there are individual strengths as well. She said NCEC covers 6,000 square miles. She said many of its meetings are held over ITV and meeting materials are placed on the web site. She said one of its big efforts involves curriculum workshops for teachers.

Ms. Syvertson said more ongoing professional development is occurring because now, through the educational association, someone is in charge of coordinating this. She said personnel in small school districts tend to wear multiple hats and as a result they have limited time for providing teacher-focused learning and instructional programs. She said she hopes to provide more student and administrative services.

Chairman Freborg called on Ms. Tanya Lunde-Neumiller, Coordinator, Missouri River Cooperative (MRC), who provided testimony regarding educational associations governed by joint powers agreements. She said MRC covers school districts in the Bismarck area. She said one of MRC's efforts has been to increase access to summer programs for students attending school in participating districts. She said the opportunity to enroll in summer school has been available to students in the larger districts for quite some time. She said that same opportunity has not been available to students in many of the state's smaller districts. She said even a small school district might be able to offer a summer course or two but providing a larger number of courses requires involvement in an educational association.

Ms. Lunde-Neumiller said MRC established a policy whereby no school district in MRC would make money or lose money by operating a summer school course. In the urban districts, she said, students tend to take their basics during the summer so they can take electives during the school year. In the smaller districts, she said, students are encouraged to take basic courses during the year and focus on electives during the summer. She said educational associations are all about offering services to students in rural areas. She said by working together they can make things happen. She said many things would not be possible if districts had to do them on their own. She said they are also hoping that the summer school experiences can be aligned to careers that students might want to consider down the road.

In response to a question from Senator Lee, Ms. Lunde-Neumiller said the original idea was to have more regional hubs but because of MRC's late start, they are going to utilize the ITV system. She

said not all that many students were willing to drive to their summer school courses.

At the request of Chairman Freborg, committee counsel presented a bill draft [70043.0400] related to educational associations governed by joint powers agreements. She said the bill draft would create a separate chapter of the North Dakota Century Code for educational associations governed by joint powers agreements. She said the bill draft would also authorize the Superintendent of Public Instruction to implement a uniform system of accounting for the educational associations and it would allow them to contract with entities, as well as with individuals, to perform the functions of a business manager. She said the bill draft would declare educational associations to be bodies corporate. She said current law requires individuals who sit on the governing boards of the educational associations to be school board members. She said the law does not address the qualifications of their designees. She said this bill draft would require that any designee must likewise be a school board member. She said the bill draft would allow any money appropriated for school district participation in an educational association to be sent directly to the association on behalf of a school district and it would allow money to be withheld from future payments to the school district if the district did not meet any obligations imposed on it as a requirement for receiving the money. She said Section 6 of the bill draft includes language that would require the North Dakota Insurance Reserve Fund to provide coverage for educational associations, just as it does for political subdivisions. She said Mr. Steve Spilde, Executive Director, North Dakota Insurance Reserve Fund, has indicated that he believes the North Dakota Insurance Reserve Fund is currently authorized to consider the educational associations for coverage and that upon receipt of a memorandum to this effect from Mr. Spilde, the section could be removed from the bill draft.

STATUTORY WAIVERS - REPORT

Chairman Freborg called on Ms. Anita Decker, Director of School Approval and Accreditation, Department of Public Instruction, who presented a report regarding the status of statutory waivers for this year. She distributed a document entitled *Status - Waiver Applications 2006-2007 School Year*. The document is attached as Appendix L. She said the document shows the two requests that were granted and the seven requests that were denied. She said the statute governing waivers is North Dakota Century Code Section 15.1-06-05.

Ms. Decker distributed a memorandum that was sent to school district superintendents and school board presidents. The memorandum is attached as Appendix M. She said it outlines factors that should be considered if a district wishes to seek a waiver so it could implement a four-day school week.

Ms. Decker said there has never been a request for reconsideration of a denied waiver request. She

said the North Dakota Administrative Code governs the procedure for reconsideration.

Ms. Decker said the four-day school week is a subject of conversation around the nation. However, she said, most states are looking at increasing the number of school days and the amount of time in school. She said there is research showing that to be efficient and effective. She said there is little research to show positive results from going to a four-day week. She said schools often look to four-day school weeks in the hope of saving money. She said the Almont School District currently has a four-day school week. She said Almont is a very small kindergarten through grade 8 district with 20 students.

In response to a question from Senator Freborg, Ms. Decker said the instructional-hours requirement is not waived if a school district wishes to implement a four-day school week. She said the district must lengthen each of its four schooldays to make up for the time.

In response to a question from Representative Herbel, Ms. Decker said the school district in McLaughlin, South Dakota, is following a four-day-plus school week. She said it researched it for six years and just implemented it. She said the school district in Lemmon, South Dakota, was not able to demonstrate any gains in academic achievement.

In response to a question from Representative Johnson, Ms. Decker said if the Killdeer School District would implement a four-day school week, it would be operating as an island in its educational association.

In response to a question from Senator Freborg, Ms. Decker said she received an e-mail from the coordinator of the Great West High Tech Consortium. She said the e-mail points out that Killdeer is one of the few school districts in the state which is not part of a distance-learning consortium. She said the e-mail also points out that much work has gone into establishing common bell schedules and a common calendar, thereby allowing a strengthening of course offerings despite declining enrollment. She said the e-mail states that sharing resources and building a successful working relationship among school districts is becoming more and more prevalent and needs to be supported, instead of allowing districts to isolate themselves.

In response to a question from Representative Haas, Ms. Decker said one of the difficulties in reviewing the Killdeer application was that it was not clear why Killdeer wanted to revert to a four-day school week.

COMMENTS FROM OTHERS

Chairman Freborg called on Ms. Sophia Preszler who said she is a concerned citizen and is upset at how students are being educated. She said education is not doing what it should be doing for our students and for our society. She said teachers used to teach right and wrong. She said we need to teach morals and we need to teach right and wrong. She said at

one time if a student did something wrong, the student had to contend with the teacher. She said many students are confused about what is right and wrong. She said we need to get back to the basics.

Chairman Freborg called on Ms. Nancy Sand, North Dakota Education Association, Bismarck, who addressed the committee. She distributed a copy of a letter she had sent to various educational association leaders. The letter is attached as Appendix N. She said the North Dakota Education Association is not opposed to the hiring of teachers by educational associations as long as the teachers are hired under the same conditions as are teachers in school districts.

COMMITTEE DISCUSSION AND STAFF DIRECTIVES

Representative Herbel said the committee should receive a report from the interim Finance and Taxation Committee and from the Governor's Commission on Education Improvement.

The meeting was adjourned at 4:00 p.m.

L. Anita Thomas
Committee Counsel

[ATTACH:14](#)