

# NORTH DAKOTA LEGISLATIVE COUNCIL

## Minutes of the

### NO CHILD LEFT BEHIND COMMITTEE

Tuesday, October 24, 2006  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative RaeAnn G. Kelsch, Chairman, called the meeting to order at 2:00 p.m.

**Members present:** Representatives RaeAnn G. Kelsch, Bob Hunsakor, Darrell D. Nottestad, Margaret Sitte, John Wall; Senators Tim Flakoll, Layton W. Freborg, Gary A. Lee

**Members absent:** Representative Joe Kroeber; Senators Dwight Cook, Ryan M. Taylor

**Others present:** See Appendix A

**It was moved by Representative Nottestad, seconded by Representative Wall, and carried on a voice vote that the minutes of the previous meeting be approved as distributed.**

Chairman Kelsch called on Ms. Beverly Fischer, Grants Management Unit, Department of Public Instruction, to provide testimony regarding federal funds received by the state for the No Child Left Behind Act. Ms. Fischer distributed a document entitled *Funds for State Formula-Allocated and Selected Student Aid Programs - U.S. Department of Education Funding - North Dakota*. The document is attached as Appendix B. She said the Superintendent of Public Instruction does not administer the improving teacher quality higher education funds nor the safe and drug-free schools and community Governor's funds. She said North Dakota's highest level of federal funding came in 2005-06. She said the estimate for 2007-08 is \$93,224,114. She said it is much too early to determine whether this estimate will be accurate.

In response to a question from Representative Nottestad, Ms. Fischer said the Indian education grants require direct application to the United States Department of Education.

Chairman Kelsch called on Ms. Laurie Matzke, Title I Director, Department of Public Instruction, to present testimony regarding the steps being taken by school districts that have failed to make adequate yearly progress (AYP) for several years. Ms. Matzke's testimony is attached as Appendix C. She said there are many misconceptions regarding what happens to schools and school districts that do not make AYP. She said North Dakota has set forth a number of options from which school districts can select if they do not make AYP for the seventh year.

Ms. Matzke said all of the schools that have been removed from program improvement have a significant percentage of Native American students. She said those schools have other characteristics in

common as well. She said those characteristics are set forth in Appendix E of her testimony.

In response to a question from Representative Kelsch, Ms. Matzke said if a school does not receive Title I funds, it cannot be listed as not making AYP. She said some schools do not have enough students in a particular group but when all schools in a district are aggregated, the district itself may be found not to have made AYP.

In response to a question from Representative Delmore, Ms. Matzke said each school district selects which options it will pick. She said the parents of students in a district do not pick the option. She said parents generally keep their child enrolled in the school that the child was attending prior to the AYP determination.

Chairman Kelsch called on Ms. Janet Welk, Executive Director, Education Standards and Practices Board, to present testimony regarding the number of teachers who became highly qualified using portfolio options, those who became highly qualified by completing additional college courses, and those who failed to become highly qualified. Ms. Welk's testimony is attached as Appendix D. Ms. Welk said 1986 teachers became highly qualified using one of the various major equivalency options.

In response to a question from Representative Hunsakor, Ms. Welk said most of the teachers completed additional courses rather than portfolios to become highly qualified. She said because North Dakota had the major-minor law, some teachers had to take only a few additional courses to bring their minors up to majors.

In response to a question from Representative Delmore, Ms. Welk said the Education Standards and Practices Board has issued only five "teaching alternative flexibility endorsements" under North Dakota Administrative Code Section 67.1-02-03-11.

**It was moved by Senator Lee, seconded by Representative Sitte, and carried on a roll call vote that the chairman and the staff of the Legislative Council be requested to prepare a report and to present the report to the Legislative Council.** Representatives Kelsch, Hunsakor, Nottestad, Sitte, and Wall and Senators Flakoll, Freborg, and Lee voted "aye." No negative votes were cast.

**It was moved by Representative Nottestad, seconded by Representative Sitte, and carried on a voice vote that the meeting be adjourned sine die.**

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L. Anita Thomas  
Committee Counsel

[ATTACH:4](#)