

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

EDUCATION COMMITTEE

Wednesday, December 5, 2007
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative RaeAnn G. Kelsch, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives RaeAnn G. Kelsch, C. B. Haas, Lyle Hanson, Gil Herbel, Bob Hunsakor, Karen Karls, Lisa Meier, David Monson, Phillip Mueller, Gary Sukut, John D. Wall; Senators John M. Andrist, Tim Flakoll, Layton W. Freborg, Gary A. Lee, Carolyn Nelson

Member absent: Representative Francis J. Wald

Others present: See [Appendix A](#)

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

Chairman Kelsch welcomed Representative Bob Skarphol. She said he was joining the committee today in his capacity as a member of the Legislative Council.

HEALTHY LIFESTYLES

At the request of Chairman Kelsch, Mr. Steven M. Neu, member of the board, North Dakota Recreation and Park Association, presented testimony regarding healthy lifestyles. His testimony is attached as [Appendix B](#). He said education combined with accessible, affordable, and sustainable activity is the key to promoting healthy lifestyles.

Mr. Neu said entities that work to promote healthy lifestyles do not operate in isolation. He said park districts and school districts often partner to try and meet the many demands for limited space and recreation facilities. He said as the state's economy grows, so too does the need for expanded parks, recreation facilities, and open spaces, which support healthy lifestyles and livable communities.

Mr. Neu said the Legislative Assembly should consider establishing a state fund dedicated to public parks and recreation. He said \$2 million should be distributed per biennium as matching grants. He said the money could be used to enhance parks and provide recreational opportunities, especially in our smaller, more rural communities.

In response to a question from Senator Andrist, Mr. Neu said across the country there is a trend to reinstitute recess. He said Texas requires 60 minutes of physical education within each schoolday. He said it was thought at one time that recess could be replaced by school sports. He said that is not true.

He said not every student participates in school sports.

Mr. Neu distributed a copy of the United States adult obesity rankings. The document is attached as [Appendix C](#). He said North Dakota is 19th in the ranking of states having the most obese adults. He said Colorado is 51st. He said Colorado has the most opportunity for physical activity. He said Mississippi is the No. 1 state when it comes to adult obesity.

In response to a question from Representative Herbel, Mr. Neu said Montana and Nebraska both have independent, nongovernmentally run state games. He said there is corporate sponsorship and involvement and both states' games are very successful.

In response to a question from Representative Kelsch, Mr. Neu said the North Dakota state games would be improved if they were operated privately. He said the games are subject to guidelines issued by the state Parks and Recreation Department. He said when the games are in Bismarck, the attendance and participation rate is the highest.

In response to a question from Representative Kelsch, Mr. Neu said there are 169 park districts in the state. He said only about 20 park districts have full-time staff. He said the working relationship between park districts and school districts is very good. He said the park districts often use the school districts' indoor facilities. He said the school districts often use the outdoor facilities owned by the park districts. He said examples of this include tennis courts, soccer fields, and ball diamonds.

Mr. Neu said the real problem is that there are not enough multipurpose rooms, gyms, and similar places in which people can keep active. He said Nebraska uses cost-sharing to ensure that there are places in the neighborhoods where people can go.

Mr. Neu said Minnesota has a long history of activity education. He said there is cost-sharing of staff among the various public entities. He said activity is viewed along a continuum that runs through peoples' lives.

In response to a question from Representative Hunsakor, Mr. Neu said televisions and computers have become easy recreation. He said it takes effort on the part of parents to get their children up and moving. He said children need good safe places to go in order to be active. He said society needs to provide opportunities as alternatives to the sedentary activities.

In response to a question from Senator Flakoll, Mr. Neu said parks and recreation departments are also concerned about sexual predators. He said there are strong relationships with school districts on such matters. He said park districts abide by school district guidelines when it comes to use of facilities. He said park districts also work very closely with law enforcement personnel to abide by any restrictions that have been placed on the movement of sexual predators.

In response to a question from Representative Kelsch, Mr. Neu said if a school district hosts a football game at a community recreation center, the school district's policies apply to the event.

In response to a question from Senator Nelson, Mr. Neu said most large cities in this state have a new-developments program that involves the setting aside of land for parks and open spaces. He said Bismarck does not have such a program. He said after people build houses in an area, it is too late to put in a park. He said the Bismarck Parks and Recreation District has tried to purchase park land. He said that takes resources away from other programs.

In response to a question from Representative Kelsch, Mr. Neu said he would like to see a dollar-for-dollar matching grant program that includes development guidelines.

In response to a question from Representative Mueller, Mr. Neu said there are national guidelines for playground standards and for accessibility. He said park facilities should be located within one-half mile of where people live. He said the local communities set standards in terms of how many facilities they need. He said there is no national standard regarding the number of tennis courts per person.

In response to a question from Senator Flakoll, Mr. Neu said personal interests, motivations, and education tend to govern activity choices. He said if a person is active in one area, that person tends to be active in other things as well. He said consideration needs to be given to the interplay between public and private opportunities.

Representative Herbel said the Dakotas, Nebraska, and Iowa are in the middle of the national adult obesity rankings.

Mr. Neu said the state of Montana ranks 45th in adult obesity rates in large part because of the multiple opportunities for activities in the state, e.g., skiing, hiking, white water rafting, etc.

REGIONAL EDUCATION ASSOCIATIONS

With the permission of Chairman Kelsch, Dr. Brian L. Talbott, Executive Director, Association of Educational Service Agencies, and Dr. Ronald S. Fielder, Chief Administrator, Grant Wood Area Education Agency, Cedar Rapids, Iowa, presented testimony regarding regional education associations. Their testimony is attached as [Appendix D](#).

Dr. Fielder said many states in the central part of this country have declining resources, declining

enrollments, and increased demands and accountability requirements imposed by the No Child Left Behind Act. He said there are also concerns about teacher availability and teacher quality. He said education service agencies are a solution to tough times. He said they are not just another layer of bureaucracy, they are infrastructure. He said 87 percent of school districts and 43 million students are being served by education agencies.

Dr. Talbott said 45 states have education service agencies. He said the entities go by many different names. He said their governance structures vary too. He said education service agencies are involved in teaching and learning through the direct provision of services to students and through professional development. He said anything that can be done more cost-effectively at the regional level is being done through education service agencies. He said the education service agencies also provide administrative and operational support. He said they provide business and financial services, provide certification, and operate transportation systems.

Dr. Fielder said Iowa education service agencies have a statewide cooperative purchasing division. He said other areas of cooperation that are present in education service agencies include architecture for new school building designs, construction management, human resources, environmental services, and technology services.

He said Iowa went from 15 to 10 education service agencies. He said they have 10 special education directors and all special education is provided through the service agencies. He said other services include professional development, technology, early childhood programs, leadership training, cooperative purchasing, computer services, adult education, media and instructional libraries, vocational education, gifted education, services to incarcerated students, student testing and evaluation, computer and audiovisual repair, personnel recruitment and screening, printing services, insurance services, safety and risk management services, teacher training, telecommunications and distance learning, and energy management. He said the services that an education service agency offers is tailored to what its members want.

Dr. Talbott said often school districts cannot access federal dollars because they do not have enough students. He said other partnerships include higher education, juvenile justice, the Department of Human Services, and even the Department of Homeland Security.

Dr. Fielder said equity assures equal access. He said adequacy requires that there be sufficient funds to meet the needs of students. He said if a school is cited for school improvement, the district is likely going to have to shift some resources to that building. As a result, he said, resources become scarce in other areas.

Dr. Talbott said there has to be a basic level of funding for core services that the state requires

education service agencies to provide. He said when local districts want to participate in cooperatives through the education service agencies, because the education service agencies are more cost-efficient, the local funds must flow to the education service agencies.

Dr. Talbott said education service agencies are most successful when they are well-defined, close to the customer, and results-oriented. He said education service agencies are hubs for partnerships that include state agencies, private schools, federal agencies, legislatures, foundations, alternative education programs, hospitals and clinics, higher education, communities, and businesses.

In response to a question from Representative Haas, Dr. Fielder said education service agencies are informally accountable to the local school district boards and superintendents. He said Iowa has a legislatively mandated accreditation process for its education service agencies as well as its school districts.

Dr. Fielder said if a state holds its school districts accountable and if the school districts are driving the services of their education service agency, an education service agency will perform appropriately.

In response to a question from Representative Herbel, Dr. Talbott said McREL is conducting a study of alternative certification nationally. He said about 16 states use alternative certification. He said the largest producer of teachers in Texas is the education service agencies through alternative certification programs. He said the alternative certification programs attract mid-career people who have a degree. He said the programs are also reaching into the rural areas and providing a means by which people who presently work as teachers' aides can become certified teachers. He said this is helping to address teacher shortages both in specific academic fields and in rural areas. He said graduates of the Texas program were outperforming those who came through traditional university-based teacher preparation programs on the national teachers' examination.

In response to a question from Representative Herbel, Dr. Fielder said Iowa is looking at ways to increase the confidence and training of elementary teachers so that they might transition into teaching at the high school level.

In response to a question from Representative Herbel, Dr. Talbott said the alternative certification programs are connected with the universities that actually grant the teaching degree. Dr. Fielder said many alternative certification programs allow their enrolled students to be in the classroom under the supervision of a mentoring or experienced teacher.

In response to a question from Representative Mueller, Dr. Fielder said almost half of the workforce employed by Iowa education service agencies is supported by federal funds. He said Iowa education service agencies can hire teachers. He said the education service agencies must engage in the

collective bargaining provisions required of school districts. He said Iowa education service agencies are going to experience the same issues as school districts regarding the payment of teaching staff and, in particular, whether a staff member who is easily obtainable needs to be paid as much as an individual employed in a position that is very hard to fill.

Dr. Talbott said education service agencies in other states are not unionized and can therefore pay what the market requires in order to hire the necessary personnel.

Dr. Talbott said it is often hard for local districts to change their traditional methods of doing business. He said local districts need to understand how education service agencies work and understand how to use them. He said many states have found that a business manager is not needed in every small rural district. He said as the financial issues have become more complex, it is often better to have the business manager functions provided to school districts by an education service agency.

Dr. Fielder said there are superintendents who believe that money put into education service agencies is money taken away from kindergarten through grade 12 education. He said that is a very selfish and shortsighted view.

In response to a question from Representative Haas, Dr. Fielder said Iowa community colleges are very involved in the delivery of vocational education. He said in other states, education service agencies provide vocational services and students travel to the sites at which the services are provided. He said online and two-way audio/video is used extensively for those activities that are not "hands-on" activities.

Dr. Talbot said most education service agencies have found that, whenever possible, it is better to move the teachers to where the students are rather than moving the students to where the teachers are.

In response to a question from Representative Kelsch, Dr. Talbott said about half of all education service agencies are not political subdivisions. He said most of the newer ones do not have taxing authority.

In response to a question from Representative Haas, Dr. Fielder said if school districts want to do something together, an education service agency might be asked to facilitate or support their effort. He said not every district in the education service agency might want to or need to participate. He said in some states, education service agencies consider themselves to be "systems" and as a result, their activities are subject to collaboration on a statewide level. He said some school districts pursue transportation cooperatives through their education service agencies so that instead of two districts running buses down the same road with two students on each, the transportation is arranged through the education service agencies.

In response to a question from Representative Mueller, Dr. Fielder said the majority of mergers between Iowa school districts came about as a result

of cooperative efforts between the potential partners. He said Iowa education service agencies are not preventing mergers. However, he said, they also are not stimulating mergers.

In response to a question from Senator Flakoll, Dr. Fielder said education service agencies coordinate services to gifted students, assist teachers in providing for the needs of gifted students, and assist in making activities such as Olympics of the Mind available to the gifted students. He said if the school district does not want to provide services to a gifted student, there is not much that an education service agency can do.

In response to a question from Representative Kelsch, Dr. Fielder said Iowa started out with 15 education service agencies and when the state implemented an accountability system requiring the provision of certain high-quality services, some of the education service agencies determined that they were too small to meet the standards. He said the 10 Iowa education service agencies serve roughly 500,000 students. He said education service agencies need to be centered on points of commerce. He said some critical mass is needed in order to provide the services.

In response to a question from Representative Kelsch, Dr. Fielder said the majority of education service agency chief executives came through the ranks of school district superintendents or special education directors.

Dr. Talbot said the chief executive of an education service agency does not have to be a superintendent. He said an education service agency needs to be differentiated from a school district. He said the most important thing is that the districts' needs be met. He said across the country, one can find attorneys and business people operating education service agencies. He said operating an education service agency is not like operating a school district. He said it is more like running a business.

COMMISSION ON EDUCATION IMPROVEMENT - UPDATE

At the request of Chairman Kelsch, Lt. Governor Jack Dalrymple presented testimony regarding the efforts of the Commission on Education Improvement. He said the commission recently selected the California-based firm of Lawrence O. Picus and Associates to serve as a consultant to the commission. He said the commission will study curriculum, class size, and diploma requirements. He said even though these are policy issues, they do affect the definition of adequacy. He said the commission will need to determine what is expected of schools and ultimately of students and then it will need to determine what it takes to achieve that.

With the permission of Chairman Kelsch, Lt. Governor Dalrymple introduced Dr. Allan Odden, Principal Partner, Lawrence O. Picus and Associates. Dr. Odden said their approach to adequacy involves

what is already known about how to dramatically improve student performance. He said their recommendations will address the resources that will be needed and they will take into account the particular variables unique to North Dakota. He said every issue in education ultimately enters the discussion regarding adequacy.

In response to a question from Representative Mueller, Dr. Odden said the study will look at the role of regional education agencies in delivering services to school districts.

Representative Hunsakor said many small school districts did not receive much of the education funding provided during the 2007 legislative session. He said those districts are now faced with increased costs and increased challenges in keeping and compensating their teachers. He said he hopes that the commission will recommend the provision of resources necessary to keep small rural schools operational.

Lt. Governor Dalrymple said the commission is looking closely at schools that are small and isolated. He said while some small schools received only the minimal 3 percent increase, others did quite well.

Lt. Governor Dalrymple said he anticipates providing a report to the interim committee during September 2008.

MASONIC MODEL STUDENT ASSISTANCE PROGRAM

At the request of Chairman Kelsch, Mr. Brian Burkett, Coordinator, Masonic Model Student Assistance Program, presented testimony regarding Masonic workshops to help teachers identify and assist troubled children. He said this program has been in existence since the mid-1980s and serves 26 states. He said the training consists of three days and the Masons pay for everything except transportation to Bismarck and the cost of providing substitute teachers. He said one facilitator comes to Bismarck from California and another comes from Philadelphia.

In response to a question from Representative Hunsakor, Mr. Burkett said teachers who participated in the program are asked to come back and share their comments. He said this is also an opportunity for them to seek further assistance and clarification.

Mr. Burkett said the North Dakota Masonic Foundation expends over \$4,000 per teacher to deliver the program. He said this year they experienced a number of cancellations. He said teachers who had registered later called and said that their school districts did not have the money to provide for their transportation and pay for their substitutes.

In response to a question from Representative Meier, Mr. Burkett said when they tried to notify superintendents about the program, the word did not filter down to teachers. He said now they notify principals and guidance counselors and they have noted increased participation by teachers.

Mr. Burkett said the Masons are not looking for anything from the Legislative Assembly. He said they merely want to promote their program.

Mr. Burkett said sometimes the Masons are asked to put on the program for a single school district. He said they have not been able to do that because of the downturn in investment income. He said the Masons are looking at the program to see if they would be better off providing the program to whole school districts. He said that might help with travel and substitute expenses.

In response to a question from Representative Mueller, Mr. Burkett said they do not work with any other groups in promoting or offering the program.

Chairman Kelsch said she wanted the committee to know that this type of program is available through private sector entities.

EMPLOYER-BASED WELLNESS PROGRAM UPDATE

At the request of Chairman Kelsch, Mr. Sparb Collins, Executive Director, North Dakota Public Employees Retirement System, presented testimony regarding the state's employer-based wellness program. A copy of his testimony is attached as [Appendix E](#). He said North Dakota Century Code Section 54-52.1-14 directed the Public Employees Retirement System Board to develop an employer-based wellness program. He said the program must encourage employers to adopt a board-developed wellness program by either charging extra health insurance premiums to nonparticipating employers or reducing premiums for participating employers.

Mr. Collins said the employers range from the very small to the very large. He said the goal is to have members of the insurance plan get a better understanding of wellness and ultimately have healthier members. He said the hoped-for result is a lowering of insurance premiums or a reduction in their rate of increase.

Mr. Collins said the program is fairly basic and if the requirements are met, there is a 1 percent reduction in their premiums. He said an employer is required to get five points each year. He said one point is awarded if the employer forwards wellness-related materials to employees. He said another point is obtainable for each one-day program related to wellness. He said if an employer elects to have a multiday program, two points are awarded. He said this might include a walking seminar and competition. He said if an employer does a comprehensive worksite wellness program, the employer can receive four points.

Mr. Collins said of the plan's 278 employers, 185 participated. He said the 185 employers cover 97 percent of all the employees. He said the number of employers that did not participate is very small. He said many employers would like the authority to provide some incentive to employees who participate in the various wellness programs.

INDIANA CORE 40

At the request of Chairman Kelsch, committee counsel presented testimony regarding the Indiana Core 40. She said in the mid-1990s, representatives from Indiana's business, industry, and labor communities came together with representatives from kindergarten through grade 12 and higher education and identified those courses that they believed Indiana high school students needed as a foundation for success in college or in the workplace. She said after much study, input, and a series of roundtables, the CORE 40 was recommended as the default curriculum for all students and the Indiana General Assembly made it the minimum requirement for admission to an Indiana public university beginning in 2011. She said the "40" refers not to units but to semester credits. She said it appears that this would be the equivalent of roughly 20 units in North Dakota terminology.

Committee counsel said the basic Core 40 includes eight credits in English language arts; six credits in mathematics, including two credits for algebra I, two credits for geometry, and two credits for algebra II; six credits in science, including two credits for biology I, two credits for chemistry I or physics I or an integrated chemistry/physics course, and two credits of any other science course; and six credits in social studies, including two for United States history, one for United States government, one for economics, and two for a world history/civilization or for a geography/world history course. In addition, she said, five credits must come from the category of directed electives and these include world languages, fine arts, and career technical courses. She said two credits of physical education are required, as are one credit of health and wellness and six electives.

Committee counsel said if a student wishes to graduate with academic honors, the student must take two additional mathematics credits; six to eight world language credits; and two fine arts credits. She said the student must earn at least a C in each course and have a grade point average of B or better. She said the student must also complete at least four credits of advanced placement classes and examinations, complete at least four credits of international baccalaureate classes and examinations, earn 1200 or higher on the SAT, score 26 or higher on the ACT, complete six transferable dual-credit courses, or complete a requisite combination of dual-credit and advanced placement courses. She said the honors program requires the completion of at least 47 credits.

Committee counsel said there also is a technical honors program. She said a student must complete all the requirements for the basic Core 40 program and add to those eight credits in a career and technical program. She said the student must earn at least a C in each course taken, have a grade point average of B or better, and complete two of the following, one of which must be 1 or 2:

1. Score at or above certain required levels in reading for information, applied mathematics, and locating information; or
 2. Complete six dual credits in a technical area;
- and
3. Complete two credits of a professional career internship course or a cooperative education course;
 4. Complete at least 140 hours of an industry-based work experience; or
 5. Earn a state-approved industry-recognized certification.

Committee counsel said like the academic honors program, the technical honors program also requires the completion of at least 47 credits.

Committee counsel said there is also a program that allows a student to graduate without taking the basic Core 40. She said the student, the student's parent, and the student's counselor or similar staff member must meet, they must review the student's career and course plan, and the student's parent must determine whether the student will achieve greater educational benefits by completing the general curriculum or the Core 40 curriculum. She said if a decision is made not to have the student pursue the Core 40, the student must complete the course and credit requirements for a general diploma and the career academic sequence that the student will pursue is determined at this time.

Committee counsel said the basic program still requires 40 credits. She said these include eight credits of English language arts but only four mathematics credits. She said two of those must be algebra I or integrated mathematics. She said the basic program requires four science credits--two of which must be biology I--and four social studies credits. She said two must be United States history and one must be United States government. She said the student must also take two credits of physical education, one credit of health and wellness, six credits from a career academic sequence that focuses on career exploration and preparation, and five flex credits. She said these can be courses that extend the career academic sequence, courses that involve workplace learning, dual-credit courses, and any additional courses in the areas of English, mathematics, science, social studies, world languages, and fine arts. She said six elective credits are also required.

At the request of Chairman Kelsch, Dr. Wayne Sanstead, Superintendent of Public Instruction, presented testimony regarding the Indiana Core 40 program. He said the P-16 Commission had recommended that North Dakota have high school graduation requirements and more stringent university entrance requirements. He said many states are moving in this direction and he would encourage the North Dakota Legislative Assembly to look seriously at such requirements.

Representative Kelsch said the Indiana Core 40 demonstrates cooperation between kindergarten through grade 12, higher education, and career and technical education.

Dr. Gary Gronberg, Assistant Superintendent, Department of Public Instruction, distributed information regarding the Indiana Core 40. The document is attached as [Appendix F](#). He said Indiana adopted end-of-course examinations to ensure that the courses are comparably rigorous, regardless of which school district a student attended. He said while this takes away some local control, it does ensure consistency throughout the state.

REQUIRED REORGANIZATION OF SCHOOL DISTRICTS WITH LOW ENROLLMENT - SOUTH DAKOTA LEGISLATION

At the request of Chairman Kelsch, committee counsel presented testimony regarding 2007 South Dakota legislation that required the reorganization of school districts having fewer than 100 students in fall enrollment. She said unless exempted under the state's sparsity definition, such districts were given until June 30, 2009, to abide by the law. She said if in the future a district's student enrollment falls below 100 and if the district is not exempt from the state's sparsity definition, it too receives two years within which to reorganize. She said if the district fails to reorganize as required, the state board of education is charged with preparing the reorganization plan.

Committee counsel said South Dakota did include money with this requirement. She said during the first year following reorganization, a new school district receives an additional \$600 for each of the first 400 students from each school district or prorated portion thereof. She said during the second year, the new school district receives \$400 for each such student and during the third year, the new school district receives \$200 for each such student.

Committee counsel said South Dakota exempted sparse school districts from the reorganization requirement. She said in order for a district to be considered sparse in South Dakota, it must have a fall enrollment per square mile of .50 or less, have a fall enrollment of less than 500, encompass an area of at least 400 square miles, have at least 15 miles between its high school and that of an adjoining district, operate a high school, levy property taxes at the maximum rate permitted by law, and have an ending fund balance of 30 percent or less. She said no North Dakota district would be considered sparse using the South Dakota definition.

In response to a question from Senator Flakoll, Mr. Wayne Kutzer, State Director, Department of Career and Technical Education, said five proposals have been received for the two centers funded by the 2007 Legislative Assembly. He said the career and technical education board will make the final selection in January 2008.

Chairman Kelsch distributed a document entitled *K-12 Public School District Fall Enrollment 2007-08*. The document is attached as [Appendix G](#). She said the document was provided by Mr. Tom Decker, Director of Finance and Organization, Department of Public Instruction.

No further business appearing, Chairman Kelsch adjourned the meeting at 3:30 p.m.

L. Anita Thomas
Committee Counsel

ATTACH:7