

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

EDUCATION POLICY COMMITTEE

Monday, November 20, 2017
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Erin Oban, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Erin Oban, Kyle Davison, Richard Marcellais, Donald Schaible, Shawn Vedaa; Representatives Rich S. Becker, Ron Guggisberg, Mary Johnson, Donald W. Longmuir, Andrew Marschall, David Monson, Bill Oliver, Mark S. Owens, Matthew Ruby, Cynthia Schreiber-Beck

Others present: See [Appendix A](#)

It was moved by Representative Becker, seconded by Senator Marcellais, and carried on a voice vote that the minutes of the August 30, 2017, meeting be approved as distributed.

COMMENTS BY THE CHAIRMAN

Chairman Oban said the committee will continue the discussion of K-12 education in the state to determine if there are any redundancies or inefficiencies that can be streamlined.

GREENWAY STRATEGY GROUP

Chairman Oban called on Ms. Martha Taylor Greenway, President, Greenway Strategy Group, for a presentation (Appendices [B](#), [C](#), and [D](#)) pertaining to the facilitation of the statewide K-12 visioning process. Ms. Greenway said she is presenting on the "strategic vision for education steering committee." She said she was approached by the Department of Public Instruction (DPI) to work on a business process modeling project. She said the goal of the project was to look at the internal processes of the department and determine if there were any opportunities for streamlining and creating efficiencies. She said the project was intended to focus solely on DPI. However, she said, as results came in from various stakeholders, it became clear there was a sense of fragmentation regarding the education system throughout the state. She said stakeholders indicated that organizations involved in education could be better aligned. She said the steering committee is comprised of representatives of the various stakeholder groups. She said if realigned, each organization would still be able to set a strategic plan, but it would be coordinated and collaborative with other organizations to meet the state's educational needs in an aligned manner.

In response to a question from Senator Davison, Ms. Greenway said the process within the strategic planning is to ground the strategy within the data findings. She said the research first collected data regarding student achievement performance in addition to stakeholder input. She said the data was presented to the steering committee, and the committee worked collectively to set priorities. She said the committee put together a draft document and four regional forums were held to gather input from teachers, parents, and administrators. She said the information also was made available on the DPI website for public comment.

In response to a question from Representative Monson, Ms. Greenway said she thinks the reason North Dakota students score highly on the National Assessment of Educational Progress (NAEP), but not necessarily on the percent proficient on the state assessment, is an issue with alignment. She said the two assessments are not necessarily testing the same things.

Ms. Greenway said according to NAEP results, North Dakota students score higher than almost all adjacent states and the national average, with the exception of Minnesota.

In response to a question from Representative Becker, Ms. Greenway said that while Minnesota students score better than North Dakota students in some of the results, the Minnesota results are not dramatically better.

In response to a question from Chairman Oban, Ms. Greenway said she is not sure if Minnesota spends a significant amount more in state-level funding per student for education than North Dakota. She said there is no hard data that indicates spending a significantly greater amount of money will equal greater results in student achievement.

In response to a question from Representative Monson, Ms. Greenway said North Dakota gives the ACT Aspire to all students in the 11th grade. She said other states that have all students take the test generally also give it in the 11th grade.

In response to a question from Senator Davison, Ms. Greenway said of the students who start ninth grade, 87 percent graduate high school, 70 percent go onto college, and 63 percent of that 70 percent who enroll in a North Dakota public 4-year institution graduate. She said that means under 50 percent of students who graduate from high school complete a 4-year degree at a public institution. She said North Dakota has an unusually high number of occupations that pay a living wage or above, which do not require a 4-year college degree.

In response to a question from Representative Owens, Ms. Greenway said the data does not account for students who go to college out of state. In addition, she said, it does not account for students who enroll in a private 4-year college in North Dakota. She said the data accounts only for students who enrolled in a 4-year public institution.

In response to a question from Representative Monson, Ms. Greenway said it is possible to research graduation rates over time to see how the availability of high-paying jobs within the state which do not require a 4-year degree affected the college enrollment and dropout rates.

Although the availability of high-paying oil field jobs may have impacted the number of students who entered or stayed in college, she said, she does not have that data readily available. She said she can gather data regarding graduation rates of students who attended college out of state, as well as at private institutions.

In response to a question from Representative Schreiber-Beck, Ms. Greenway said the data does not show how many students entered a 4-year or 2-year institution, but dropped out and were employed before receiving a degree.

In response to a question from Senator Marcellais, Ms. Greenway said tribal college students are included in the data.

In response to a question from Representative Johnson, Ms. Greenway said the survey asked respondents to indicate whether they are in the eastern or western part of the state. She said it may be skewed by subjective perspective, but there is no objective standard in the state regarding what is "eastern" and what is "western."

In response to questions from Senator Davison, Ms. Greenway said the item "proficiency-based grading" is frequently used to refer to the opportunity of students to test out of courses. She said that does not mean students do not need to meet the high school graduation requirements, but if a student is proficient and able to test out of certain subjects, the student is not required to sit through certain courses. She said there was some feedback indicating the current graduation requirements may not be in the best interest of all students. She said, nationally, the best predictor of whether a student will drop out of school is if the student fails more than one course in ninth grade. She said forcing a student to sit through certain courses may impede the ability to take courses that are of interest to the student.

In response to a question from Chairman Oban, Ms. Greenway said, nationally, the students who enter college with dual enrollment credit have a much higher graduation rate than students who do not have dual enrollment credit when entering college.

In response to a question from Representative Oliver, Ms. Greenway said "flexible instructional models" is a strategic item through which educators can provide a menu of effective approaches that districts and schools can implement to improve individual student learning. She said these models may include proficiency-based grading and learning, individualized instruction, and other tools to help students learn without putting up barriers. She said this will help streamline local-level practices with state agency policy.

In response to a question from Representative Guggisberg, Ms. Greenway said based on the committee conversation, additional research will be conducted regarding how many students seamlessly enroll in college after high school, and into which types of colleges the students are enrolling.

In response to a question from Representative Johnson, Ms. Greenway said it is important to be mindful of the federal law when trying to implement changes to the state education system, especially regarding students with disabilities and individualized education programs. She said the "increase students who engage in learning" point on the last slide is intended to increase the students who indicate school is a place they want to be, and they believe they are making progress.

In response to a question from Senator Marcellais, Ms. Greenway said at this point, Bureau of Indian Education (BIE) schools and their leaders have not been formally involved in the strategic visioning process. She said BIE schools were provided the survey and two of the four public forums were held on reservations. She said there is not a representative of a BIE school or district on the steering committee.

Chairman Oban said the job of Ms. Greenway and the Greenway Strategy Group is to work with DPI to determine how DPI will work toward the common vision of the strategic plan regarding K-12 education in the state. She said it will be up to the other state agencies to do the same thing. She said Ms. Greenway was hired by DPI to help address the plan as it pertains to the department.

In response to a question from Representative Monson, Ms. Greenway said the strategic themes on the last slide were based on a facilitated session held with all the stakeholders of the steering committee.

Senator Marcellais said the reservation prekindergarten programs have not really helped improve the educational performance of Native American students. He said funding for some of the programs is dying out. He said there are issues with federal agencies that provide education on the reservation for students through the eighth grade. He said all of these factors need to be taken into consideration during the visioning process.

In response to a question from Senator Schaible, Ms. Greenway said it is too early in the visioning process to determine where the investment of funding should be best spent regarding K-12 education in the state.

In response to a question from Representative Monson, Ms. Greenway said she can do some research regarding the trends of NAEP scores over time. She said, in general, the state's NAEP scores have improved over the past 10 years.

NORTH DAKOTA COUNCIL OF EDUCATIONAL LEADERS

Chairman Oban called on Dr. Aimee Copas, Executive Director, North Dakota Council of Educational Leaders, for a presentation (Appendices [E](#), [F](#), [G](#), and [H](#)) regarding educational survey results and customer satisfaction. Dr. Copas said the purpose of the survey was to see what services the field utilizes outside of a district when administering K-12 education, and why those services are chosen. She said [Appendix G](#) shows the services offered by the school boards association and the small organized schools. She said [Appendix H](#) shows the actual questions asked in the survey. She said 176 public and private school districts were asked to participate in the survey, and 131 responded. She said [Appendix E](#) shows the actual survey results and comments. She said page 1 shows the result of the question "what services does the district look for outside the district?" She said [Appendix F](#) has guiding questions on it that are intended to be referenced when reviewing the survey data results.

Representative Becker said he found it surprising that districts utilized the regional education associations (REAs) so heavily for services.

In response to a question from Representative Guggisberg, Dr. Copas said because the survey counted each time a district utilized a service, the numbers may add up to more than 100 in certain instances. She said it may be possible to weigh the results to show what percentage of services districts receive from certain entities.

Representative Monson said he was surprised by the amount of districts that utilize REAs for services. He said he found it interesting that DPI was not utilized as often as he expected.

Representative Ruby said he thinks the survey results show there are a lot of options for some services in the state, and those services may be prime for consolidation if possible.

Representative Monson said it makes a huge difference which person in the school district filled out the survey because an administrator may answer some of the questions differently than a teacher.

Dr. Copas said the surveys were sent to district superintendents with the intention that they fill them out on behalf of the districts.

Senator Davison said a superintendent may not always know all the services an entity provides to a school district. He said that is not a bad thing, but sometimes a school principal will have a better idea of services being utilized instead of a superintendent. He said he was surprised with the amount of online coursework being utilized.

Senator Schaible said there seems to be a trend of expanded need for human resources services.

Representative Guggisberg said while he agrees there is a lot of data which can be overwhelming in some aspects, there also is not enough data in certain areas. He said it is difficult to measure how well the services are working without knowing which schools are utilizing the services, costs, efficiencies, and the outcomes.

Dr. Copas said she agrees more detailed analysis would be good, but this survey is getting the conversation going in the right direction.

Representative Monson said the survey does not necessarily reveal why the services are being utilized.

Senator Davison said he believes REAs are utilized heavily because they are able to offer needed services. He said the services offered differ from REA to REA.

Representative Schreiber-Beck said there is a lot of duplication of services. She said more work is needed to determine how to make those services more efficient and to ensure the proper investment of funds.

Representative Ruby said he would be interested in learning more about which entities are better at providing certain services. He said if they can determine who is the best provider in a certain area, it could make the consolidation and efficiency process easier.

In response to a question from Representative Johnson, Dr. Copas said she believes districts go through a bidding process for services if it is required by law. She said if it is not required by law, most of the decisions are based on budget recommendations by the school board.

In response to a question from Chairman Oban, Senator Davison said committee members should take some time to read through and process the survey results before deciding on how to move forward at a future meeting.

EDUCATIONAL REPRESENTATIVES FROM MAINE

Chairman Oban called on Mr. Stephen Bowen, Strategic Initiative Director for Innovation, Council of Chief State School Officers; Mr. Brian Langley, State Senator, District 7, Maine State Senate; and Mr. Don Siviski, former Maine State Superintendent of Instruction; for a presentation (Appendices [I](#) and [J](#)) regarding statewide K-12 education initiatives, restructuring of Maine's education system, and their roles overseeing and leading those changes.

Chairman Oban distributed a handout ([Appendix K](#)) comparing and contrasting the education systems of North Dakota and Maine.

Mr. Bowen said the Council of Chief State School Officers (CCSSO) supports all the commissioners of education from states in their work. He said prior to his work with CCSSO, he was commissioner of education in Maine for 2 years, a 2-term legislator in the Maine House of Representatives, a high school teacher, and the Education Policy Advisor to the Governor of Maine. He said Maine and North Dakota are similar in population and economy. He said Maine struggled with transitioning to a technology-based economy and keeping the best and brightest young people in the state. He said Maine decided to modernize the education system to meet some of the challenges. He said the administration, prior to his, started by working on standards, assessments, and the longitudinal data system. He said the work was intended to shift to a "competency based" education model, and away from a "seat time" model, to maximize educational outcomes and investment dollars. He said the state offered grants and incentives to several districts to experiment with new ideas and report back. He said the state also issued a school district consolidation mandate to reduce the number of districts in the state and utilize resources more efficiently and effectively. He said requiring school districts to consolidate was the wrong approach.

Mr. Bowen said his administration continued to expand the competency-based work of the previous administration and changed the graduation requirements to be based on competency of state standards. He said the state also passed an innovative schools bill that created flexibility to allow schools to receive a waiver from state requirements in certain situations. He said the state developed a statewide strategic plan for education to streamline goals and initiatives and get everyone on the same page.

Mr. Siviski said he has been involved in education his whole life. He said he progressed from being a teacher, to an assistant principal, to a principal, to state superintendent, to a consultant with the Department of Education in Maine, to a national education consultant. He said he has 46 years of educational experience across all of those jobs. He said the status quo regarding the educational process for high schools was invented in 1892. He said the system is not significantly different today than what it was then. He said the system must be reevaluated to determine if it serves the best interests of education and the students learning in the system.

Mr. Siviski said when Maine issued the district consolidation mandate, school boards lost local control because they became quasimunicipal and everyone was frustrated with the state. However, he said, the consolidation saved the state millions of dollars. He said the money saved was used to reinvest in and improve the education system. He said Maine removed age-based groups from the education system, and the performance of students improved. He said grouping all students of the same age together in the same class does not work because not all students learn and mature at the same rate. He said the money saved was used to buy all students in grades 6 through 12 new laptops. He said that allowed learning to be transparent and allowed students to learn continually at their own pace. He said Maine's graduation rates have increased dramatically on a competency- and performance-based system. He said the system allows students to learn all the time, not just while at school. He said the waiver system allows school districts to remove barriers to learning.

Mr. Langley said he chairs the Maine Senate Education Committee. He said he is a 27-year career and technical education (CTE) instructor. He said he only knows competency-based education because that is the type of learning and teaching that occurs in CTE courses. He said his role in this discussion is to give some insight and observation into the legislative process relating to changing the education system.

In response to questions from Representative Johnson, Mr. Siviski said waivers could be requested for a number of things ingrained in the culture of the Maine education system. He said waivers could be requested for attendance requirements if a student was learning outside the classroom. He said in some instances protocols get in the way of learning, and a waiver is a way for schools to remove those barriers. He said learning at an external site or setting on a weekend or holiday should be able to count toward "attendance requirements" if it is a genuine learning experience from which the student can demonstrate competency.

Mr. Bowen said the innovative schools bill was passed in 2012 to allow schools the ability to have flexible instruction and learning.

Mr. Langley said sometimes the best "experts" for teaching students topics in certain fields are not college-educated certified teachers. He said the innovative schools bill and waiver process allowed students to get credit for learning outside the classroom from individuals who were the best in their field, but who maybe did not have the proper teaching credentials.

In response to a question from Representative Longmuir, Mr. Bowen said Maine's approach to public outcry regarding the changes to the education system was to engage as many people as possible in public forums. He said it was important to respond to as many concerns as possible and make people comfortable with how the system would work.

Mr. Langley said the opposition from a legislative perspective will come from those organizations and entities for whom the status quo works well.

Chairman Oban said at this point North Dakota has not really discussed what competency-based education means or would look like. She said the state likely is not ready for that step. She said understanding how states similar to North Dakota went through the process is a good first step.

In response to a question from Chairman Oban, Mr. Bowen said thinking about advancing public policy on a continuum is a good starting point. He said Maine did things all along a continuum from issuing mandates, to securing grant dollars for innovative programs and professional development, to allowing districts to request waivers if it was in the best educational interest of students. He said there is no single step that has to be made to start the changes.

Mr. Langley said having a clearly articulated strategic plan to work from is a great starting point to get everyone in the same mindset to start the process of change. He said there needs to be a commitment to sticking to the plan and not jumping from idea to idea once the plan is implemented.

In response to a question from Representative Ruby, Mr. Siviski said the waiver requests he received were not always requests to waive a requirement directly in state statute. He said sometimes districts had ingrained protocols and ways of doing certain things for which schools requested waivers.

Mr. Langley said the innovative schools bill allowed schools to do things differently if the schools found there was a better way. However, he said, the bill required districts to draft a plan and outline how better student outcomes would be achieved. He said the commissioner of education had to approve those plans. He said [Appendix I](#) contains a bill that was introduced to undue all of the work they had achieved. He said the support received from the business community, schools, and students showed that the changes were working and helped defeat the bill.

In response to questions from Senator Davison, Mr. Langley said the consolidation of school districts and the innovative schools bill were two separate pieces of political maneuvering. He said the consolidation was a budget savings mandate. He said Maine eliminated the high school graduation requirements from statute and replaced the requirements with language stating students must show proficiency and competency in the learning results standards. He said this eliminated the "seat time" piece of the graduation requirements, without eliminating the requirements related to actual knowledge and understanding of the required topics. He said proficiency was defined through the rules process. He said the rules incorporate capstone projects to demonstrate mastery of the necessary competencies. He said assessments are shared and used across districts to evaluate student competency.

In response to a question from Representative Monson, Mr. Bowen said the state has phased intervention capabilities for students who fall very far behind in certain areas or require special education.

In response to a question from Representative Guggisberg, Mr. Bowen said many states are investing in innovative report cards or data dashboards as a way of conveying information and "keeping score."

In response to a question from Senator Marcellais, Mr. Bowen said Maine has four tribal schools.

In response to questions from Chairman Oban, Mr. Siviski said laptops are a tool of good teaching and not a replacement for a good teacher.

DEPARTMENT OF PUBLIC INSTRUCTION

Chairman Oban called on Ms. Kirsten Baesler, Superintendent of Public Instruction, for a presentation (Appendices [L](#) and [M](#)) regarding an update of the Every Student Succeeds Act (ESSA). Ms. Baesler said much of what the presenters from Maine discussed today is at the heart of her vision for education in North Dakota. She said North Dakota is taking steps in the right direction through the use of the steering committee to develop a statewide strategic vision and plan. She said ESSA is the federal education law to which the state must adhere. She said the North Dakota ESSA plan has been written by a group of over 50 stakeholders who hold the best interests of North Dakota students in mind. She said [Appendix M](#) shows the current status of required reporting.

In response to a question from Chairman Oban, Ms. Baesler said DPI does not find any of the reports required by the state of school districts to be lacking valuable information. She said school district representatives may disagree with that sentiment. She said it takes a lot of staff time to contact districts and to get districts to file statutorily required reports that are past due.

In response to a question from Senator Davison, Ms. Baesler said through interdepartmental work, there is a list of computer science courses that count toward the math requirement for high school graduation pursuant to legislative changes made last session. She said schools can contact DPI to determine if a computer science course will count toward the new requirement.

EDUCATION STANDARDS AND PRACTICES BOARD

Chairman Oban called on Dr. Becky Pitkin, Executive Director, Education Standards and Practices Board, for a presentation (Appendices [N](#) and [O](#)) regarding electronic satisfaction survey results.

COMMENTS BY INTERESTED PERSONS

Chairman Oban called on Mr. Levi Bachmeier, K-12 Education Policy Advisor, Governor's office. Mr. Bachmeier said he wanted to give the committee an update on the innovative education task force. He said the task force is intended to bring forth more information and resources for the committee to be able to utilize in moving education forward during the next legislative session. He said the next meeting of the task force will be held in December 2017. He said the task force will be visiting public schools across the state throughout the interim, and will be holding meetings approximately monthly. He said the Governor has challenged school districts to submit 20 innovation plans. He said innovation can be a term people define differently. He said ndplaylist.org was established to provide information regarding what the Governor means when the term "innovation" is used.

In response to a question from Chairman Oban, Mr. Bachmeier said he was at the first task force meeting. He said it went well and the groundwork was laid to determining what "innovative education" is supposed to be in North Dakota. He said they worked toward a vision statement for implementing a strategic plan.

Chairman Oban called on Dr. Larry Nybladh, Grand Forks Superintendent of Public Schools, to be recognized for receipt of a national award. Dr. Nybladh said the Grand Forks Summer Performing Arts Program won the 2017 National Arts & Humanities Youth Program Award as the country's highest out-of-school arts program.

COMMITTEE DISCUSSION AND STAFF DIRECTIVES

Representative Longmuir said it would be beneficial if some of the background information could be received by committee members a week before the meeting so committee members could review and digest it and come to the meeting prepared with relevant questions.

Chairman Oban said it would be useful to take approximately 30 minutes at the next committee meeting to review and discuss the information learned at this meeting.

Representative Guggisberg said it might be useful to research further ways to improve education for Native American students.

No further business appearing, Chairman Oban adjourned the meeting at 3:45 p.m.

Dustin Assel
Counsel

ATTACH:15