

## NORTH DAKOTA LEGISLATIVE MANAGEMENT

## Minutes of the

**EDUCATION POLICY COMMITTEE**

Tuesday, March 13, 2018  
Harvest 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 Ron Guggisberg, Mary Johnson, Donald W. Longmuir, Andrew Marschall, David Monson, Bill Oliver, Mark S. Owens, Matthew Ruby, Cynthia Schreiber-Beck

**Member absent:** Representative Rich S. Becker

**Others present:** Senator David S. Rust, Tioga, and Representative Mark Sanford, Grand Forks  
See [Appendix A](#) for additional persons present.

**It was moved by Senator Schaible, seconded by Senator Davison, and carried on a voice vote that the minutes of the November 20, 2017, meeting be approved as distributed.**

**DEPARTMENT OF PUBLIC INSTRUCTION - ACCREDITATION OF SCHOOLS**

Chairman Oban called on Ms. Gail Schauer, Director, School Approval & Opportunity, Department of Public Instruction, for a presentation ([Appendix B](#)) regarding required reports on accreditation of schools.

In response to a question from Representative Monson, Ms. Schauer said students of East Fairview School in Fairview, Montana, are North Dakota residents subject to North Dakota laws and rules, but the school is located across the border in Montana.

In response to a question from Representative Schreiber-Beck, Ms. Schauer said she does not have historical data on the number of waivers, but the Department of Public Instruction (DPI) may have that information.

In response to a question from Senator Schaible, Ms. Schauer said the change in the requirement to the use of E-Transcripts and PowerSchool has been going well. She said with the use of PowerSchool, DPI can see online how many courses a student is taking, if a student is on pace to graduate, and if a student is eligible for scholarships. She said the access to information is useful for parents and students.

In response to a question from Chairman Oban, Ms. Schauer said some of the reasons districts apply for waivers from the school approval requirements include modified school weeks and days, modified class times, and innovative education programs. She said the waiver applications typically are between three to five pages long. She said it is rare for a waiver application to be denied.

**DEPARTMENT OF PUBLIC INSTRUCTION - STATEWIDE K-12 STRATEGIC VISION**

Chairman Oban called on Ms. Kirsten Baesler, Superintendent of Public Instruction, for a presentation ([Appendix C](#)) regarding an update of the statewide K-12 strategic vision.

In response to a question from Senator Marcellais, Ms. Baesler said the strategic initiatives in red on slide six of her presentation are what DPI is working on. She said it will take approximately 4 months to implement each of the strategic initiatives and make them operational.

In response to a question from Representative Guggisberg, Ms. Baesler said the measurable outcomes from the strategic vision, including choice ready and early childhood education, eventually will be available on the interactive dashboard for each school and district. She said the dashboard can be found at [insights.nd.gov](http://insights.nd.gov).

In response to a question from Senator Davison, Ms. Baesler said the strategic initiatives were based on feedback received from stakeholders and educators. She said stakeholders wanted specific and consistent direction and structure regarding what is expected of them. She said DPI is creating programs, initiatives, and supports to drive objectives regarding personalized learning to schools and districts.

In response to a question from Chairman Oban, Ms. Baesler said personalized learning will vary from district to district based on the unique needs and circumstances of each district and the students. She said the goal is to get every district in the state moving in the same direction.

In response to a question from Senator Marcellais, Ms. Baesler said DPI is working to grow the relationship with the Bureau of Indian Education regarding the plan. She said there must be a better and more collaborative process, but it is challenging because the closest representative of the Bureau of Indian Education is located in Minneapolis. She said growing the relationship will take time.

In response to a question from Chairman Oban, Ms. Baesler said she hopes the Legislative Assembly uses the strategic vision as a guide in determining what K-12 education is attempting to accomplish and the future of K-12 education in the state. She said she hopes any future legislation will reflect the collaborative efforts of the strategic vision. She said she hopes the Legislative Assembly will hold the stakeholders of the strategic vision accountable and require reporting and updates of efforts.

In response to a question from Representative Oliver, Ms. Baesler said DPI included educators from across the state on the steering committee and conducted focus groups with educators. She said they conducted surveys and held forums with community members. She said she is not sure if there is knowledge or awareness of the strategic vision with the majority of educators across the state. She said teachers are busy and many of them will not learn of the vision until it is embraced by their local district and school.

### **DEPARTMENT OF PUBLIC INSTRUCTION - INNOVATIVE EDUCATION PROGRAM REPORTS**

Chairman Oban called on Ms. Baesler for a presentation (Appendices [D](#) and [E](#)) regarding innovative education program reports required by 2017 Senate Bill No. 2186.

In response to a question from Senator Davison, Ms. Baesler said there is no funding committed to KnowledgeWorks at this time.

In response to a question from Chairman Oban, Ms. Baesler said the five school districts selected will receive support provided by KnowledgeWorks for professional development and other services funded through outside philanthropic sources.

In response to a question from Senator Davison, Ms. Baesler said innovative education is part of the strategic vision. She said the role of DPI is to ensure there is alignment and concerted effort to move toward the goals of the strategic vision. She said the education structure in North Dakota is unique and can be challenging to work within at times. She said the Legislative Assembly is tasked with determining the structure of the education system for the state.

In response to a question from Representative Guggisberg, Ms. Baesler said she prefers to allow innovative ideas to occur creatively at the local level, but as a regulatory authority, she is required to make sure the innovative ideas and proposed programs meet certain educational criteria for the students.

In response to a question from Chairman Oban, Ms. Baesler said DPI has received applications for innovative education programs, as well as the KnowledgeWorks program. She said applicants are not necessarily overwhelmed by the application process, but they are finding a waiver is not always required for the things they wish to try.

Representative Schreiber-Beck said DPI needs to do a better job of marketing the innovative programs and quality of education being provided. She said there are good things happening, but she is not sure if members of the public are aware.

Representative Owens said goals are supposed to be general. He said there has been a lot of work put in by DPI and all the stakeholders. He said now that the vision has goals and objectives, they need to be careful while implementing the action plans so that it does not turn into management by objectives. He said gap analysis needs to be conducted to determine how best to help each district achieve its action plan under the strategic vision.

Chairman Oban said it may be the role of the Legislative Assembly to help bridge any gaps that may occur.

Representative Monson said the goals of the strategic vision are fluid and dynamic. He said he would be hesitant to put anything in statute for fear of making what they are attempting to achieve static.

## INNOVATIVE EDUCATION PROCESSES AND TEACHING METHODS

Chairman Oban called on Mr. Jason Markusen, Principal, Legacy Elementary School, West Fargo, for a presentation ([Appendix F](#)) regarding the implementation of new innovative processes, teaching methods, and opportunities to create efficiencies in education through the use of innovative processes and teaching methods. Mr. Markusen said culture, mindset, and energy are the three most important things to have when trying to innovate in education. He said the mission at his school is to educate, and the vision is that everyone learns. He said Legacy has a number of initiatives utilized, including personalized learning environments, leadership and empowerment, and health and wellness. He said the school utilizes an appetizer cart with fresh fruits and vegetables for students while they wait in line for lunch. He said it may seem like a small thing, but the food from the appetizer cart helps to curb any hunger-related discipline issues while also promoting healthy eating habits. He said every student has a job in the classroom. He said having a job helps students focus and helps to eliminate discipline issues by empowering the student and giving the student responsibilities. He said Legacy has a "tech team" that runs a news show in the school. He said the show is entirely student-led from writing, acting, filming, and sound production. He said the point of all of these innovative initiatives is to create an experience for students and get students engaged in learning in fun and impactful ways.

In response to a question from Representative Longmuir, Mr. Markusen said the innovative processes that have been put in place at Legacy have not required any waivers from DPI.

In response to a question from Representative Johnson, Mr. Markusen said the school also implemented innovative processes for school bus procedures. He said Legacy's news production crew is working on filming a show specifically for etiquette and protocols when riding the bus.

In response to a question from Representative Schreiber-Beck, Mr. Markusen said the school would like to have something in place to track the progress of Legacy students as they proceed through middle school and high school. He said nothing has been implemented.

Chairman Oban called on Mr. Cory Steiner, Superintendent, Northern Cass School District; and Ms. Melissa Uetz, Customized Lead Learning Facilitator/Special Education Strategist, Jaguar Academy, for a presentation regarding the implementation of new innovative processes, teaching methods, and opportunities to create efficiencies in education through the use of innovative processes and teaching methods. Mr. Steiner said he believes the education system in the state is broken. He said the current model was developed during the industrial era, and many of the methods utilized by that model are no longer relevant or useful in advancing our society in today's world. He said Northern Cass is a personalized learning school district. He said the district developed the Jaguar Academy for 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> grade students. He said the students must take three core courses in the academy, and the courses are self-paced through an online platform. He said the district applied and was approved for a waiver from the "seat time" requirement by DPI. He said there is no magic amount of time for a student to learn a concept. He said if a student can demonstrate proficiency in a concept and meet the standards determined for the concept, the amount of time in a seat in a classroom should not matter. He said students determine when they feel they are proficient in a concept. He said a student decides when the student would like to show proficiency to an instructor and, if the student passes, the student moves on. He said the Jaguar Academy is moving away from grade levels to a completely proficiency-based grading system.

In response to a question from Representative Johnson, Ms. Uetz said the proficiency-based grading system is on a one through four scale. She said three is a proficient grade. She said students can conduct applied learning and design projects to demonstrate proficiency.

In response to a question from Senator Schaible, Ms. Uetz said one of the nice things about the Jaguar Academy is that because it is personalized learning, any gaps in the learning of a student are more quickly identified.

Mr. Steiner said although it is not possible to completely eliminate learning gaps, eventually Jaguar Academy will be able to reduce learning gaps.

Ms. Uetz said the district utilizes a data tracking system that estimates the amount of time required for a student to complete a course. She said students are given a weekly data summary showing where they are at in a course. She said any student who is 2 weeks behind will be given additional responsibilities and intervention until getting caught up.

In response to a question from Representative Monson, Mr. Steiner said the Jaguar Academy has the academic standard at which the student is, but also has a social grade level. He said the funding under the education formula in state law would be tied to the social level of the student regardless of whether the student is working on higher or lower academic concept areas relative to the student's age.

In response to a question from Senator Davison, Mr. Steiner said the district utilizes resources by looking at how the resources will be useful in the academy model. He said any new teacher is hired with how the teacher will fit into the focus of the academy. He said the district continues to have desks at the academy, but funding that used to be allocated toward the purchase of desks and chairs every year is now being reallocated to other areas, such as learning software and other resources.

In response to a question from Chairman Oban, Mr. Steiner said he is not sure if there is any way to reduce inefficiencies regarding the funding formula or the way it is applied. He said there are other areas that have inefficiencies. He said PowerSchool does not work with the way the Jaguar Academy is set up and what it is trying to accomplish. He said the system is incompatible with tracking proficiency and standards-based grades and progress.

In response to a question from Representative Owens, Mr. Steiner said the district is doing outreach with students and parents to explain the system and answer questions. He said one of the biggest questions received is regarding the grading system. He said parents want to know what grade a student is getting. He said it is difficult and it will take time to move parents away from standard letter grades to a new perspective of proficiency-based grades.

### **GOVERNOR'S INNOVATIVE TASK FORCE ON EDUCATION**

Chairman Oban called on Mr. Levi Bachmeier, K-12 Education Policy Advisor, Governor's office, for a presentation (Appendices [G](#), [H](#), [I](#), [J](#), and [K](#)) regarding updates and potential policy changes from the innovative task force on education, and K-12 state agency efficiency work. Mr. Bachmeier said the innovative education task force was created by Executive Order 2017-15. He said the executive order describes what the task force was designed to accomplish. He said the ultimate goal of the task force is to determine what barriers are prohibiting school districts from defining and pursuing innovative education initiatives, and what can the state do to help. He said the focus of the task force is on competency-based personalized learning. He said eventually the focus will need to turn to assessments. He said the Governor had previously stated a desire to see at least 20 waiver applications under 2017 Senate Bill No. 2186 regarding innovative education. He said that number was arbitrary, and school districts have developed numerous innovative education proposals that do not require a waiver from DPI. He said the culture regarding education has begun to shift at a statewide level.

Representative Schreiber-Beck said the Bush Foundation has taken notice of what is happening in the state regarding education and has started to provide some funding in support, which is encouraging.

Mr. Bachmeier said the state has received a total of \$95,000 in grant money from the Bush Foundation to support the work of the task force.

In response to a question from Chairman Oban, Mr. Bachmeier said the task force had over 165 applicants and consists of legislators, teachers, superintendents, principals, school board members, business leaders, and parents from all over the state. He said the members of the task force come from large and small districts to try to get a good cross-cut of the demographics of the state. He said other states have initiated legislation to change graduation requirements from the standard based solely on credit hours. He said the task force is trying to determine what a competency-based transcript should look like based on standards and metrics set by the state. He said he is unsure whether the task force will be able to develop any policy changes in time to present to this committee for potential recommendation to the 66<sup>th</sup> Legislative Assembly. He said the goal is for the task force to develop recommendations for the next legislative session to be considered and debated by legislative sponsors.

Mr. Bachmeier said regarding K-12 state agency efficiency work, one way to be efficient is to do more with the allocated dollars already in place. He said another is determining how the state can remove funds from the system and maintain the same results. He said the goal is not to cut funding, but to better understand gap analysis and how the state can do a better job of supporting the needs of students. He said the Governor's office believes there can be better coordination, alignment, and collaboration of education efforts in the state. He said it can be confusing to school district superintendents when trying to determine which consortium to which the district belongs, depending on if a superintendent is looking at regional education associations (REAs), career and technical education regional centers, interactive television providers, or special education units. He said guiding questions were developed to help determine services, financing, funding methods, and potential efficiencies between K-12 education service providers in the state.

In response to a question from Senator Davison, Mr. Bachmeier said moving to a regionalized model of education potentially would benefit all students in the state from a workforce capacity and fiscal perspective. He said some of the special education units in the state are still too small.

### **SCHOOL REPORTING EFFICIENCIES**

Chairman Oban called on Mr. Jeff Fastnacht, Superintendent, Ellendale Public School District, for a presentation ([Appendix L](#)) regarding suggestions on school reporting efficiencies.

In response to a question from Senator Davison, Mr. Fastnacht said DPI owns the STARS system software. He said Nexus built the software, and DPI purchased it. He said the software was customized for our state. He said DPI has not looked at other software vendors.

Ms. Baesler said there are other vendors that create customized software for state agencies. She said if DPI were to look at new vendors to potentially update the software and improve school reporting, DPI would need to put out a request for proposal.

In response to a question from Representative Guggisberg, Mr. Fastnacht said STARS is not a type of software that analyzes data. He said the software only holds the data entered so that it can be reported.

### **NORTH DAKOTA COUNCIL OF EDUCATIONAL LEADERS**

Chairman Oban called on Dr. Aimee Copas, Executive Director, North Dakota Council of Educational Leaders, for a presentation ([Appendix M](#)) regarding updates on efficiencies and coordination between K-12 service agencies and providers.

In response to a question by Chairman Oban, Dr. Copas said even though many of the entities in the state arose organically to meet needs in certain educational areas, it is possible to do things better. However, she said, she is not necessarily advocating for big transformational shifts in the way education is provided in the various state agencies to fix efficiencies within processes created at the local or regional level. She said she is confident efficiencies can be created within the locally created entities.

### **REGIONAL EDUCATION ASSOCIATIONS**

Chairman Oban called on Mr. Luke Schaefer, Executive Director, Mid-Dakota Education Cooperative, for a presentation regarding an update on the merger and efficiency progress of REAs in the state. Mr. Schaefer said in January all eight REAs in the state held a meeting to try to determine if there are any efficiencies to be created through shared services, and find any potential gaps in services. He said all eight REAs are in the middle of conducting a "needs" analysis. He said school districts were requested to prioritize the five requirements of REAs as set out by the Legislative Assembly. He said school districts prioritize the professional development service from the REAs above all else. He said school districts consistently indicated school improvement was the second priority, and the remaining requirements were a mix of priorities depending on the school district. He said school districts resoundingly requested more help with curriculum assessment and instruction, behavioral issues, and innovative approaches from the REAs.

Mr. Schaefer said there have been ongoing services and merger discussions between REAs. He said the Northeast Education Services Cooperative out of Devils Lake and the North Central Education Cooperative out of Bottineau are discussing the potential of sharing an executive director. He said schools have made it clear that if a merger is to potentially occur, it must be beneficial to the schools and not necessarily just to the REAs.

Mr. Schaefer said the REAs are working to obtain certain grants from DPI for professional development services for schools. He said REAs have received similar amounts of money from DPI, but the process was changed this year to make it more competitive between the REAs, which in turn affects the school districts and who receives the professional development.

In response to a question from Chairman Oban, Mr. Schaefer said he does not think any of the eight REAs hold the legislatively dictated requirements as a floor or a ceiling for their services. He said there is language that says approximately "any other services that may be asked of the REA." He said REAs are frequently asked to provide additional supports to school districts outside of the five direct requirements.

### **COMMITTEE DISCUSSION AND STAFF DIRECTIVES**

Representative Schreiber-Beck said while it would be good to get a potential bill draft, a number of the education entities in the state have requested additional time to conduct work before reporting back with suggestions. She said it would be good to respect their requests and wait for more information.

Senator Davison said it is important to understand how rich and informational the discussions on this topic are. He said much of the important information is discussed in smaller groups outside the interim committee. He said allowing the entities to develop efficiencies faster outside the bureaucracy of government may be the best way to create efficiencies within the educational system because it is those entities developing the out-of-the-box ideas. He

said efficiency does not always mean reducing funding and creating cost savings, sometimes it means taking more risks to create faster processes to meet new challenges. He said even though he does not have any legislative recommendations at this time, he thinks the state is making progress.

Representative Monson said he is curious how many of the reports being requested of superintendents and school districts are legislatively mandated. He said he thinks there are a number that are probably obsolete and could be repealed.

Chairman Oban said it might be worth considering rewriting the statutory provisions relevant to K-12 education in the state in the future, maybe next interim.

Chairman Oban requested the Legislative Council staff to conduct research and gather information regarding the statutory reporting requirements regarding K-12 education. She said she would like information regarding the number of reports, how the reports are created, what the reports are used for, what information the reports contain, who is required to report, who receives the report, and what is done with the information once it is reported.

Chairman Oban said the Education Funding Committee has a tentative meeting scheduled in Fargo on Tuesday, May 8, 2018. She said she would like to potentially hold the next meeting of this committee in Fargo on either May 7 or May 9, depending on availability.

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

---

Dustin Assel  
Counsel

ATTACH:13