

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

EDUCATION POLICY COMMITTEE

Tuesday, September 25, 2018
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, 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

Member absent: Senator Donald Schaible

Others present: See [Appendix A](#)

It was moved by Representative Owens, seconded by Representative Schreiber-Beck, and carried on a voice vote that the minutes of the July 19, 2018, meeting be approved as distributed.

CYBERSECURITY BRIEFING - INFORMATION TECHNOLOGY DEPARTMENT

Chairman Oban called on Mr. Shawn Riley, Chief Information Officer, Information Technology Department, for a presentation ([Appendix B](#)) regarding a cybersecurity briefing for education in the state, including applicable operational, strategic, and workforce aspects. Mr. Riley said the old way of building firewalls to keep hacking threats at bay and outside the network has become obsolete. He said any Internet connected device now can pose a security risk to a network. He said the state has 11 full-time equivalent positions in the Information Technology Department (ITD) to defend against cybersecurity attacks. He said North Dakota being the second largest energy producer in the country makes the state a target for cybersecurity attacks. He said ITD defends approximately 252,000 people on STAGEnet. He said the Starbucks network has approximately the same number of users as STAGEnet, but Starbucks has over 400 information technology cyber professionals employed to defend the network. He said North Dakota is not as mature in its cybersecurity defense model as it needs to be. He said although the state's 1.2 maturity score falls far short of our goal of 4 out of 5, 1.2 is average when compared to other networks around the country.

In response to questions from Representative Johnson, Mr. Riley said the methodology of attacks have different levels of complexity. He said the majority of attacks are general in nature. He said most attacks scan the network looking for vulnerabilities and ways to infiltrate. He said hackers that are able to penetrate a network and extract valuable information, such as credit card numbers, can make a lot of money selling the information on the dark web.

In response to a question from Chairman Oban, Mr. Riley said ITD currently is working on developing a curriculum for helping teachers teach cyber science and computer science courses. He said the goal is to educate students and develop a cybersecurity workforce in the state. He said it is necessary to have a standards-based curriculum to teach students. He said the curriculum needs to be age-appropriate for students at their ability level.

In response to a question from Representative Longmuir, Mr. Riley said Bismarck State College's work with Palo Alto is one of the cornerstones of the K-20W initiative. He said the initiative, which needs expand beyond Bismarck State College, is an example of a public-private partnership.

In response to a question from Representative Guggisberg, Mr. Riley said there are various components in continuing education and professional development regarding cybersecurity professionals. He said a university degree has value, but by the time an individual graduates, much of the information learned has become obsolete due to advances in technology. He said new information and technology gets integrated through on-the-job training, seminars, and professional development. He said it is very difficult for government agencies and public sector employers to compete with private sector salaries and retention of cybersecurity professionals. He said the turnover rate for cybersecurity professionals across the entire country is 26 percent. He said ITD continuously is training new employees and trying to appeal to individuals more interested in service over a paycheck when hiring and retaining employees.

In response to a question from Senator Davison, Mr. Riley said there have been discussions regarding the absolute minimum standard for cybersecurity under which the state would be able to operate. He said with advancing technology the minimum standard constantly is evolving and becoming more difficult to achieve. He said achieving the minimum standard is possible with the additional \$11.4 million appropriation ITD is requesting in the upcoming biennium. He said ITD would like to get endpoint security to all 252,000 users on STAGEnet. He said adding endpoint defense software to every school in the state would cost approximately \$1.2 million.

In response to a question from Representative Becker, Mr. Riley said cyberbullying is an issue in schools. He said the technology in his presentation today does not have integration to protect against cyberbullying. He said it is plausible to integrate that technology in the future and he would be happy to have that discussion.

In response to a question from Chairman Oban, Mr. Riley said the request for an additional \$11.4 million appropriation would get the network to the minimum standard for cybersecurity. He said ITD has the authority to require organizations to meet the minimum standard to utilize the network. He said it would be unreasonable for ITD to implement such a policy if schools and other organizations do not have the ability to meet the minimum standard. He said the appropriation would allow everyone on the network to meet the minimum standard for endpoint security. He said about \$11 per student per year is needed to maintain the minimum level of security. He said ITD does not want a patchwork of cybersecurity across the state. He said the goal is to have a singular organization operating and maintaining security for all users on the network. He said having unity across the board would minimize cybersecurity threats to the network.

Ms. Rosi Kloberdanz, Director, Educational Technology Council, said professional development on cybersecurity for teachers is intended to grow the knowledge base for all teachers from kindergarten through PhD. She said a meeting of 28 organizations to discuss what each of the organizations was doing regarding cybersecurity was held earlier this year. She said every organization was doing some work in cybersecurity, but needed to do more to coordinate efforts. She said more organizations are joining the group and coordinating efforts to develop consistency. She said the council is working to integrate cybersecurity concepts into English, mathematics, and science courses beginning at the kindergarten level.

In response to a question from Senator Davison, Ms. Kloberdanz said the goal is to train approximately 700 teachers in the state with a goal of at least 1 teacher in each school training to be an advocate for computer science and cybersecurity. She said the Department of Public Instruction (DPI) is working on setting standards in these areas.

Chairman Oban said the concurrent resolution on the agenda will not be addressed at the meeting today. She said the requester is seeking more input and is not ready for committee discussion at this time.

EARLY CHILDHOOD EDUCATION - DEPARTMENT OF COMMERCE

Chairman Oban called on Ms. Kerri Kraft, Program Specialist, Department of Commerce, for a presentation ([Appendix C](#)) regarding the department's role in allocating funds for the early childhood education program.

In response to a question from Representative Schreiber-Beck, Ms. Kraft said the original legislation implementing the early childhood education program was for all 4-year-old children to be able to participate without the restriction of free or reduced lunch eligibility. She said she would like to include all 4-year-old children in the program. She said it would not take a large amount of money to accomplish that goal.

In response to a question from Senator Marcellais, Ms. Kraft said the allocation for the 2017-19 biennium has been obligated, but not yet reimbursed.

In response to a question from Senator Davison, Ms. Tara Fuhrer, Director, Office of Early Learning, Department of Public Instruction, said school districts were authorized by the 2015 Legislative Assembly to operate prekindergarten programs. She said initially, there were approximately 50 programs. She said to date, there are 113 school districts operating a program. She said without an integrated data system that can give accurate child counts of participants in the programs across the school districts over the years it is difficult to assess whether programs are expanding.

In response to a question from Chairman Oban, Ms. Kraft said the majority of the funds received are used to offset salaries and upgrading technology equipment.

STRATEGIC PLANS ALIGNED TO THE STATEWIDE VISION ON EDUCATION

Department of Public Instruction

Chairman Oban called on Ms. Kirsten Baesler, Superintendent of Public Instruction, for a presentation ([Appendix D](#)) regarding the department's progress on creating a plan aligned to the statewide vision on education. Ms. Baesler said the handout outlines the aligned strategic education initiatives for the state. She said page 2 of the handout contains a list of the entities that participated in the steering committee, how the entities' objectives align to the strategic vision, and the initiatives the entities are utilizing to meet the objectives.

In response to a question from Chairman Oban, Ms. Baesler said, regarding bill draft [[19.0243.02000](#)], she has strong feelings about who should be giving the report to the Legislative Management. She said the purpose of hiring an independent consultant to help create the strategic vision was to determine the strengths and weaknesses of DPI. She said personnel from many education entities were interviewed. She said a reoccurring theme of the interviews was a strong desire for a singular direction for all K-12 education service providers in the state. She said she struggled with the concept of having one entity oversee the unified direction for all entities in the state because DPI has a limited number of resources. She said she wanted to compromise. She said she is willing to facilitate the meeting of entities to create the strategic vision for the state, but she wants to create a specific plan for her department to meet the goals of the strategic vision. She said the strategic vision has been developed with the voluntary participation of stakeholder entities through authorization from their school boards. She said without legislation, she does not have authority to compel participation. She said she does not have the budget to continue facilitating the strategic vision process through the department. She said she did not create the strategic vision or the entity plans to align to the vision. She said those items were created through the voluntary collaboration of the participating entities. She said the entities operate on a level playing field as independent bodies. She said she would be very hesitant to report to the Legislative Management on the plans aligned to the strategic vision of entities not under her control or authority.

Department of Career and Technical Education

Chairman Oban called on Mr. Wayde Sick, Director and Executive Officer, Department of Career and Technical Education, for a presentation ([Appendix E](#)) regarding the Department of Career and Technical Education's (CTE) progress on creating a plan aligned to the statewide vision on education.

In response to a question from Senator Davison, Mr. Sick said training on the "RUReadyND" platform fulfills two statutory requirements to complete an interest inventory. He said every student is required to complete an interest inventory. He said the data is used to develop a career pathway for the student with course planning.

In response to a question from Representative Owens, Mr. Sick said the interest inventory must be completed during a student's 7th- or 8th-grade year, and again in the student's 9th- or 10th-grade year.

In response to a question from Chairman Oban, Mr. Sick said the strategic vision process has been valuable in elevating career and technical education and making more people aware of its existence. He said the process also has helped CTE become more aware of what other education entities in the state are doing. He said if given the opportunity, he would prefer to report his strategic plan to the Legislative Management instead of having someone else from another entity report on his behalf.

In response to a question from Representative Monson, Mr. Sick said the intent of the interest inventory was to help guide students toward a career path and corresponding course work. He said the data from the interest inventory potentially could be used to help guide course curriculum offerings in the future, but it was not the original intent.

In response to a question from Representative Longmuir, Mr. Sick said the department has representation on the Governor's Innovation and Education Task Force.

Regional Education Associations

Chairman Oban called on Mr. Luke Schaefer, Executive Director, Mid Dakota Education Cooperative and the Missouri River Education Cooperative, for a presentation ([Appendix F](#)) regarding the progress of regional education associations (REAs) in creating a plan aligned to the statewide vision on education.

In response to a question from Chairman Oban, Mr. Schaefer said because he is presenting on behalf of all REAs, he cannot speak to the other directors' preferences on whether the directors would like to report their plans to the Legislative Management or have the Superintendent of Public Instruction (SPI) report on their behalf. He said he would like the opportunity to present the report on behalf of the REAs, but Ms. Baesler is more than capable. He said he does not have a strong preference one way or another.

Education Standards and Practices Board

Chairman Oban called on Ms. Mari Riehl, Assistant Director, Education Standards and Practices Board, for a presentation ([Appendix G](#)) regarding the board's progress on creating a plan aligned to the statewide vision on education.

In response to a question from Representative Owens, Ms. Riehl said alternate access license people, under strategic theme number four, are required to take the traditional education courses while they are teaching. She said the boot camp is not replacing the required courses, but rather is a way to boost the individual's knowledge base while in the process of taking the required courses.

In response to a question from Representative Johnson, Ms. Riehl said under strategic theme number one, the prior wording of the early childhood education standard referred to various practicum experiences required to major in early childhood education. She said the wording was changed to replace "prekindergarten" with "approved early care and education settings."

Educational Technology Council and Center for Distance Education

Chairman Oban called on Ms. Kloberdanz and Dr. Alan J. Peterson, Director, Center for Distance Education, for a presentation (Appendices [H](#) and [I](#)) regarding progress on creating a plan aligned to the statewide vision on education.

In response to a question from Senator Davison, Ms. Kloberdanz said EduTech has participated in the unification process with ITD. She said the unification process has helped EduTech focus on what it is doing and how it is offering services. She said if it was the intention of the Legislative Assembly to move the Center for Distance Education under the umbrella of another education entity in the state, there likely would not be a need for the Educational Technology Council to continue.

In response to a question from Chairman Oban, Ms. Kloberdanz said while she is impressed with the work done by Ms. Baesler, she would prefer to give her report to the Legislative Management. She said it is important to be able to answer specific questions regarding the activities of the Educational Technology Council.

Comments By Interested Persons

Mr. Jason Elhert, President, North Dakota Building Trades Unions, said the unions have been working with both DPI and CTE on reinvigorating young students in the state about getting back into trade work. He said through DPI, the trades unions are trying to promote apprenticeship programs in coordination with career- and college-ready standards through DPI.

Ms. Alexis Baxley, Executive Director, North Dakota School Boards Association, presented the plan of the association to align with the statewide strategic vision ([Appendix J](#)).

Mr. ElRoy Burkle, Executive Director, North Dakota Small Organized Schools, said some of the services his organization offers can help entities align to the strategic vision.

Mr. Tom Gerhardt, Director of Public Affairs, North Dakota United, said North Dakota United also is helping to support the statewide strategic vision. He said North Dakota United offers professional development to teachers across the state.

BILL DRAFTS, COMMITTEE DISCUSSION, AND STAFF DIRECTIVES

Chairman Oban called on the Legislative Council staff to present a bill draft [[19.0241.01000](#)] to transfer the responsibilities relating to adult education to Job Service North Dakota (JSND) and a bill draft [[19.0243.02000](#)] relating to the duties of the SPI with respect to a meeting of stakeholders regarding the statewide vision on education. The Legislative Council staff said the bill draft to transfer the responsibilities relating to adult education to JSND is the same version the committee reviewed at the last meeting.

Chairman Oban said the bill draft to transfer adult education to JSND was drafted in light of discussions in the executive branch to combine some programs and services to reduce redundancies and create efficiencies. She said this bill draft was requested to determine if relocating adult education in JSND would help accomplish those goals and help meet the committee directives of exploring the possibility of combining services to streamline education in the state.

Senator Marcellais said he opposes the bill draft because JSND lacks services in his district. He said transferring adult education from DPI to JSND would not be beneficial for his constituents.

Representative Monson said he agrees with Senator Marcellais. He said he does not see an issue with the operation of adult education through DPI.

The Legislative Council staff said the second bill draft [[19.0243.02000](#)] directs the SPI to hold an annual meeting of education stakeholders to review and update the strategic vision. He said the previous version of the bill draft would have required the SPI to report to the Legislative Management each interim. He said the version before the committee requires each stakeholder entity to report to the Legislative Management on the plan the entity has developed, instead of the SPI.

Representative Monson said it would be more efficient to have one report to the Legislative Management from the SPI, than reports from each stakeholder entity. He said it would be tedious for the Legislative Management to receive so many reports.

Chairman Oban said stakeholder entities would include DPI, the Information Technology Council, REAs, the Education Standards and Practices Board, and CTE. She said there would not be many reports if each entity gave its report. She said unfunded education stakeholder groups also would be a part of the meeting, but would not be obligated to develop a plan or a report. She said this bill draft was at the request of the SPI. She said the SPI was concerned that if the SPI gave the report on behalf of all stakeholder entities, it would imply she is writing the plans for each entity's alignment to the vision. She said the goal of the bill draft is to give the SPI the authority to call an annual meeting and compel attendance to ensure everyone in education at the state level is moving in the same direction toward a common goal contained in the strategic vision. She said the meeting hopefully will lead to conversation and collaboration among entities to reduce redundancies and create efficiencies to streamline education services in the state.

Representative Schreiber-Beck said the development of the strategic vision and process has been a great way to get representatives of entities to have discussions they otherwise may not have had.

Representative Owens said the purpose behind the strategic vision was to bring everyone together and develop a single concerted focus for education among all K-12 education providers. He said the vision is great, but without a central point of authority overseeing the process, the initiative will not accomplish anything. He said someone has to be accountable and determine whether the plans developed by each entity align to the vision. He said simply reporting the plans to the Legislative Management does not accomplish that goal. He said the SPI should be the central authority who determines the alignment of entities and reports to the Legislative Management on whether the state is on course with the vision.

Chairman Oban said the bill draft attempts to clarify that the strategic vision is not being developed or updated solely by the department, but is a collaboration. She said outside consultants were hired to help develop the vision with the input from many education stakeholder entities throughout the state. She said although the department hired the outside consultants to lead the process, the vision is not a product of the department alone.

Senator Davison said he agrees with Representative Owens that one central authority should be designated to keep entities accountable.

Representative Owens said his concern is not about presenting the reports, but in the methodology behind determining if a plan actually is aligned to the strategic vision. He said the report needs to make a determination on how aligned the plans are to the vision. He said the purpose of the bill draft was for DPI to determine which plans are aligned, and report that information to the Legislative Management.

Chairman Oban said the point of the bill and the discussion was to authorize the SPI to call a meeting of stakeholders to update and review the strategic vision, require entities to develop a plan aligned to the vision, and report the plans to the Legislative Management.

In response to a question by Chairman Oban, the Legislative Council staff said the bill draft was intended to require entities to develop a plan aligned to the strategic vision and report the plan to the Legislative Management. He said, however, as drafted, the bill draft is somewhat ambiguous as to the exact information required to be reported to the Legislative Management. He said the bill draft could be interpreted to read the plan itself needs to be reported, but it also could be read to require a report on the alignment of each entity's plan to the vision. He said more clarification may be needed to identify the information for the report.

Representative Monson said the document provided by Ms. Baesler indicates what information is required to be reported to the Legislative Management. He said individual entities may testify in standing committees if the entities want to expound on the contents of the plans, but the testimony by Ms. Baesler with the updated vision, alignment

of the entities, and what the entities are doing each session would suffice. He said there needs to be one central entity to keep everyone accountable. He said DPI is the logical entity for that responsibility.

Representative Schreiber-Beck said the consultant helped put the strategic vision together to keep all the participating entities on a level playing field and not have one entity be more important than the others. She said education entities in the state are separate bodies without authority over one another. She said a consultant should be determining alignment to the strategic vision, making the report on the plans of each entity, and assessing the entity's alignment to the vision.

Representative Owens said he hopes the vision continues to be updated and evolve over time. He said the vision needs to be a living document.

Representative Becker said although Ms. Baesler is lacking the budget, resources, and time to take the lead on continuous facilitation of the statewide strategic vision, someone needs to be in charge or no progress will occur.

Representative Oliver said it should be the decision of the entities participating in updating the strategic vision each session to decide which entity will report to the Legislative Management.

Chairman Oban distributed potential language ([Appendix K](#)) based on committee discussion to the committee for review.

It was moved by Representative Monson, seconded by Representative Ruby, and carried on a roll call vote that bill draft [19.0243.02000] be revised on page 1, line 23, to change "hold" to "facilitate"; on page 2, line 4, after "vision" insert a period and change the remainder of the language to "The steering committee shall prepare a collaborative report of the strategic plans of each committee member entity receiving state education funds. The superintendent shall provide the collaborative report and any updates to the strategic vision to the legislative management during each interim and to a joint meeting of the education standing committees during each legislative session,". Senators Oban, Davison, Marcellais, and Vedaa and Representatives Becker, Johnson, Longmuir, Marschall, Monson, Ruby, and Schreiber-Beck voted "aye." No negative votes were cast.

Representative Monson said the goal is not to have this report be interpreted as the report of the SPI. He said the intent is to have the SPI be the messenger and give a collaborative report of all the participating entities to the Legislative Management.

It was moved by Representative Longmuir, seconded by Representative Ruby, and carried on a roll call vote that the bill draft [19.0243.02000], as revised, relating to the duties of the Superintendent of Public Instruction pertaining to a meeting of stakeholders regarding the statewide vision on education be approved and recommended to the Legislative Management. Senators Oban, Davison, Marcellais, and Vedaa and Representatives Becker, Johnson, Longmuir, Marschall, Monson, Ruby and Schreiber-Beck voted "aye." No negative votes were cast.

It was moved by Representative Becker, seconded by Representative Ruby, and carried on a voice vote that the Chairman and the Legislative Council staff be requested to prepare a report and the bill drafts recommended by the committee and to present the report and recommended bill drafts to the Legislative Management.

It was moved by Senator Vedaa, seconded by Representative Marschall, and carried on a voice vote that the committee be adjourned sine die.

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

Dustin Assel
Counsel

ATTACH:11