

## NORTH DAKOTA LEGISLATIVE MANAGEMENT

## Minutes of the

**EDUCATION POLICY COMMITTEE**

Wednesday, October 2, 2019  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative David Monson, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Representatives David Monson, Pat D. Heinert, Daniel Johnston, Donald W. Longmuir, Andrew Marschall, Mark S. Owens, Brandy Pyle, David Richter, Cynthia Schreiber-Beck, Michelle Strinden; Senators Robert O. Fors, Richard Marcellais, Erin Oban, David S. Rust, Donald Schaible

**Members absent:** Representative Ron Guggisberg; Senator Kyle Davison

**Others present:** Representative Karla Rose Hanson, Fargo, member of the Legislative Management  
See [Appendix A](#) for additional persons present.

**It was moved by Senator Rust, seconded by Representative Schreiber-Beck, and carried on a voice vote that the minutes of the July 31, 2019, meeting be approved as distributed.**

**EDUCATION STANDARDS AND PRACTICES BOARD  
ALTERNATIVE TEACHER CERTIFICATION PROGRAM REPORT**

Chairman Monson called on Dr. Becky Pitkin, Executive Director, Education Standards and Practices Board, for a presentation ([Appendix B](#)) pertaining to the status of the alternative teacher certification program, the number of teacher permits issued under the program, the effectiveness of the program, the quality of instruction provided under the program, whether the program is accomplishing desired objectives, and a recommendation regarding continuation of the program.

In response to a question from Senator Marcellais, Dr. Pitkin said applicants in the alternative teacher certification program must pass state and federal background checks before a license to teach is issued.

In response to a question from Representative Owens, Dr. Pitkin said several alternate certification programs are being developed.

In response to questions from Senator Oban, Dr. Pitkin said to receive a permit to teach a specialty area under House Bill No. 1531 (2019), an individual must have 4,000 hours of relevant work experience. She said the Education Standards and Practices Board requests school districts verify employed individuals meet the required criteria. She said a permit is good for 1 year and may be renewed twice, for a total of 3 years.

In response to a question from Chairman Monson, Dr. Pitkin said an individual may not teach beyond 3 years unless the individual becomes fully licensed.

In response to a question from Senator Rust, Dr. Pitkin said teaching openings in some content areas are hard to fill. She said large school districts also are using the alternate teacher certification program and temporary permitting options to fill openings. She said the goal is to move an individual from a temporary permitted position into the alternative access certification program in which the individual can become fully licensed.

In response to a question from Senator Oban, Dr. Pitkin said the alternative access certification program licenses individuals who have a 4-year degree and at least 12 credits in the content area in which the individual desires to teach. She said an individual has 3 years to complete the education requirements and become fully licensed.

Chairman Monson said he has concerns opening the teaching profession to anybody. However, he said he is happy the state has expanded access in a limited fashion to help school districts fill positions in difficult-to-fill content areas.

## DUAL-CREDIT, ADVANCED PLACEMENT, AND DISTANCE EDUCATION COURSES STUDY

Chairman Monson called on Ms. Lisa Johnson, Vice Chancellor for Academic and Student Affairs/Director of Academic Affairs, North Dakota University System, for a presentation (Appendices [C](#) and [D](#)) regarding credentialing and criteria required to become a dual-credit teacher. Ms. Johnson said dual-credit teacher credentialing requirements are established by the Higher Learning Commission, not the University System. She said the Higher Learning Commission recognizes teacher experience as a factor in determining teacher qualifications. She said the Higher Learning Commission dissuades accredited institutions from the grandfathering of dual-credit teachers solely based on experience. She said dual-credit students account for approximately 10 percent of the undergraduate students in the University System.

In response to a question from Chairman Monson, Ms. Johnson said under the dual-credit instructor incentive program in Senate Bill No. 2244 (2017), an instructor may transfer the voucher to a family member or a student of the instructor if the instructor does not require it. She said the pilot program was intended to provide incentive for teachers to pursue dual-credit credentialing. She said if an individual is eligible to use a voucher for credit, the University System sends a notice to the institution where the credit is to be applied. The notice indicates the individual qualifies for credit and the cost of up to three credits is to be deducted from the individual's tuition. At the end of the semester, she said, the University System reimburses the institution for the value of the credits deducted.

Senator Schaible said Senate Bill No. 2244 was intended to provide both incentive to teachers who were already qualified to teach dual-credit courses to teach more dual-credit courses and to provide incentive to high school teachers who wanted to teach dual-credit courses to pursue the credentialing requirements.

In response to questions from Senator Schaible, Ms. Johnson said a majority of eligible individuals gave the earned vouchers to others. She said the majority of vouchers were used by individuals to take online master's level courses during the summer.

In response to a question from Senator Marcellais, Ms. Johnson said \$200,000 was appropriated for the pilot program in 2017. She said she would provide a breakdown of how the funds were spent.

In response to a question from Representative Richter, Ms. Johnson said most online programs have dropped the requirement individuals live on campus while taking courses.

Chairman Monson called on Mr. Tom Ternes, Education Market Manager, Bank of North Dakota, for a presentation ([Appendix E](#)) regarding the dual-credit assistance program and data related to applications, acceptance rates, and funding amounts for the program.

In response to questions from Chairman Monson, Mr. Ternes said the Bank of North Dakota is committed to continuing the dual-credit assistance program through 2021. He said the Bank is having additional conversations to determine the future of funding, if there is a desire to continue the program beyond 2021, and whether legislation may be needed. He said the Bank sees the benefit of dual-credit courses and would like to see students continue to receive the opportunity to take the courses.

In response to questions from Senator Schaible, Mr. Ternes said the requirement students be on free or reduced lunch to receive assistance under the program was a decision of the Bank and could be changed. He said the Bank follows rules established under law for determining student eligibility for free or reduced lunch.

In response to a question from Senator Rust, Mr. Ternes said when a student applies for the program, the school verifies whether the student is on free or reduced lunch, is enrolled in a dual-credit course, and is eligible for the program. He said students are denied under the program only if the school indicates the student does not qualify for free or reduced lunch or if the student has already taken two dual-credit courses during the school year.

In response to a question from Representative Pyle, Mr. Ternes said when determining eligibility under the program, the Bank does not look at the academic record of a student or whether a student can handle a dual-credit course.

In response to a question from Representative Pyle, Mr. Ternes said he does not have specific data indicating student passage rates.

Ms. Kirsten Baesler, Superintendent of Public Instruction, said in 2013, members of the Superintendent's student cabinet indicated they wanted more dual-credit and advanced placement (AP) opportunities. She said in

2015, the Legislative Assembly passed a bill relating to leveraging the senior year. She said the bill allowed the Superintendent to partner with outside sources to provide training for teachers with mathematics, science, and English backgrounds, and to train teachers in methods for teaching AP subject areas. She said the goal was to get more students into the courses and to pass the AP exams. She said the Legislative Assembly also passed a bill to allow students to take one AP test at no cost, and up to four AP tests at no cost if the student was from a low-income household. She said since the legislation passed, the number of AP exams taken by students has risen substantially. She said 2,378 AP exams were taken in 2016, and 4,208 AP exams were taken in 2018. She said 1,520 AP exams were passed in 2016, and 2,352 AP exams in 2018. North Dakota is first in the nation in the percentage of student AP exams passed. She said increasing the number of master's level courses available online would help promote dual-credit in the state.

In response to a question from Senator Schaible, Ms. Baesler said the \$90 fee is charged only if a student takes an AP exam and passes.

Mr. Wayne Sick, Director and Executive Officer, Department of Career and Technical Education, said in 2018, the Department of Career and Technical Education provided over 40 dual-credit courses to more than 800 students. He said 618 students took career and technical education courses and an additional 774 students took online courses through cooperative agreements with the Interactive Video Consortia in 2018-19.

Dr. Matthew Lonn, Director, Center for Distance Education, said as of the end of October 2019, enrollments through the center are up almost 10 percent over enrollments through September 2018. He said the center offers both AP and dual-credit courses, however AP enrollments through the center are down. He said schools are requesting the center provide more dual-credit opportunities. He said the center offers six dual-credit courses.

In response to a question from Senator Schaible, Dr. Lonn said the center gets dual-credit teachers by employing individuals who are qualified to teach dual-credit courses in certain areas and who are already employed by the center. He said the funding of the center should be tied directly to enrollments to provide maximum transparency and accountability.

Chairman Monson requested stakeholders to bring ideas and recommendations to the committee at future meetings on how best to promote dual-credit, AP, and distance education courses to fill teaching shortages in the state.

Representative Pyle said the cost of dual-credit courses can be a deterrent for average-income families. She said some statistics may be available in the legislative history of House Bill No. 1122 (2019). She requested research be conducted for the next meeting.

Chairman Monson said the Department of Public Instruction (DPI) should be requested to provide information to the committee on how many students in the state want to take dual-credit courses and are not being served.

### **STUDIES OF TEACHER INCENTIVE FOR LEADERSHIP PROGRAM AND NORTH DAKOTA CENTURY CODE PROVISIONS THAT RELATE TO ELEMENTARY AND SECONDARY EDUCATION**

Chairman Monson called on Mr. Levi Bachmeier, Education Policy Advisor, Governor's office, for a presentation (Appendices [E](#) and [G](#)) regarding the work of the Governor's innovative education task force in relation to the teacher incentive for leadership in education (TILE) program study. Mr. Bachmeier said a TILE program is intended to create extra duty contracts for educators who forward district or state educational priorities. He said the state designates its key priorities and allows districts to set specific objectives aligned to the strategic plan of the school district. He said teachers would be compensated for efforts under extra duty contracts. He said the intent is to create opportunities for a school district to move forward strategically while providing additional leadership and career ladder opportunities for teachers without removing the teachers from the classroom and requiring the teachers to become administrators. He said the committee may wish to receive testimony on how a state administers the program from a representative of a state using a teacher incentive funding program, such as Iowa. He said Iowa has broad parameters on the acceptable uses of the funds in the program.

In response to a question from Representative Hanson, Mr. Bachmeier said a TILE program could help with teacher retention and combat the current teacher shortage in the state.

In response to questions from Senator Oban, Mr. Bachmeier said a TILE program would not mandate teaching strategies, but would help outline the strategic education priorities for the state. He said a program would help align state and individual school district education priorities. He said a school district would be free to develop the tactics required to meet the overall strategic goal.

In response to questions from Representative Richter, Mr. Bachmeier said under the Iowa program, once an applicant is selected for participation, the state provides technical assistance to the school district in establishing the program to ensure the program has articulated goals and objectives for the individual to meet in a timely manner. He said Iowa has a cap of 2 years on any extra duty contract. He said a program may need to cap the percentage of educators eligible for the program to help prevent funding under the program from being distributed evenly among all teachers. He said the goal is not to provide funding in the salary schedule for all teachers, but to provide incentive for individual educators to obtain leadership experience and move district objectives forward through the use of individual extra duty contracts.

In response to a question from Senator Marcellais, Mr. Bachmeier said the state would need to determine how a program and extra duty contracts would function in schools operating under the Bureau of Indian Education.

In response to a question from Chairman Monson, Mr. Bachmeier said the Governor recommended funding a TILE program with \$10 million in turnback dollars. He said Iowa spends over \$100 million annually on its program.

Chairman Monson called on Mr. Bachmeier for a presentation regarding an update of the Kindergarten Through Grade Twelve Education Coordination Council in relation to the committee's study of provisions of Century Code which relate to the provision of elementary and secondary education to recommend changes to any laws found to be irrelevant, duplicative, inconsistent, or unclear. Mr. Bachmeier said his presentation contains information regarding the membership of the council. He said there is some uncertainty among the council regarding how deep of a review of Title 15.1 the interim committee wants the council to conduct. He said the council is supportive of the concept, but the council needs assistance in the clarity and scope of its requested role.

Chairman Monson said he did not intend to give the coordinating council an assignment to review all provisions in Title 15.1 and determine the provisions needing to be addressed. He said his intent was to invite the council and any other stakeholder to give the interim committee feedback on provisions that may need to be addressed. He said the term "rewrite" may be too strong. He said education provisions were rewritten less than 20 years ago. He said amending provisions in Title 15.1 which need to be addressed may be sufficient.

Representative Heinert said he is a member appointed to the coordinating council. He said the council discussed the possibility of hiring an outside consultant to review Title 15.1 and make recommendations on provisions needing to be addressed. He said an outside consultant may be necessary because the council may not have the time or funding to take on additional tasks related to a review of Title 15.1.

Senator Oban said she also is a member of the coordinating council. She said the council discussed whether the interim committee needs to seek approval from the Legislative Management to hire an outside consultant to review Title 15.1.

Representative Monson said when administrators and educators are unclear regarding how the law is applied or interpreted, the individuals usually call DPI for clarification. He said there are provisions in Title 15.1 in need of amending or clarifying, but he is not sure a rewrite of the title is necessary. He said a review and rewrite of the education funding formula under Chapter 15.1-27 is assigned to another interim committee and would not be within the scope of this committee's study. He said stakeholders and educators in the field need to inform the committee if issues exist in Title 15.1. He said if a rewrite of the entire title is determined to be necessary, the task would take multiple interims to complete.

Representative Schreiber-Beck said the coordinating council is required to review education policy and make recommendations for changes. She said the task cannot be accomplished in 1 year. She said the funding formula in Title 15.1 is one area that needs to be addressed and updated.

Chairman Monson said a consultant may be useful and necessary in the future, but the committee is not at a point at which a consultant is required. He said the committee first must receive testimony and suggestions from stakeholders regarding issues in Title 15.1.

Mr. Nick Archuleta, Executive Director, North Dakota United, said he supports implementing a TILE program in the state.

In response to a question from Senator Oban, Mr. Archuleta said Iowa's annual investment in its teacher leadership program has grown since its inception.

## STUDENT BEHAVIORAL HEALTH CRISIS STUDY

The committee watched a video recorded playback of a presentation by Dr. Stuart Ablon at the Governor's Summit on Innovative Education regarding student behavioral health.

Chairman Monson called on Mr. Luke Schaefer, Director, Central Regional Education Association, for a presentation ([Appendix H](#)) regarding trauma-informed practices in schools, social/emotional learning, and teacher professional development data regarding student behavioral health. Mr. Schaefer said the North Dakota Multi-Tier System of Supports State Advisory Team is a group working through DPI on a professional development grant to build a system of support in the state specific to student academics and behavior. He said there is maladaptive behavior occurring in schools. He said academics and behavior are related and must be addressed together. He said restorative practices, which are methods to restore a relationship after damage has been done, try to help a student understand how the student's behavior damaged a relationship and how to repair the damage. He said teaching students to understand expectations can help mitigate and prevent a large majority of student behavioral issues.

Mr. Schaefer said schools are using numerous data tools to track student behavioral issues and record discipline data. He said many schools in the state use paper and pencil to report behavioral incidents and referrals to the principal's office for discipline. He said the most commonly used data tracking tool is PowerSchool; however, one of the issues in using PowerSchool to track student behavioral data is every school is responsible for developing its definitions for behavioral incidents and building a report. He said there are data consistency issues across schools because schools do not use the same definitions when referring to similar terms. He said the second most common data tracking tool in use is called the School-Wide Information System (SWIS) Suite. He said SWIS also requires a discipline referral note to be written for behavioral incidents, but SWIS gives much cleaner and more detailed information than what is being provided in PowerSchool. He said the first step to becoming a trauma-informed school is recognizing student trauma exists in the school and embedding practices to address and mitigate the trauma.

In response to a question from Representative Longmuir, Mr. Schaefer said services provided close to home or in the home have a much more positive impact on students than services provided in a remote location. He said the North Dakota Multi-Tier System of Supports State Advisory Team is working with the Department of Human Services to provide necessary services to students as close to home as possible.

In response to a question from Representative Strinden, Mr. Schaefer said the integrated systems framework was designed for behavioral health issues, but could be applied academically.

In response to a question from Representative Hanson, Mr. Schaefer said creating a uniform system of measuring and defining student behavior across all schools would be valuable in consistent data tracking and providing better student support. However, he said, not all schools have the same desire to track and store complex student behavior data. He said many schools have different cultures that can lead to different understandings and definitions of terms related to student behavioral health.

In response to a question from Representative Richter, Mr. Schaefer said SWIS is not embedded into the statewide longitudinal data system.

In response to a question from Senator Oban, Mr. Schaefer said learning more about student behavioral issues and being aware is key. He said the work of the Legislative Assembly in providing additional support at the locations where the support is needed has been very beneficial. He said additional professional services for students in communities would be appreciated.

Ms. Baesler encouraged committee members to discuss student behavioral health issues and family engagement trainings with schools in their respective districts. She said addressing student behavioral needs cannot be accomplished without the involvement of families. She said PowerSchool data is collected by the Information Technology Department, and is not connected to DPI. She said there is not a uniform way to see all student behavioral data being collected by schools, but there may be a way to ask questions and receive information about the data in the statewide longitudinal data system if the committee is interested.

Ms. Jessica Thomasson, President/CEO, Lutheran Social Services of North Dakota, said innovative conversations are occurring in school districts all over the state regarding addressing student behavioral health needs. She said Lutheran Social Services of North Dakota works to provide restorative practices and integrated systems frameworks in areas of the state which may not be covered by the regional education associations or the Multi-Tier System of Support.

In response to a question from Chairman Monson, Ms. Thomasson said Lutheran Social Services of North Dakota works hard to provide complementary services to the services provided by other entities without unnecessary duplication.

### STAFF DIRECTIVES

Senator Oban said some of the data collection used by school districts is too all-encompassing and not detailed enough. She said the committee needs to determine what data is available, what systems school districts are using for behavioral incident reporting, and what information is missing. She said a teacher falling off of a chair while hanging a sign is not the same as a teacher receiving a concussion as a result of a student with a behavioral issue, but the incidents may be reported the same in the system used by the school. She requested a representative of DPI testify at a future meeting regarding data the department collects on student behavioral incidents.

Representative Schreiber-Beck said she would like to receive information from University System institutions that train teachers to determine how the institutions address student behavioral issues when training future teachers. She said student behavioral health training may be a topic that could fit well in a TILE pilot program.

Senator Schaible requested the Chancellor for the University System and a board representative for the State Board of Higher Education present at a future meeting regarding online courses for the credentialing of dual-credit teachers. He said there is a disconnect between what is needed in the state for dual-credit instructors and online courses for credentialing. He said more online high-level classes are needed in the state for individuals to receive the necessary credits required for dual-credit credentialing. He said although the need has been raised frequently, the classes are not being developed.

Chairman Monson requested the Legislative Council staff to share the request with the Interim Higher Education Committee.

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

---

Dustin Assel  
Counsel

ATTACH:8