

# NORTH DAKOTA LEGISLATIVE COUNCIL

## Minutes of the

### EDUCATION SERVICES COMMITTEE

Thursday and Friday, September 25-26, 1997

Roughrider Room, State Capitol

Bismarck, North Dakota

Senator Ray Holmberg, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Senators Ray Holmberg, Pete Naaden, David O'Connell, Randy A. Schobinger, Vern Thompson, Terry M. Wanzek; Representatives Ole Aarsvold, Linda Christenson, David Drovdal, RaeAnn Kelsch, John Mahoney, Dennis J. Renner, Laurel Thoreson

**Members absent:** Senator Dan Wogsland; Representatives Thomas T. Brusegaard, Howard Grumbo, Lyle L. Hanson, David Monson

**Others present:** See Appendix A

**It was moved by Senator O'Connell, seconded by Senator Wanzek, and carried on a voice vote that the minutes of the previous meeting be approved as mailed.**

At the request of Chairman Holmberg, Mr. Joe Linnertz, Assistant Superintendent of Public Instruction, presented testimony regarding computers and related technology. A copy of his testimony is attached as Appendix B. He said it is not acceptable that technology be viewed as a stand-alone curriculum. He said most people now recognize that computers are an integral part of multiple curricula.

Mr. Linnertz distributed a copy of the technology strategies developed by the Department of Public Instruction as part of the North Dakota Goals 2000 School Improvement Process. A copy of the document is attached as Appendix C. He also distributed a copy of the *1996 North Dakota State Tech Survey Report*. The document is on file in the Legislative Council office.

In response to a question from Representative Christenson, Mr. Linnertz said the rapid changes in technology tend to make school technological purchases obsolete very quickly. He said technology purchases are a costly endeavor for local school districts and the state.

At the request of Chairman Holmberg, Mr. Dan Pullen, Director, Center for Innovation in Instruction, presented testimony regarding ways in which computer technology is being integrated into classroom instruction, changes taking place in the state's teacher training programs in response to the increase

in educational technology, and whether recent graduates of the state's teacher training programs have acquired the skills necessary to incorporate technology into their instructional efforts. A copy of his testimony is attached as Appendix D.

In response to a question from Representative Christenson, Mr. Pullen said computers are tools that can help us do things we have been doing for a long time. However, he said, the introduction of computers and computer systems can create organizational stress.

In response to a question from Senator Wanzek, Mr. Pullen said computers have led to administrative efficiencies and increased productivity, especially with respect to data. He said the networking of computers is an ongoing process.

In response to a question from Senator Holmberg, Mr. Pullen said the technological preparation methods are quite varied in the teacher training programs.

Representative Kelsch said the new graduates of teacher training programs are better prepared technologically in large part because they have been more exposed to technology through their K-12 years, as well as through their college experience.

In response to a question from Representative Christenson, Mr. Pullen said nationwide the students who do the best technologically tend to be the ones who have computers at home. He said this creates a tremendous dichotomy. He said in the long run home computers might become as common as televisions. That, however, he said is a long way off.

At the request of Chairman Holmberg, Mr. Joe Westby, Executive Director, North Dakota Education Association, presented testimony regarding computer technology from the teachers' perspective. A copy of his testimony is attached as Appendix E.

In response to a question from Representative Drovdal, Mr. Westby said teachers are pleased about the legislative appropriations they have received, but they want to make it clear that they also have other needs that must be met.

In response to a question from Senator Holmberg, Mr. Westby said some school districts have a lot of

technology while others have virtually none. He said some districts have current equipment whereas others have outdated equipment. He said it is tough to determine whether appropriations should be line items or lump sum payments to be used as each school district sees fit.

In response to a question from Representative Kelsch, Mr. Westby said he cannot give the committee data regarding schools applying to corporations for grants or attempting to acquire computers that are outdated for a business's purpose but just fine for a school's purpose.

In response to a question from Representative Drovdal, Mr. Westby said teachers attend conferences during the summer, but if they do not use their newly acquired skills for several weeks, they tend to lose those skills.

In response to a question from Representative Thoreson, Mr. Westby said it will take time and money to bring all teachers up to a level of technological literacy. He said current students and new teachers will have a great deal more access to technology and will therefore be more technologically current than their elder counterparts.

At the request of Chairman Holmberg, Dr. Michael Hillman, North Dakota University System, presented testimony regarding high school prerequisites for university courses and remedial classes at the university level. He distributed a copy of *the Admission Requirements for Baccalaureate and Graduate Campuses*. The document is on file in the Legislative Council office.

Dr. Hillman said the State Board of Higher Education has found that the establishment of admission requirements did affect the success rate of students at the postsecondary level. He said high school performance is closely tied to postsecondary performance.

In response to a question from Representative Aarsvold, Dr. Hillman said before the establishment of admission requirements, students were entering the university system without advanced mathematics and sciences and this affected their ability to perform well at the postsecondary level. He said students may apply for exemptions from the admission requirements. He said if students are denied admission by a four-year institution they can frequently gain admission at a two-year institution.

Dr. Hillman distributed a document related to precollegiate level instruction. A copy of the document is attached as Appendix F. He said in the fall of 1997 the two-year colleges have largely implemented a common course numbering system. He said by the fall of 1998 the four-year institutions will have fully implemented that system. He said the number of remedial courses has gone down as a result of the

new admission requirements. He said the major cost of remedial education comes in the form of faculty salaries. He said most other inputs are present anyway. He said mathematics is the most prevalent remedial course with English coming in second.

In response to a question from Representative Aarsvold, Dr. Hillman said statewide ACT scores are based on large numbers of students. He said ACT scores reflect the fact that there are students under the statewide average as well as above it. He said there is no national definition of what is precollegiate and what is remedial when it comes to university-level courses. He said many states do not have open enrollment at the college level and students who do not do well in mathematics probably would not be admitted at a state college.

In response to a question from Senator Holmberg, Mr. Jim Croonquist, Minot State University, said Minot State gives its students a math placement test. He said not all that many years ago, Minot State had a much older student body. He said often freshmen had been out of school for 20 years and out of math classes for that period.

In response to a question from Representative Christenson, Dr. Hillman said intellectual maturity, social maturity, and emotional maturity are important factors in the success of university students.

In response to a question from Representative Thoreson, Dr. Hillman said there is a state association of mathematics teachers. He said the association includes high school and college-level instructors. He said mathematics is an area that has been the subject of much discussion regarding national standards.

In response to a question from Representative Drovdal, Dr. Hillman said he does not have readily available the percentage of traditional versus nontraditional students taking remedial classes.

In response to a question from Senator Holmberg, Dr. Hillman said he does not have readily available the percentage of students from large versus small districts who need remedial classes.

Dr. Hillman said students from smaller high schools tend to have lower ACT scores than those from larger high schools. He distributed a document relating to North Dakota students' performance on ACT scores. A copy of the document is attached as Appendix G.

In response to a question from Representative Christenson, Dr. Hillman said national tests can provide us with a great deal of information but should not be used as a sole indicator of achievement.

In response to a question from Representative Drovdal, Dr. Hillman said the information available at the moment does not allow one to draw conclusions regarding the university graduation and success rates

of students coming from smaller versus larger high schools.

In response to a question from Representative Thoreson, Dr. Hillman said if there is a self-selecting sample of students taking a nationally normed test, it becomes difficult to draw conclusions regarding the readiness of students as a whole to undertake and succeed at the university level.

With the permission of Chairman Holmberg, Mr. Larry Isaak, Chancellor, North Dakota University System, said in making policy decisions legislators need access to data. He said many of the questions for which we are seeking answers can be addressed through the tracking of students. He said examples are included in the following questions: What is an appropriate level of preparation? What are students' high school experiences and how do those experiences relate to their college years and their success later in life?

At the request of Chairman Holmberg, Mr. Greg Gallagher, Education Improvement Team Leader, Department of Public Instruction, presented testimony regarding core curriculum and state content standards. A copy of his testimony is attached as Appendix H. He said the need to clarify assumptions and to identify goals underscores the purpose of state content standards.

Mr. Gallagher distributed the *North Dakota English Language Arts Curriculum Framework* and the *North Dakota Mathematics Curriculum Framework*. A copy of the documents are on file in the Legislative Council office. He said a curriculum is that which we use to accomplish a goal--textbooks, films, outside presenters, etc. He said content standards are the goals that we hope to achieve.

In response to a question from Representative Mahoney, Mr. Gallagher said as the committee reviews Title 15, the committee might want to ensure that its references to curriculum and standards accurately reflect its intent. He said the Superintendent of Public Instruction is absolutely committed to the development of content standards. He said the Superintendent is developing content standards as quickly as possible, given the Department of Public Instruction's limited resources. He said as the committee reviews Title 15, the committee might also want to examine its references to clock hours. He said the North Dakota Century Code (NDCC) should be a complement to any efforts to develop content standards. He said the standards themselves are probably better placed within the rules for accreditation.

At the request of Chairman Holmberg, Representative Linda Christenson, Grand Forks, presented testimony regarding the development of content standards in the Grand Forks School District. She

said she was appearing on behalf of Dr. Mark Sanford, Superintendent, Grand Forks Public School District, because he had a prior commitment. She distributed a copy of the Grand Forks Public Schools' *Curriculum Frameworks for Language Arts*. A copy of the document is on file in the Legislative Council office.

Representative Christenson said when she first became involved in the development of content standards, she wondered who or what was McREL. She said she wondered whether state standards would eliminate local creativity. She said she wondered what would happen to a student who could not get a diploma because he could not meet "all" the standards. She said she wondered about the effect that standards would have on special needs students, and she said she wondered if standards would hold back gifted students. She said teachers and parents were skeptical too. She said much of the misunderstanding is myth and ignorance.

Representative Christenson said she first worked on the state-level standards. She said when the Grand Forks School District chose to develop standards, she was asked to participate. She said the administration first made its wishes known and then selected team leaders for each of the curriculum areas. She said the team leaders were trained by state and national authorities. She said the team leaders were charged with developing draft standards. She said the next step was to see how those standards would fit into the community concept and what it would do for the teachers and the students. She said a standard gives one the ability to organize and to proceed.

In response to a question from Representative Mahoney, Representative Christenson said a school cannot be inflexible about special needs children. She said the reality is that in certain tests a student's response can be graded objectively. She said in other subjects, especially in the humanities, one does get a great deal of subjectivity.

In response to a question from Senator Holmberg, Representative Christenson said parents were invited to the meetings, but the standards had not yet been put forth for public comment. She said the team leaders were on the verge of sharing their efforts with other teachers when the flood came to Grand Forks.

In response to a question from Representative Aarsvold, Representative Christenson said ensuring that students learn effectively is a constant, ongoing pursuit. She said the issue of accountability ultimately comes down to a teacher and a student. She said the money that is sent to schools should not be tied to standardized test results. She said doing so would cause children to fall through the cracks.

In response to a question from Representative Kelsch, Representative Christenson said there is an ongoing discussion about old-fashioned learning versus technology. She said if a machine can "spell-check" why should we teach our students how to spell? She said if a calculator can add, why should we teach our students how to add? She said we worry more about the price and the newness of technology than its effect on students.

At the request of Chairman Holmberg, Ms. Karen Nelson, Yellowstone Trail Consortium, presented testimony regarding the development of curriculum standards for the Yellowstone Trail Consortium. A copy of her testimony is attached as Appendix I.

Ms. Nelson said the Yellowstone Trail Consortium consists of five districts having between 38 and 491 students. She said the Yellowstone Trail Consortium took what was developed at the state level and made the frameworks more specific. She said the consortium looked at the grade 4, 8, and 12 frameworks and asked what would have to be done between kindergarten and grade 3 in order to achieve the standards in the fourth grade framework, what would have to be done in the fifth, sixth, and seventh grades to achieve the standards in the eighth grade framework, and what would have to be done in the ninth, 10th, and 11th grades to achieve the standards in the 12th grade framework.

Ms. Nelson said the districts began the process in 1992-93. She said the process began with teacher input-what should a student know and be able to do at each grade level. She said the curriculum standards are shared with parents. She said the standards are general. She said they give teachers and districts sufficient flexibility to interpret the goals. She said developing and adopting standards is the first step. She said maintaining and updating the standards is an ongoing process.

Ms. Nelson said once the standards are set they must go back and examine textbooks, other resources, and on-line resources to supplement the educational experience. Now they are beginning to see that the next step involves assessing their students to determine whether they are meeting the standards.

Ms. Nelson said in the past, curriculum was a textbook. She said one purchased a textbook and taught everything in it. Sometimes, she said, textbooks cover a lot of topics but without any depth.

In response to a question from Representative Mahoney, Ms. Nelson said a student needs to know certain facts to be a literate person. She said not that long ago one could memorize almost everything one needed to know. She said this is the information age and while we need facts we also need to know what to do with the facts. She said we need to know what the facts mean.

The meeting was recessed until Friday, September 26, 1997, at 9:00 a.m.

Chairman Holmberg said the committee would start its consideration of those portions of North Dakota Century Code (NDCC) Title 15 which affect elementary and secondary education. He said the Legislative Council staff should ensure that all drafts reflect gender-neutral language. He also said it was his intent to allow informal discussions regarding the sections and to allow suggestions regarding redrafting the sections, rather than requiring motions and formal votes at this time.

### **NDCC Section 15-21-01**

In response to a question from Senator Holmberg, Mr. Tom Decker, Department of Public Instruction, said rather than referring to a certificate of the highest grade, perhaps one could refer to a valid North Dakota teaching certificate.

In response to a question from Representative Thoreson, Representative Christenson said we have no idea what is meant by "successful teaching experience." However, she said, requiring that the Superintendent be a teacher is a matter of credibility.

In response to a question from Senator Holmberg, Representative Mahoney said a judge must have a license to practice law to be qualified for a judgeship. He said this requirement continues throughout a judge's term.

### **NDCC Section 15-21-01.1**

Senator Holmberg said the language should be updated to remove the reference to Section 13 of Article V. He said that section of the constitution was repealed in 1996. He said the Legislative Council staff should consider combining NDCC Sections 15-21-01 and 15-21-01.1.

### **NDCC Section 15-21-02**

Representative Kelsch said the Legislative Council staff should see whether the warrant language found in the section is still appropriate or needs to be updated.

### **NDCC Section 15-21-03**

In response to a question from Senator Holmberg, Mr. Decker said the committee could eliminate the statutory duties of the Superintendent's assistant.

Senator Holmberg said the committee should continue the statutory reference to a deputy superintendent.

In response to a question from Senator Holmberg, Dr. Gary Gronberg, Director of Special Education, Department of Public Instruction, said the term "clerk" could be replaced by a term such as "administrative assistant." He said there are only two appointed positions that come with the office of

superintendent--a deputy superintendent and an assistant.

Senator Holmberg said it is not the committee's intention to change the classification of jobs. He said it is confusing when there are statutory references to assistants, administrative assistants, and assistant superintendents.

Representative Mahoney said the language regarding the duties of assistants could be eliminated.

#### **NDCC Section 15-21-04**

Senator Holmberg said there should be an update of the reference to common and secondary schools. He said we probably could use generic language and consolidate this section with the initial one regarding the Superintendent. He said perhaps we should give the superintendent the authority to supervise the education of our students.

#### **NDCC Section 15-21-04.1**

Senator Holmberg said the way the statute is written, it appears as if a school must comply with all of the rules in order to be an accredited school.

In response to a question from Senator Holmberg, Ms. Pat Herbel, Director of Elementary Education, Department of Public Instruction, said the accreditation process is based on quality indicators. She said some standards are required and are reviewed every year. She said other standards are not required and are therefore reviewed every other year. She said if a school does not score at least 85 percent, it is "accredited warned." She said the next level is "nonaccredited" and one year after that there is a reduction in payment. She said accredited schools must have a credentialed administrator and a school improvement process.

#### **NDCC Section 15-21-04.2**

Senator Holmberg said the section should direct the Superintendent to coordinate the provision of adult education.

Representative Thoreson said this section appears to reference adults who are working toward a high school diploma rather than merely pursuing areas of interest.

Representative Aarsvold said perhaps we might be forgetting why these sections were implemented in the first place.

In response to a question from Senator Holmberg, Dr. Gronberg said this section identifies the Department of Public Instruction as the department that will receive funds and provide adult education. He said the references to adult education should be consolidated in a separate chapter.

Senator Thompson said the staff of the Department of Public Instruction should work closely with the Legislative Council staff to ensure that changes do not inadvertently affect the receipt of federal funds.

Chairman Holmberg said the Legislative Council staff should make all bill drafts relating to the rewrite of NDCC Title 15 available to staff members of the appropriate agencies so that those persons will be prepared to comment on the proposed changes at future meetings. He said it would be useful for the committee members to likewise receive copies in advance of meetings at which the drafts are to be discussed.

Senator Holmberg said the Legislative Council staff should also determine whether the language regarding the education of adults who cannot speak English needs to be synchronized with the language generally used in connection with the education of refugees who have limited English proficiency.

#### **NDCC Section 15-21-04.3**

Senator Holmberg said, after reviewing the section, no change appears to be warranted at this time.

#### **NDCC Section 15-21-04.4**

Senator Holmberg said this language should be consolidated with the other provisions regarding adult education.

#### **NDCC Section 15-21-04.5**

In response to a question from Senator Holmberg, Mr. Roger Rieger, Director of Secondary Education, Department of Public Instruction, said the waiver statute was utilized for the first time this summer by the Youth Correctional Center. He said the waiver committee asked representatives of the center to return with some changes. He said the waiver committee does not have rules within which to work. He said the members of the waiver committee believe they would prefer to work with written requests, rather than verbal requests and subsequent justifications. He said the statute sets requirements for the waivers and limits the time of the waivers.

Senator Holmberg said the Superintendent of Public Instruction must have more than the advice of the waiver committee. He said the Superintendent must have the concurrence of a majority of the committee. He said it is interesting that the waiver committee is composed solely of the regulated industry.

In response to a question from Senator O'Connell, Mr. Westby said the new name for the Council of School Administrators is the North Dakota Council of Education Leaders.

With the permission of Chairman Holmberg, Senator Schobinger introduced Ms. Majitu Terfa, Mr. Celso Mabunda, Ms. Mariam Okolo, Ms. Nomthetho Simelane, Ms. Sophia Wambura, Mr. Michael Ssali, Ms. Mahongo Shibemba, and Ms. Valerie Mathathu. He said the visitors were from Ethiopia, Mozambique, Nigeria, Swaziland, Tanzania, Uganda, Zambia, and Zimbabwe and that they are partaking of an international project to familiarize themselves with the evolution of the American political system and the roles and responsibilities of citizens within that system.

#### **NDCC Section 15-21-05**

Senator Holmberg said the committee should authorize the Superintendent to provide for the preservation of documents, rather than requiring that the Superintendent preserve all documents.

#### **NDCC Section 15-21-06**

Senator Holmberg suggested that this language regarding the use of an official seal could be repealed.

#### **NDCC Section 15-21-07**

At the request of Chairman Holmberg, Ms. Nancy Wisness, McKenzie County Superintendent of Schools, presented testimony regarding the offices of county superintendents. A copy of her testimony is attached as Appendix J.

In response to a question from Representative Kelsch, Ms. Wisness said the county superintendents often give advice but not necessarily written advice.

In response to a question from Senator Holmberg, Mr. Decker said it is the opinion of the Attorney General that when school boards have questions, they should seek the legal advice of their county's attorney or their private lawyers. He said the Superintendent works closely with the Attorney General to answer all questions. He said that NDCC Section 15-21-07, as written, is simply unwieldy.

Chairman Holmberg said since Ms. Wisness had traveled to Bismarck for a discussion regarding county superintendents, the committee should turn its attention to NDCC Chapter 15-22.

In response to a question from Representative Drovda, Chairman Holmberg said this is an appropriate time to examine whether those counties that chose to assign the county superintendent duties did in fact take the steps set forth in law.

#### **NDCC Section 15-22-02**

Senator O'Connell said he did not understand what is meant by a "successful teaching experience." He said if a county keeps a superintendent, the person must have certain qualifications and if a county

assigns those duties, they may be done by someone who is labeled "qualified" but who does not have to have any particular qualifications. He said that does not make any sense.

Representative Aarsvold said in the event a county wants to have a county superintendent, it should be clear in the law what the qualifications of such an individual should be.

In response to a question from Senator O'Connell, Ms. Wisness said county superintendents should hold valid teaching certificates. She said they can do a better job of checking forms if they understand something about teaching.

In response to a question from Representative Aarsvold, Mr. Rieger said the phrase "successful experience" is also found in the qualifications for administrators. He said the phrase is difficult to interpret, especially since in today's litigious world most reference-givers would be hard-pressed to make any negative comments.

Senator Holmberg said if a county chooses to keep a county superintendent of schools, perhaps the county should decide the appropriate level of salary and office accommodations.

#### **NDCC Section 15-22-07**

Senator Holmberg said this section provides that if a board of county commissioners chooses to employ a county superintendent, the board must provide a suitable office, furnishings, books, stationery, and postage. If the board does not fulfill those responsibilities, the county superintendent may obtain the same and bill the board.

Senator Thompson said we should remove the last sentence, but Representative Aarsvold said he did not want the last sentence removed.

Representative Mahoney said the last sentence is a protection for the instance in which a board of county commissioners employs a county superintendent but because of budget restraints does not provide the basic operational tools.

#### **NDCC Section 15-22-09**

Representative Thoreson said he wondered if county superintendents actually do assist in the planning, coordinating, and providing of all education and related services to each school district as per Section 15-22-09(2).

With the permission of Chairman Holmberg, Ms. Wisness said she is very involved in her school districts. She said other county superintendents are not as involved.

Representative Thoreson said the provision of "all education and related services" is an awesome requirement.

Representative Mahoney said the duties of the county superintendents were very important years ago but perhaps not so much now. He said we need to examine whether we need to continue those duties or determine that the position has outlived its usefulness.

In response to a question from Representative Drovdal, Ms. Wisness said the level of activity between county superintendents and the various types of school districts is dependent on who holds the position and how much they wish to be involved.

Chairman Holmberg adjourned the meeting at 12:00 noon.

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L. Anita Thomas  
Committee Counsel

ATTACH:10