

1999 SENATE EDUCATION

SB 2245

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2245

Senate Education Committee

Conference Committee

Hearing Date January 26, 1999

Tape Number	Side A	Side B	Meter #
1	x		2726 to end
1		x	0-1041
2/1/99 2		x	500-end
Committee Clerk Signature <i>Linda Christman</i>			
2/9		x	0-3090
2//15/99	x		0-629

Minute

SENATOR FREBORG opened hearing on SB2245.

SENATOR ANDRIST: Testimony attached. Law requires now that these 5 days be negotiated with the teachers. This bill lets the teachers and the school pick those 5 days. More flexible. Language is retained. Moving 5 days to local control.

SENATOR FREBORG: Testimony in favor of SB2245.

BEV NIELSON, ND School Board Association. Neutral. Not here to argue the merits. We believe that this bill follows in the same line that will come before you. Move to support.

SENATOR REDLIN: There are no set holiday.

BEV: They would no longer have to be picked from that list. Some holidays will always be there. They would no longer have to be chosen from the list.

Testimony in Opposition:

MAX LAIRD: NDEA, See testimony attached. Urge a DO NOT PASS.

SENATOR FREBORG: Do I understand that even if this bill should pass we have no choice but to take those 3 holidays.

MAX LAIRD: Section 1538-4 says the following days shall be school holidays and schools shall not be in session thereon. This is section to be amended, it reads whole days all students in a given school are in attendance including days set aside for NDEA convention plus any 3 holidays selected from those lists in subsection 2-10 of section 1538-4.

SENATOR FREBORG: If the first bill should pass it would be necessary to further amend 153804. Difference would be that they wouldn't get paid for those holidays if they did something else. Give them a choice.

SENATOR KELSH : What % of members attend the conference.

Max: Varies from 3,500 to 5,500 means 60-75% of the staff in the state are attending.

Geography, weather and cost makes a difference.

SENATOR COOK: If this flexibility was given just to the teachers as to whether or not they wanted the flexibility to choose whether to take one of these days for the instruction conference, from doing some else. What do you think the majority would want to do?

MAX: Virtue of the needs that we have today in the classroom, I think people will in fact choose to participate on 2 days that are considered paid days (as in foundation aid). Teachers 99% of the time choose that which is actively participatory in their personal learning about school. Vast majority would choose to participate..

SENATOR COOK: The 30% that don't attend are they required to spend time in the classroom.

MAX: Yes, out of 10,000 though I can't honestly say that there are some who aren't there all day or not doing other things.

SENATOR FREBORG: How many teachers do we have today?

MAX: I believe the number is around 10, 000, that is being used for FTE.

SENATOR FREBORG: Is your conference only for NDEA members or for all teachers.

MAX: Members and nonmembers with the possibility of expansion.

SENATOR FLAKOLL: Based on amount of money that is spent in K-12 if we miss a day do you think we can feel comfortable in going back and saying the 3.5 million is well spent. Every day it costs someone about 3.5 million.

MAX: You get easily 6 million dollars of benefits out of every day that you allow for the classroom teacher to participate in a learning activity. Staff development is double the value.

SENATOR FLAKOLL: Amount of money spent K-12 with these conferences, the money 3.5 million dollars is well spent.

SENATOR REDLIN: Describe a typical conference.

MAX: There is a speaker on Wednesday, Thursday exhibits and speakers and sectional sichts, Friday association meetings and final general session.

Testimony in Opposition: Ray Torgeson, ND Council of Education Leaders. No written testimony.

SENATOR WANZEK : Under current law no teachers are mandated to go to the conference.

Ray: True

SENATOR WANZEK : Wouldn't you still be able to go to the convention under the change that this bill would provide.

Ray: We would hope that that would happen. Experience in other states is that participation tends to fall off if not scheduled.

SENATOR FREBORG : What about the 5,000 teachers who aren't benefiting at all that day.

We say they have to stay in school but we're sure they are not that productive. What can be done with those teachers. Maybe we should require every school to hold an inservice training and they are required to attend.

Ray: I recall more around 8,000 teachers. I do believe they are productive if they don't attend.

Testimony in Opposition: Dan Martin, Underwood. No written testimony.

SENATOR FREBORG : You are in opposition Dan.

Dan: No, would favor 3 or all 5.

Close hearing on SB2245.

SENATOR WANZEK: Take out 5, allow 3 days still not making them specific to the holidays.

Allow 2 days for teachers inservice. Convention can count as inservice.

SENATOR O'CONNELL: How many days are we taking away from instructional days.

SENATOR WANZEK: One.

SENATOR WANZEK: I would move these amendments.

SENATOR KELSH: Would this change the holidays they can choose from.

SENATOR WANZEK: Leave them.

SENATOR FLAKOLL: Still have 5 days but 2 of them are now teacher inservice.

SENATOR WANZEK: Believe there was an error, I will take this back to Anita and have it fixed.

February 9, 1999

Discussion on SB2245.

SENATOR WANZEK passed out amendments for SB2245. The intent of the amendment is to remove the overstrike language referring to the teacher's convention. The 2 days for teachers convention stays in law. Changes the language in the bill that says 5 days selected in consultation with the school board and teachers. That is changed to 3 days. Giving the local district 3 days for whatever reason the full flexibility.

Discussion followed on the amendment. Anita from Legislative Council was called down to answer questions and clarify the wording and intent of the amendment.

SENATOR REDLIN : What happened to the other holidays.

Anita: We repealed them.

SENATOR COOK : I move to adopt amendment 90262.0203.

SENATOR WANZEK : 2nd

Vote: 7 Yes 0 No

SENATOR KELSH : I move for a DO NOT PASS as amended on SB2245.

SENATOR O'CONNELL : 2nd

Vote 3 Yes 4 No

SENATOR COOK : I move a DO PASS as amended on SB2245.

SENATOR WANZEK : 2nd

Vote: 4 Yes 3 No

CARRIER: SENATOR FREBORG

February 15, 1999

SENATOR FREBORG called the Senate Education Committee to order. All senators present.

SENATOR FREBORG : We have a bill back in our possession, SB2245. It was returned to our committee for our consideration. Committee, any of you on the prevailing side feel uncomfortable we can reconsider our actions and do whatever is necessary from killing the bill, to amending, it to doing nothing.

SENATOR COOK : I'm on the prevailing side and I would move we reconsider our actions on SB2245.

SENATOR WANZEK : 2nd

Vote: 4 Yes 3 No

SENATOR FREBORG : We now have the bill before us. I was wondering if the opposition to the motion for a DO PASS on Feb. 9, if now the bill is better. Do we wish to do anything with the bill.

SENATOR WANZEK : I think the intentions of what we wanted to do here were good, all I simply was trying to do was give a little more flexibility to the local school district in using those three days. I certainly didn't want, it got a little more complicated than what I wanted it to, I didn't want to remove Veteran's Day or some of the other holidays that were listed in the statute and maybe I should have been paying a little closer attention to the repeal. We don't have time now to address it, I don't know what to do. I like the idea of what the bill is trying to do but

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Senate Education Committee

Bill/Resolution Number Sb2245

Hearing Date January 26, 1999

I don't like removing the reference to those days.

SENATOR KELSH : I move a DO NOT PASS on SB2245.

SENATOR O'CONNELL : 2nd

SENATOR COOK : The intent was to give some flexibility. Removing the flexibility we were trying to give them over the teacher conferences and I'm glad we did that. The flexibility they are left with though I agree with the intent but what they would do if they took advantage of this flexibility is something we would approve. It is the best interest to take a DO NOT PASS.

Vote: 7 Yes 0 NO

CARRIER: SENATOR REDLIN

Date: 2/9/99
 Roll Call Vote #: _____

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB2245

Senate EDUCATION Committee

- Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Move to adopt amendment 90262.0203 on SB2245

Motion Made By Cook Seconded By Wanzek

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	✓				
Senator Cook, Vice Chairman	✓				
Senator Flakoll	✓				
Senator Wanzek	✓				
Senator Kelsh	✓				
Senator O'Connell	✓				
Senator Redlin	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2/9/99
 Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2245

Senate EDUCATION Committee

- Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Move Do Pass ^{NOT} on SB 2245 as amended

Motion Made By K Seconded By O

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	●	✓			
Senator Cook, Vice Chairman		✓			
Senator Flakoll		✓			
Senator Wanzek		✓			
Senator Kelsh	✓				
Senator O'Connell	✓				
Senator Redlin	✓				

Total (Yes) 3 No 4

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 8/9/99
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2245

Senate EDUCATION Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended SB 2245

Motion Made By C Seconded By W

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	✓				
Senator Cook, Vice Chairman	✓				
Senator Flakoll	✓				
Senator Wanzek	✓				
Senator Kelsh		✓			
Senator O'Connell		✓			
Senator Redlin		✓			

Total (Yes) 4 No 3

Absent _____

Floor Assignment Freborg

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2245: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2245 was placed on the Sixth order on the calendar.

Page 2, line 7, remove the overstrike over "~~two~~", remove "five", and remove the overstrike over "~~set aside for the North Dakota~~"

Page 2, line 8, remove the overstrike over "~~education association instructional conference;~~
~~three~~"

Page 2, line 9, after "~~been~~" insert "days"

Page 2, line 10, remove "for holidays, instructional conferences, and school activities"

Page 3, line 12, remove the overstrike over "~~Three~~" and remove "Five"

Page 3, line 13, remove the overstrike over the semicolon

Page 3, remove the overstrike over line 14

Page 3, line 15, remove the overstrike over "~~association instructional conference~~" and remove "for holidays, instructional conferences,"

Page 3, line 16, remove "and school activities"

Page 3, line 17, remove the overstrike over "d:" and remove "c."

Page 4, line 1, remove the overstrike over "~~Three~~"

Page 4, line 2, remove "Five"

Page 4, line 3, remove the overstrike over the semicolon

Page 4, remove the overstrike over line 4

Page 4, line 5, remove the overstrike over "~~association instructional conference~~" and remove "for holidays, instructional conferences,"

Page 4, line 6, remove "and school activities"

Page 4, line 7, remove the overstrike over "d:" and remove "c."

Renumber accordingly

Date: 2/15/99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2245

Senate EDUCATION Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Motion to reconsider action on SB 2245

Motion Made By Cook Seconded By Wanzek

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	✓				
Senator Cook, Vice Chairman	✓				
Senator Flakoll	✓				
Senator Wanzek	✓				
Senator Kelsh		✓			
Senator O'Connell		✓			
Senator Redlin		✓			

Total (Yes) 4 No 3

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2/15/99
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2245

Senate EDUCATION Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Move Do Not Pass on SB 2245

Motion Made By Kelsh Seconded By O'Connell

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	✓				
Senator Cook, Vice Chairman	✓				
Senator Flakoll	✓				
Senator Wanzek	✓				
Senator Kelsh	✓				
Senator O'Connell	✓				
Senator Redlin	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment Redlin

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2245: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2245 was placed on the Sixth order on the calendar.

Page 2, line 7, remove the overstrike over "~~two~~", remove "five", and remove the overstrike over "~~set aside for the North Dakota~~"

Page 2, line 8, remove the overstrike over "~~education association instructional conference, three~~"

Page 2, line 9, after "~~been~~" insert "days"

Page 2, line 10, remove "for holidays, instructional conferences, and school activities"

Page 3, line 12, remove the overstrike over "~~Three~~" and remove "Five"

Page 3, line 13, remove the overstrike over the semicolon

Page 3, remove the overstrike over line 14

Page 3, line 15, remove the overstrike over "~~association instructional conference~~" and remove "for holidays, instructional conferences,"

Page 3, line 16, remove "and school activities"

Page 3, line 17, remove the overstrike over "~~d.~~" and remove "c."

Page 4, line 1, remove the overstrike over "~~Three~~"

Page 4, line 2, remove "Five"

Page 4, line 3, remove the overstrike over the semicolon

Page 4, remove the overstrike over line 4

Page 4, line 5, remove the overstrike over "~~association instructional conference~~" and remove "for holidays, instructional conferences,"

Page 4, line 6, remove "and school activities"

Page 4, line 7, remove the overstrike over "~~d.~~" and remove "c."

Renumber accordingly

1999 TESTIMONY
SB 2245

ND Legislative Assembly

John M. Andrist
State Senator - District 2
Post Office Box E
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TO: Senate Education Committee Members
FROM: John Andrist, District 2
RE: Senate Bill 2245

By now I know you are aware that Divide County High School won the State 9-man football championship in the Fargo Dome November 13, and that my grandson scored three touchdowns.

You probably are not aware, however, that state law required a 3-day school holiday for DCHS students to attend this event. Let me explain:

Crosby is 400 miles from Fargo, and that requires leaving home a day early on November 12. Veterans Day, November 11, is also a school holiday. We have a Veterans Day community program on Veterans Day morning. The logical solution would have been to close Wednesday morning for the program, have classes Wednesday afternoon and Thursday morning, and drive to Fargo Thursday afternoon. That would salvage at least one school day.

But our statute requires schools to be closed on Veterans Day, as well as a number of other holidays, including Christmas and the 4th of July, which probably have never created an issue. This is an effort to fix it.

The code says we will give schools classroom credit for any three holidays they choose and for two more days to attend their NDEA convention.

SB 2245 would change that language to 5 days of the district's own choosing for holidays, instructional conferences, or school activities. The five days would still have to be selected in consultation with the teachers, and could be a part of the negotiating agreement, if the teachers and school board decided.

My superintendent told me there is a waning interest among his teachers to attend the NDEA conference when it is in Fargo or Grand Forks. Only one teacher attended the conference the last time it was in Fargo. He agrees that there may be times when it would be more productive to use those two days for instruction, and to provide substitutes for teachers who want to attend the convention.

In summary, this bill does not reduce classroom hours. It simply gives total control to local teachers and school boards to how and when to use their five "free" days.

WHAT DO OTHER STATES DO?:

Minnesota: Each district has total control of its calendar, but 10,000 teachers attend the Minnesota Education Association general meeting on an October Thursday, and staff development conferences held the following day. No school credit is given.

South Dakota: SDEA meets early November. No information on attendance. They tried August, and got poor results. No school day credit is given.

Wyoming: WEA annual meeting in April. No school credit. However, there is an "Interdisciplinary conference in October that gives one day of credit. Attendance is optional. About 25% participate. Many schools use it as a break time.

Montana: MEA has a 2 -day fall conference. Teachers are mandated to attend this or a substitute in-service professional development conference. But days cannot be counted as a part of the 180-day prescribed school year.

-- Information provided by Legislative Council Library

Testimony on SB 2245

Max Laird, NDEA President

I would urge a *Do Not Pass* on this legislation. We have spent many years attempting to comply with both the spirit and the letter of the law in offering our instructional conference. First and foremost, it is an instructional conference and not a convention, as it is often described.

During this statewide conference, we hold no official Association meetings. In fact, NDEA holds literally no Association meetings during the work week, as it is very difficult for our members to exit school for a variety of meetings. Our members are willing to drive and meet on weekends even though it is a hardship. This is not true of all educational organizations.

We represent 21 sectional groups in offering staff development activities, while spending in excess of \$100,000 of total cost. At a recent meeting earlier in January, several other sectional groups met with us to discuss how we can better offer learning opportunities in their discipline, as well. Some groups who don't presently have their meeting with ours are expressing concerns about the shortage of substitute teachers and declining attendance.

Also, it is important to note that the NDCEL holds its fall conference on the same days as our conference, as do many state-wide, student-oriented, religious organizations.

These various sectionals, all of which offer opportunities for staff development, could be then looking for other dates to meet. If each district were on its own for determining dates and needs, it would become difficult to create enough dollars or issues that would attract the quality offerings that sectionals now can. Without an infusion of substantial dollars, these are real issues facing schools today in light of declining enrollment.



This conference offers a separate exhibit area that allows North Dakota teachers to view new materials from all over the United States.

NDEA sponsors and funds nationally renowned speakers.

We offer something that the legislature understood in establishing this two-day opportunity, and little has changed since to substantiate to us the conference is not worthy.

Unlike most other professions, teachers by-in-large fund themselves in attending this conference and others during the year.

The fact that the language on line nine (9) of page two (2) suggests that a district must only "consult" with its teachers could result in the decision that no days would be allocated to staff development. At least, with the present two days there is a guarantee that some learning will take place.

The holiday language in the law would remove basically three paid vacations from the calendar of the lowest paid teachers in the country. Most professions have some paid vacations in their calendar. I need to repeat several things that have been said before. We do care about kids and we do work very long days during the year and in the summer. Teaching is a very difficult profession today. (I can't say that enough times.) Summer is often more about new learning than it is about a vacation. And with the salaries we have today, summer in North Dakota is still about work.

We continue to take pride in applying both the spirit and letter of the law to our instructional conference and would urge you to either reinstate the two days for the instructional conference or support a *Do Not Pass* resolution on the bill as it reads.