

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
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2001 HOUSE EDUCATION

HB 1275

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1275

House Education Committee

Conference Committee

Hearing Date 01/22/01

Tape Number	Side A	Side B	Meter #
#2		X	696 to 3015
#3	X		1 to 2924
#3		X	1 to 238
Committee Clerk Signature <i>Lisa Gilbert</i>			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunskor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will now open the hearing of HB1275.

Rep. Devlin: (District 23) \*Please refer to attached testimony\*

Wade Folley: (Superintendent of District 23) Been in education since '69. I think its a red flag. In '89 was my first superintendent position in ND. I had 7 applicants for a 2nd grad position. In '91, I had 3 applicants for a 3rd grade position. In '93 in Cooperstown, I had 1 application for a principal. In '99, 2 applicants for a social studies position in Cooperstown, and one student told me that Cooperstown did not quite have the social life for him to hire on. Since '89 we've been hearing about teacher shortages, and I think now we have other problems that didn't arise in '89 in rural ND, and that is a shortage of adequate substitute teachers. We have three full time

substitutes that go between North Central, they go between Midkota, they go between Finley-Sharon, they go between Greggs County and Cooperstown. I've got 6 teachers this morning taking a class at TPII, I've got two classrooms that do not have a teacher, they're in study hall today. I'm for accreditation, I'm for certification, but I'm looking for some help. I think the problem still comes about because of the shortage of teachers and the adequate salaries that we have for teachers. My students who come back that was counceiled out of education by a university. I've got a student teacher today, who is a student at Valley City State in computer science. He has signed a contract, but it's not a teaching contract. I have a master degree music in my district, who's been taught by some of the greatest musicians in Europe, she used to live in Bismarek, her husband got a job in Jamestown, she's living and working on a little homestead out of Cooperstown. Once a week, I take band, I can't sing, I can't dance, I can't do anything. I've got a veterinarian, retired science teacher. He volunteers, once a week, so he can come to my grade school so he can put on elementary labs. We have some of these people, and I'm not saying they're long term subs, I'm saying some day in and day out people to help us once in awhile. How do we function? What I'm saying, I learned from one my sons, and he said, 'I learned one thing: it is easier to ask for forgiveness than to ask for permission'. High school kids go through life like that. I don't have the answers today, but a group that met in our district with four or five schools, talked about teacher shortages, talked about technology, spent some time on substitute teachers, we talked about counselors. Rural education, we need some help with counselors. We can't find counselors. I'm here as a red flag, in support of this bill. I wouldn't have been here 10 years ago, but I don't appreciate putting kids in study hall several times a week, because there's no one there to teach the class.

Rep. Mueller: In the bill, it talks about 'in the opinion of the individual employing the substitute'. Do you have a real concern about that? Do you have to make some decisions that might be kind of tough sometimes?

Folley: I think our communities, there are people who have degrees that I probably would never have asked of a teacher in my school, there are people who have a four year degree that would be fantastic child related people persons. I think my first prerogative would be to hire that certified teacher. When the time comes that I can't find that individual, if I had the opportunity to use the people in my community for a short time basis, I would.

Rep. Thoreson: Do you think it would be feasible to have some kind of course work required of these substitute before they were coming into the classroom? Something that would give them a little bit of an idea of the expectations of a teacher, as far as running a classroom? Dealing with students? Behavior?

Folley: I would probably encourage that person to go back and get their degree in education. I think when they come to my district, we have district policy. We sit down with how we handle the class procedure, there's some things we do, as far as teachers were concerned, in handling the class. I would spend some time with that person, and make sure that's taken care of. I think for a short term sub, their knowledge of their class that they're teaching I think is what I'm looking for, as compared with not having a teacher at all, not having a class at all. To me that's more positive.

Rep. Thoreson: I think this bill requires a person to have a bachelor's degree. Is there anything more special about a Bachelor's degree as opposed to a high school diploma? What's the mystic about a bachelor's degree?

Folley: That's my greatest fear. Anytime you reduce standards, where does it go? If this bill were any less than a four year degree, I wouldn't be here in support of this bill. I have a feeling, once you release some of these certification standards, you end up to going to no one having a degree at all.

Rep. Nottestad: Most of the inferences you made of these people and their expertise, it was getting inferred to their background in a specific area, which would mean toward the high school, and as I look at these people coming... Substitute teaching is tough, but I wonder about someone coming into a first grade program, dealing with the second week of teaching these kids to read. I often wonder, too, how available are they going to be after they've had a couple days under their belt?

Folley: That's a good question, I can't answer.

Rep. Nelson: How much flexibility do you have under current standards to go outside of certified substitute teacher, and if there are some, how do you do it?

Folley: No, it must be a certified teacher. They must be certified k through 12. What leeway do we have? As I mentioned earlier, it's much easier to ask for forgiveness than it is to ask for permission. One phone call saying, I'm sorry I forgot, but the second phone call doesn't go that well.

Rep. Grumbo: Do you have latitude salary structures and so forth for some teachers? What position are you in to do that?

Folley: Our school districts sets the district pay for sub teachers, \$70. After three days of continuous work, that teacher must be hired and put on full salary. No, there's no leeway.

Rep. Grumbo: Are you competitive in the area in regard to substitute teachers?

Folley: You'll find out that in area school around us, we're equal. We'll take a survey again this year, and find out where we're at. Yes, we try to be competitive in getting subs to come to Cooperstown.

Rep. Nottestad: Do you give mileage to your subs?

Folley: No I do not.

Rep. Hunskor: If you are absolutely stuck, you may ask your staff, during your study periods, one here and one there, is that true?

Folley: Yes I do, we pay \$7 a period for a teacher to go into the classroom.

Rep. Hunskor: How do the teachers react to this?

Folley: What happens is that, you learn quickly which ones you can ask, and which ones you don't waste your time with. Some are involved with five different preps a day, to them, that prep period is very important part of their day. A person with two preps and four classes, they are a little bit more lenient.

Rep. Hunskor: How often do you think this would happen in a school year?

Folley: We're involved now with school improvement. I have 6 teachers down getting trained. Up until this year and last year, I maybe could have used a non certified teacher three days last year. This year, I could have used on four times already this fall. 5 maybe 6 times a year.

Chairman Kelsch: Two sessions ago, this committee worked quite hard on establishing background checks for teachers so that the contact with students, we feel would be safer in the environment that we have today. Would there be background checks done on these individuals that would be coming in contact with these children?

Folley: I'm not sure if our sub teachers are background checked.

Rep. Bellew: I assume you've read this bill. Does it say in here how long this provisional substitute teacher can teach?

Folley: No, it does not say in this bill.

Rep. Bellew: So, in other words, if you can't find anybody, this substitute could teach long term, is that correct?

Folley: I suppose I could, according to this, yes, would I do that? No.

Dean Bard: (ND Small Organized Schools) As I view this bill, I think it offers another tool that rural districts need in order to try to maintain themselves and to provide appropriate programs for ND school students. If I hear anything from our membership, I hear about the problems they have trying to secure substitute teachers. We seem to find this more on the MN, ND border than anyplace else. One of our members, in the council and guidance areas, was having problems trying to find a substitute. There was an individual on the MN side that was engaged in C and J work over there, and did not have ND credentials. It's these kind of things that would permit districts to get a little latitude with some of these areas. There are safeguards built in, it's going to require a good faith effort by the school district before employing a non certified person. A good faith effort is going to be a question of law, and so in each instance, it's going to require the school district to be able to show that they have gone ahead and tried to find somebody who was properly credentialled. Secondly, it requires a bachelariate degree. Thirdly, it's going to require somebody who can positively contribute to the education of the students. It's going to have to be somebody who brings something to the table. With those safeguards in the bill, I think it's good legislation and we support it.



Rep. Nottestad: Good faith efforts... I get a call at 6:30 in the morning, and the classroom is going to be empty, and it happens to be a day that teachers are at a conference throughout the whole district. I'm working off of a seven paid substitute list. My good faith effort is, I go to the list and what would be the best substitute? Zero. Keep going down the list, I've got notations after warm bodies, and that's what I'm working on. When a superintendent gets a call and can't find a sub, his good faith efforts is going to be to fill the classroom, and the number of warm bodies are going to be increased because of this bill? Good faith effort, can you put it in practicality?

Bard: As you know, a good faith effort is a question that has to be answered by the application of certain facts. It's a jury question, and that's the way that the matter would come if there was to be some enforcement of this or some claim that there had been some violation. The jury is going to decide whether this is a good faith effort or not. What you describe seems to me a good faith effort, but that's only my opinion, and there could be 11 other people on that jury who would think it wasn't.

Rep. Thoreson: If you have a sub that comes in, how is that recorded? Or is that recorded to anybody? Is it required to keep track?

Bard: I'm sorry, I don't have that information. Obviously there has to be a reporting for payroll purposes, but I don't know if there's any report made to the superintendent of public instruction in regard to that.

Chairman Kelseh: Is there anyone who wishes to appear in opposition to the bill?

Richard Ott: (ND Council of Educational Leaders) I'm speaking in the place of Larry Klundt.

The membership of the educational leaders is on both sides of this, but Larry Klundt has always

had a strong feeling for credentials. Looking at the current proposal, he was reminded contacted constantly by other states that wanted to know, 'how come you guys up there are doing so well? What are you doing special or different that causes ND students to score so well on so many different things?' In looking at some of the things that might fall under that category, we do require majors and minors, we require continuing educational training, we require training and certification for specialties, and we require student teaching, and we require a licensure program for a substitute. Is there a connection? This is the kind of thing you have to draw into your decision making. Larry told me to stand up here and take a very strong neutral position on this.

Max Laird; (President of ND Education Association) I would like to address three specific issues relative to this proposed legislation. There presently is available an opportunity for superintendents throughout the state of ND to request emergency certification based on the standards in this statute as proposed. In addition, an emergency certificate will require a background check. Today's requirement for background checks has been proven to be very appropriate and worthwhile for ND public schools. We do believe, though, that there may be something missing here in terms of marketing the availability of emergency certificates. There may be some missing links that school districts aren't exercising their opportunity to secure individuals to substitute teach with an emergency certificate. In addition, ND has the highest standards for teaching in the nation. There are other states that are moving aggressively to catch up with us and moving ahead. The only area that I will say that we are a little behind in is the early career requirements. Research recently published indicates that high standards and high student achievement go together. It is our belief that we presently have adequate statutory

authority to address the shortages of substitute teachers. We need to encourage schools to go about it by the way of emergency certificates. I would urge a do not pass on this legislation.

Rep. Brusegaard: What percentage of classroom teachers in this state currently had a background check?

Laird: I would say somewhere near 1000.

Dan Hennencamp: (Math teacher) I've got a substitute in your classroom today, and probably a warm body, but it's a warm body that has a license that has been trained to work with kids. I feel confident that my kids will be ok. If this bill were to pass, I wouldn't have that same confidence. Until you've seen them in the classroom or until they've had some training, you can't be confident. I'm getting pretty close to retirement, and I've got a four year degree, and what kind of a shortages are out there in rural areas, maybe I can move there in a doctor shortage and play doctor. It's just not thing to do. I urge a do not pass.

Janet Welk: (ESPB) \*Please refer to attached testimony\*

Rep. Nelson: Looking at the data from the last school year, there was four application, and this year's four. I guess I would draw the conclusion that this license isn't renewable?

Welk: They can renew it as many years as they request it.

Rep. Nelson: So, in your opinion, the safeguard of the background check would be the only change, basically from what Superintendent Folley was asking for, are superintendents and administration in school districts aware of this licensing?

Welk: I think there are a couple of issues. #1, from when I visited with local administrators, there aren't the four year degreed people in your smaller communities waiting to work maybe only one day a week. I know on the reservations where they have experienced the shortage long

