

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

1465

2001 HOUSE EDUCATION

HB 1465

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1465

House Education Committee

Conference Committee

Hearing Date 01/29/01

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|--------------|
| //2 | X | | 1085 to 4706 |
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| Committee Clerk Signature <i>Dana Albertson</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 on HB1465.

Rep. Froelich: (District 35) I hope this bill will help schools in this state struggling with a teacher shortage and those that are having difficulty supplying teachers. All children are special. I realize that this is not a perfect bill, it needs to be amended. I present this bill to you as a vehicle to help students in schools in North Dakota.

Kathy Froelich: (Faculty member of Sitting Bull College) *Please refer to written testimony*

Rep. Johnson: After signing onto this bill, this non categorical, does it get to be too encompassing?

Froelich: The bill is really broad, and if you look at the article, most of the states have specialized areas, visual disabilities, hearing impairment, physical disabilities, some of those areas would not be able to fit under that multi categorical, there are some that could fit together, for example, learning disabilities, mentally handicapped, emotional disabilities, those are some that could be put together.

Chairman Kelseh: Anyone wish to appear in opposition to HB1465?

Bob Rutten: (Director of Special Education for DPI) *Please refer to written testimony*

Rep. Hawken: That's what the proposed amendment was, taking out the visionary, physical therapy, and probably speech, and if this bill would be amended in that bill in that way, would that follow along with what you're planning to do anyway?

Rutten: If the proposed bill were significantly amended to follow in what we are advocating in terms of the education strategist credential, it would be very acceptable. I might point out, too, the current bill that's before you in its language is inclusive of sever disabilities, multiple disabilities, gifted and talented. It does omit several of the disability categories that we currently serve however that wasn't in the bill: students with traumatic brain injury, and one other one that escapes me as well.

Rep. Haas: How certain are you that you're going to be able to implement this new credential in a timely fashion, would it be in place by the fall of 2001, or is this going to require additional course work by those people who are currently in the field, in one of these categories, get the strategist credential. Where do you see that timeline going?

Rutten: In actuality, the state and the department are behind the current practices at UND. In fact, they've been waiting for us to come forward with the credential, because they currently have

a category of students ready to hit the ground with this, and they want that credential. What we need to do, now, is either through the legislative process, if you amend this in such a fashion that it incorporates the educational strategist credential, or the administrator rules process. If you get through either of these options, it would be great. It shouldn't be too timely.

Rep. Haas: OK, there are students currently at UND, but what about schools in the state that are struggling in finding all of the individual categories right now, and as far as retraining or professional development for those people in order to reach the same level of credentialing?

Rutten: If this credential were to become reality, it is optional, so the retraining that would be necessary, that would be on a voluntary basis. What we have been currently doing on a regional basis is trying to provide additional training in low incidence disability areas, specifically autism, and that was the other categories that was omitted from the current language in the bill, but through those types of processes, what we wanted to provide for regional specialist to help multi-school districts with the low incidence disabilities such as deafness, vision impairment, autism, traumatic brain injury.

Rep. Haas: Where would the regional specialists be located? Within the special ed. unit?

Rutten: With our current structure, that would be the most logical way to do those. Some of the specialists are available through the ND school for the deaf on a regional basis, also through ND vision services, but we did make available, regional low-incidence grants, for regional special educational cooperatives, who work together to look and identify areas of need and then to address training, resource materials.

Becky Salvesson: (Special education teacher and professor at University of Mary) *Please refer to written testimony*

Rep. Mueller: It would appear that what you supported and what Mr. Ruten spoke about, begins to speak to the issues in this bill, and maybe we're way too broad, are there other disabilities that we could put together and have a credential for an individual who would maybe deal with more than one area, and if so, what might those areas be?

Salveson: I really think the language proposed with the general strategist would meet those needs. I think we're talking about high incidence, low-impact. A number of mild disabilities, there are quite a few students with that level of mild disabilities, I think that cross-categorical in the mild area, of mental retardation, learning disabilities and emotional disturbance would go a long ways to meeting the needs. I would be very hesitant, however, to generalize that any further, for instance with a person with traumatic brain injury. Although the person may have some of the characteristics with someone who has mental retardation, you certainly have another set of needs all together. I taught non-categorical in the state of WA for five years, and the quality that was offered to the students, particularly in the rural districts really suffered, because you didn't want to pay for more than the law expected you to provide, and if you had a degree that's too broad, I don't think that the parent's or the children's needs would be met.

Carlotta McCleary: (Regional parent coordinator for the ND Federation Of Families For Children's Mental Health) *Please refer to written testimony*

Max Laird: (President of the ND Education Association) I have tremendous respect for Bob Ruten and his work with special education and his work of his advisory committees in attempting to address the issue of this generalist strategy. Moving all the way to a non-categorical credential may be further than we want to go in the state of ND, for the purpose of delivery of quality services. In the 1997 session, there was legislation proposed in this area

that was defeated. In 1999, an amendment was placed on a piece of legislation, for the purposes of creating a system, whereby, before this type of credential would move forward, that the department was required to have it reviewed by a committee. I believe that this simply reflects the importance that was placed, by those in the special education community around the issue of making sure that the children were impacted with the highest quality services that they may. I got an e-mail, and there was one that commented on, even to the extent of the possibility of additional lawsuits, relative to quality service delivery by special education districts and units relative to children, because of the possibilities that the case loads could get to high, or the service delivery models might, in fact, be extended beyond the ability of the staff to serve. I do believe that Bob and his folks are proceeded with undue caution and care, particularly looking at the needs of the students in the utmost and their student achievements. I would encourage you to very carefully consider any amendments you might make to this legislation, but I think that the rules and the credentialing process will resolve the issue, without this legislation.

Barbara Tangesdal: (ND Association of the Education of Young Children) We're opposed to this bill, for the part that says the early childhood special education piece. We do not believe people who have been trained in working with children in higher grades will have the understanding of what it takes to work with our youngest children, and so this was so generalist, we are opposed to it. We might, with what DPI is proposing, just to know that the needs of young children may not be met with people who are trained for high school, junior high and other kinds of educators.

Janet Welk: (ESPB) *Please refer to written testimony*

Rep. Brusegaard: What kind of progress is being made on the educational strategist credential and will it be in place for the 2001 school year?

Welk: I'd have to work with Mr. Ruten on that. We can do our roles and do the programming and work with him, and it would be possible.

Rep. Brusegaard: Will this new credential solve both goals of preserving at least a level of quality that our children need and also have opportunities for school districts to cut costs and buy teachers?

Welk: I'm not sure if it will cut costs. I believe that we will have to pay our teachers for them to come into ND and stay in ND, so I don't think that it's going to be a cut cost. Issue with regard to actually hiring, yet they may have to hire only few people, but they're going to have to pay the person that they get.

Chairman Kelseh: We will close the hearing on HB1465.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1465 A

House Education Committee

Conference Committee

Hearing Date 01/30/01

| Tape Number | Side A | Side B | Meter # |
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| #2 | | X | 600 to 1162 |
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| Committee Clerk Signature <i>Lisa Gilbertson</i> | | | |

Minutes:

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

Chairman Kelsch: Let us take up HB1465.

Rep. Haas: I move the amendments.

Rep. Brusegaard: Second.

Rep. Haas: I move a Do Pass As Amended.

Rep. Mueller: Second.

Chairman Kelsch: Committee discussion.

The Motion of DO PASS AS AMENDED passes with 15 Yay 0 Nay 0 Absent.

Floor assignment: Rep. D. Johnson

FISCAL NOTE
 Requested by Legislative Council
 02/02/2001

Bill/Resolution No.:

Amendment to: HB 1465

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 1999-2001 Biennium | | 2001-2003 Biennium | | 2003-2005 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Appropriations | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 1999-2001 Biennium | | | 2001-2003 Biennium | | | 2003-2005 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

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|----------------------|------------|-----------------------|--------------------|
| Name: | Bob Rutten | Agency: | Public Instruction |
| Phone Number: | 328-2277 | Date Prepared: | 02/02/2001 |

FISCAL NOTE

Requested by Legislative Council
01/23/2001

Bill/Resolution No.: HB 1465

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 1999-2001 Biennium | | 2001-2003 Biennium | | 2003-2005 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Appropriations | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

| 1999-2001 Biennium | | | 2001-2003 Biennium | | | 2003-2005 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Under the Individuals with Disabilities Education Act (IDEA) the North Dakota Department of Public Instruction is responsible for ensuring that appropriately trained and qualified persons work with students who have disabilities in the schools of our state. It appears that the proposed bill would have no estimable fiscal impact on the DPI. However, if HB 1465 becomes law presumably the institutions of higher education in our state that prepare special educators would need to revise the courses and programs that they offer. This proposed noncategorical special education credential would presumably require faculty members to be appropriately trained in a larger number of disability categories. Currently the three institutions of higher education in North Dakota that prepare special education teachers (Minot State University, University of North Dakota, and University of Mary) do not each have faculty members to appropriately train teachers in all the disability categories outlined in this bill. The fiscal impact on these three schools to prepare teachers in a noncategorical manner is difficult to estimate at this time. One North Dakota professor expressed the opinion that all three institutions of higher education would have to double the number the faculty members that they currently have.

3. State fiscal effect detail. *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Q. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

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|----------------------|------------|-----------------------|--------------------|
| Name: | Bob Rutter | Agency: | Public Instruction |
| Phone Number: | 328-2277 | Date Prepared: | 01/25/2001 |

