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2003 HOUSE EDUCATION

HB 1086

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2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1086

House Education Committee

Conference Committee

Hearing Date January 13, 2003

Tape Number	Side A	Side B	Meter #
1	x		2038-6233
1		x	00-2520
Committee Clerk Signature <i>Linda Kuchner</i>			

Minutes:

Chairman Kelsch open hearing on bill.

SUPPORT

Tom Decker, Director of School Finance and Organization, Department of Public Instruction. See Attached Testimony. (2099-2865) Provided and over view and then introduced two following testimonies in support of HB1086.

Linda Johnson, Director of School Health Programs, Department of Public Instruction. See Attached Testimony (2915-3450), and **Laurie Matzke, Director of Title I, Department of Public Instruction.** See Attached Testimony (3510-4123).

Rep. Hanson (Johnson) In the definition of Adequate Yearly Process (AYP), how much is that to be?

(4207) Johnson: ND and well as all states are currently in the process of defining their definition of AYP. We are to submit this definition to the US Dept. of Ed in a January 31 submission. We are currently in the process of developing this. There isn't one sentence that will define it there is

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a whole series of things that we need to look at. For example, ND teacher met last summer and established the cut point which established proficiency on state assessment. That was the first piece. Now we need to go through a formula in the law where we rank the schools from high to low, list their enrollment, we count up 20%, we go over and what ever percent happens to be in that particular spot, that is the percent for the entire state of how many students need to meet the proficiency mark est. by the ND teachers. Lets say it is 50, and then that 50% of our students need to meet that mark now in 2001/2002 data. And then that would increase over the 12 year timeline to 100% proficiency. There are many other things we need to identify in our definition of AYP, as far as, how will we determine how these numbers are statistically reliable and valid.

What constitutes a full academic year so that students that are not there from day one are not counted in the AYP definition. We will be submitting this report within the next three weeks.

Vice Chair Johnson : How are the 21 schools doing that are in this so far, are they all okay?

(4367) Johnson: Hopefully will have the AYP report generated by February. Then these schools will have an accurate picture of how they are did. There are so many factors they have to meet the cut point, they have to have 95% of their students tested and they need to meet the secondary indicator. So it will be difficult for all schools to meet the criteria, esp. those 21 schools that are already identified.

Rep. Jon Nelson : If more than one school that didn't meet the criteria in a district, will that prohibit a student from transferring from one school to another? Does the student have to transfer to a school that does meet the criteria?

Johnson: That is correct. They can only transfer to a school that has not been identified for program improvement. So that will limit their choices, esp. in the rural communities.

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(4619) Rep. Jon Nelson : Would some of the reservation schools have a hard time.

Johnson: That is correct.

Rep. Hawken: There will not be a school that will be failing in the nine year period of time, What is your department doing to discuss with the US Department of Ed. about the consequences of what they are asking them to do. It is not feasible that every child will have a 100% proficiency. It is humanly impossible. Are states coordinating with the US government to make this a doable thing?

Johnson: There is absolutely no opportunity to negotiate this information with the US Department of Ed. We are continuously receiving letters from Secretary Page that "I have heard rumors from people that are unhappy or who are contacting legislators trying to get this changed. Stop it! It's not going to happen you need to find a way to deal with it" this administration is committed implementing the law they passed.

Rep. Hawken: Are they funding it this year?

Johnson: In President Bush's radio address which he gave a week ago last Saturday, I know that many education programs are being cut and eliminated, however he is funding his two main education bills. Each state will receive there state assessment grant to pay for the additional assessments in NCLB and Bush has also proposing 1 Billion increase for Title I. Title I is the main program to implement NCLB.

(4993) Rep. Mueller : Requirement of moving tuition to follow the student to a new school district on the open enrollment, is that part of NCLB? or is that something additional.

Johnson: That is not part of NCLB that is something added to this bill.

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Rep. Solberg (line 13 of bill) Who determines if the school is unsafe? (Johnson deferred to Matzke)

Matzke: This is to be determined by the department with representative from the state schools. We are working with a team of 20 principals to determine this definition. The definition of AYP needs to be consistent over time.

(5349) Rep. Mueller: How would we not have an open enrollment that would be voluntary?

Matzke: The open enrollment is the parent/student decision in the area of safety and Title I is a student decision to if they want to move.

Chairman Kelsch : If you have a school that is not performing, and under AYP, the parent/student who wish to move, may not have a option?

Rep. Mueller: In the process of open enrollment there are timelines involved, this act will open up to any point in the school year?

Matzke: That is correct.

Rep. Williams Is Fargo part of the open enrollment?

Chairman Kelsch : Yes they are.

Rep. Williams: This doesn't force schools into open enrollment?

Matzke: It is a parent/student choice, yes, you do not have to leave this school, but you have the choice to leave.

Rep. Williams Lets say a school has the policy that they will not participate in open enrollment, can a student from an adjoining school district opt to go into that school?

Matzke: State law supersedes local policy.

someone on the committee said no

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