

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1169

2007 HOUSE EDUCATION

HB 1169

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1169

House Education Committee

Check here for Conference Committee

Hearing Date: 24 January 2007

Recorder Job Number: 1817

Committee Clerk Signature

Jan Prindle

Minutes:

Representative Duane DeKrey, District 14, introduced the bill. **(Testimony Attached.)** To remove the requirement for the Superintendent of Public Instruction to have a teaching certificate has nothing to do with the present superintendent Dr. Wayne Sanstead, but only to increase the pool of people with knowledge and foresight for the position.

Janet Welk, executive director of the Education Standards and Practices Board, testified in opposition to the bill. **(Testimony Attached.)**

Representative Hunskor: The superintendent chooses department heads. They need to have a dialogue between them every day to implement policy. Does that play into the picture?

Welk: The department heads have their own focus and abilities in that specific area. The state superintendent has to know it all and be able to be able to understand it all. That includes finance and personnel issues that all agencies have. But there are also educational leadership skills that the superintendent needs.

Chairman Kelsch: It looks like your paper is more geared toward superintendents of school districts not the superintendent of the state. Secondly, if these seven skills are necessary is that something that your board uses to interview potential candidates for the department.

What do you use those for specifically?

Welk: Your first question in regard to the district, basically the district has an educational

leader. The research was based on the district not on the state because I don't think there has been any research done on the state, but you can use the same level of leadership and the same types of skills. The second question is those seven skills are built in to our master's level program for educational administration and they are identified and documented at each institution.

Chairman Kelsch: Are you suggesting then that we add an additional requirement that they be an administrator as well.

Welk: That might be a consideration.

Chairman Kelsch: Interesting in that most of our administrators are reaching retiring age and there are not many new administrators entering the ranks.

Wayne Sanstead, superintendent of Public Instruction, testified in opposition of the bill.

(Testimony Attached.)

Representative Solberg: Can you recall how many times legislation similar to this has been introduced?

Sanstead: My last appearance on the subject was in 1999, HB 1361. I did listen to the tapes of the testimony of that bill and it was interesting to note at that time there were proponents of the bill. I'm a debate coach of some years so I know there's a pro and con to every issue so I appreciate that this is not personally directed but a profession consideration that was apparent from that debate. I was opposed to it then and it received a Do Not Pass from the committee with a vote of 27 in favor and 70 opposed on the house floor. Last session in the final hours of the session in the conference in the middle of the appropriations bill language was inserted that provided for the removal of the teaching certificate from the superintendent's position.

Needless to say that caught my attention and ire. Putting that language in a finance bill was

inappropriate and later the Senate insisted on the removal of that language. Those are the two occasions that I've heard of this.

Representative Solberg: Wouldn't this be a step backward from our present system of qualifications.

Sanstead: Certainly I feel that way and I think the professional community across the state will feel that way. By the way I do teach. I'm scheduled for a full day of teaching on Feb 1 in a school district in ND that has a patriotic observance day. When I took this office in 1985, I had an earned doctorate in education from the UND but my experience was secondary classroom speech, debate and social studies. In those days there were no NCLB requirements for highly qualified but we did have a major/minor rule. What I did when I assumed the office was to spend the next two years in classes making sure that I earned an elementary degree so when I go into a school classroom I fully qualify and the teachers know full well they have someone that does. You ought to see the teachers line up in the hall and peer into the door to see how it's going. They want to know if you are able to do the job and not just tell them how. I take great pride in this and try to teach 3 – 5 days a month except when the legislature is in session.

Representative Myxter: I attest to the fact that Dr. Sanstead does teach. I student taught for him in 1966 at Minot High.

Chairman Kelsch: Is this requirement in the constitution also?

Sanstead: No it is not. The elective nature of the office is in the constitution. Montana has an elective position also and they must hold a bachelor's degree. SD appoints and they are called commissioners. You can usually tell if a person is elected or appointed by the title. Commissioner is given those appointed.

Chairman Kelsch: In your opinion, the way the bill currently reads, is there any prohibition for an individual without a degree from running.

Representative Mueller: Is there anything in the NCLB rules that say we ought to have highly qualified administrators or is it inferred that we have them in our state?

Sanstead: The requirement for the content area of the teachers. The administrator requirement is not there. In ND we have in our approval process we have basic requirement for all teaches to be licensed. It is one of the most stringent in the nation.

Representative Hunsakor: There may very well be on the state and the federal level leaders that who are not trained or skilled in that particular arena. Is the office you are in different from some of those or is it imperative that it be licensed.

Sanstead: Most national officers are appointed by the president there may be a process.

Chairman Kelsch: I have had opportunity to network with some of your people who do not hold teaching certificates on various committees and task forces and I must say they are excellent educational leaders.

Doug Johnson, ND Educational Leaders, spoke in opposition to the bill. We believe it is important that the superintendent be highly qualify as instructed by law. We think it important that the superintendent be certified. We think it's very important the individual have a knowledge and understanding of what's happening in the classroom in a school setting. A master's degree in educational leadership would be nice too as that would give them an understanding of the financial aspects of the educational processes of the school. However, as it stands we support keeping the qualifications as they are.

Representative Haas: When you became a school administrator what license did you have before you became an administrator?

Johnson: You have to minimum of three years of experience as a teacher plus a current teacher's license in the state of ND.

Representative Haas: Why not then expand the requirement and say the superintendent must have school administrator's credentials.

Johnson: From our position that is important. That could be something that you could certainly add.

Representative Haas: At the local level then the first requirement is that you be a licensed teacher.

Gloria Lokken, president of the NDEA, spoke in opposition to the bill. The NDEA feels formal educational credentials are essential. The superintendent makes educational decisions that affect all of our schools' education and every student's experiences. We feel a formal background in education is required. We urge a do not pass.

Bev Nielson, ND Council of School Boards, testified in opposition to the bill. One problem with the way the law now stands is that we get the best politician. That happens with elected position. Our organization holds the position that we need a constitutional amendment to establish an actual functioning board of education in this that interviews and hires qualified candidates for the superintendent position like Higher Ed has. This would open it up to people from outside of the state. The teaching certificate is minimal. We also need for them to have the ability to hire and manage people. This is a very important position and too important to be left to politics.

There being no further testimony, **Chairman Kelsch** closed the hearing of HB 1169

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1169

House Education Committee

Check here for Conference Committee

Hearing Date: **7 February 2007**

Recorder Job Number: **3033 and 3081 (2:50 – end)**

Committee Clerk Signature

Jan Prindle

Minutes:

Chairman Kelsch: HB 1169 is the bill before us. What are the wishes of the Committee?

Representative Herbel: For discussion purposes, I **Move Do Pass**.

Representative Karls: I second.

Representative Hunsakor: As I said before when we talked about this bill, whoever the superintendent is has to have some expertise as he would visit with his department heads in that arena. It's plain and simple.

Chairman Kelsch: One question I have is, the superintendent of public instruction office typically they get a non-partisan, or non-political, or non-party candidate. However, they go and receive a letter of endorsement either from both political parties or a political party. If they do not receive that letter, they can still run in the primary if they get enough signatures.

Procedurally, is that how it is done?

Representative Mueller: Is there a petition signature requirement.

Chairman Kelsch: Do you have to have a letter?

Bev Neilson: A letter does not get you on the ballot. You need to get signatures to get on the ballot.

Representative Herbel: I see what a great job a non-educator does in leading this

committee that sets the policy that DPI lives by. We do have capable people who can do the job. That swayed me to make this motion.

Vice Chairman Meier: It was really surprising to me to find that we are one of only two states in the nation that requires their superintendent to have a teaching license.

Representative Mueller: I have to resist the do pass motion. Once in a while these guys should get into the classroom. The present one does. I think there is some value in it in that he knows a little bit more about what's happening in that classrooms and the challenges and issues that are being faced by teachers and the schools in which those teachers work. That makes sense to me. We are not going to elect an attorney general that isn't a lawyer. You are not going to a doctor about your stomach ache if he is a dentist. I think we need to retain that requirement in the code.

A roll call vote was taken: Yes: 5, No: 6, Absent: 2 (Solberg and Johnson)

Chairman Kelsch: We will adjourn until the call of the chair.

Later on the same day, the Committee again discussed HB 1159.

Representative Herbel: I move Do Pass.

Representative Karls: I second.

Chairman Kelsch: The first motion failed; however, we had a member not here. He is here now.

Representative Mueller: We still have a member missing.

Page 3

House Education Committee

Bill/Resolution No **HB 1169**

Hearing Date: **7 Feb 07**

Chairman Kelsch: We had two members missing. If Representative Solberg were to show up right now, we could do it all over again.

A roll call vote was taken:

Representative Haas: I am going to qualify my vote. In order to get this out of here without a tie vote, I'm going to vote yes, but I will not support it on the floor.

Yes: 7, No: 5, Absent: 1 (Solberg)

Representative Meier will carry the bill.

Date: 7 Feb 07
Roll Call Vote #: _____

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1169

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Also Pass

Motion Made By Herbel Seconded By Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep Hanson		✓
V Chairman Meier	✓		Rep Hunskor		✓
Rep Haas		✓	Rep Mueller		✓
Rep Herbel	✓		Rep Myxter		✓
Rep Johnson			Rep Solberg		
Rep Karls	✓				
Rep Sukut	✓				
Rep Wall		✓			

Total Yes 5 No 6

Absent 2 (Johnson & Solberg)

Floor Assignment fail

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

Date: 7 Feb 07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1169

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken no Pass

Motion Made By Herbel Seconded By Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep Hanson		✓
V Chairman Meier	✓		Rep Hunskor		✓
Rep Haas	✓		Rep Mueller		✓
Rep Herbel	✓		Rep Myxter		✓
Rep Johnson	✓		Rep Solberg		
Rep Karls	✓				
Rep Sukut	✓				
Rep Wall		✓			

Total Yes 7 No 5

Absent 1 (Solberg)

Floor Assignment Meier

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

REPORT OF STANDING COMMITTEE

HB 1169: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS
(7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1169 was placed on the
Eleventh order on the calendar.

2007 SENATE EDUCATION

HB 1169

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1169

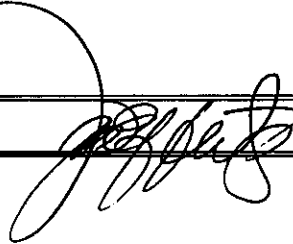
Senate Education Committee

Check here for Conference Committee

Hearing Date: March 14, 2007

Recorder Job Number: 5035, 5036

Committee Clerk Signature



Minutes:

Chairman Freborg opened the hearing on HB 1169, a bill relating to the qualifications of the superintendent of public instruction. All members were present.

Representative DeKrey introduced the bill. The Fargo Forum yesterday said this is nothing more than a political bill and he is here to assure the committee he submitted the bill because he firmly believes it's the right thing to do. He did not talk to anyone in leadership in the party or either chamber, he put in the bill on his own volition. It is his bill alone. The other names that are on the bill were asked to be on the bill by him, not by anyone else. He has always found it strange that in all the state wide elected offices, only two have any requirements other than to be a North Dakota citizen. In particular, with the Superintendent of Public Instruction, we are limiting our pool of qualified candidates by making it a certificate position. While he was working on this bill, a local attorney told him he thought it was not constitutional.

Representative DeKrey said he had not thought of that angle before. As long as he had the bill before him, he sent the letter down to the Attorney General and asked for an opinion.

(Attorney General's opinion attached.) His opinion is that it's probably unconstitutional. The legislature put criteria on this position that the original founders of the constitution did not. This is an extremely important position in the state. We need a person in the position that can

manage a million dollar plus agency and can show leadership for education. This bill has nothing to do with Dr. Sanstead. The voters have overwhelmingly told us they are happy with what he is doing. He put the bill in because he can't believe a person like Senator Freborg or Representative Raeann Kelsch or Senator Taylor could not be excellent candidates for that position. They have management skills, government skills and a passion for education. That is what is important in the Superintendent of Public Instruction job. He graduated as a teacher and he had a lot of classmates who graduated as teachers and their teaching license does not necessarily make them qualified candidates for Superintendent of Public Instruction. The Agriculture Commissioner is not required to be a farmer or agriculture graduate, in fact one of our most popular was a lawyer with no farm background. The governor is not required to have any degree in business administration. The only office he can see that should require special criteria is the Attorney General which the Supreme Court has determined needs to be a lawyer, the constitution just says "learned in the law".

Senator Flakoll asked when the current law was put in place.

Representative DeKrey said after the constitution.

Senator Bakke asked if there has ever been a Superintendent of Public Instruction who has not been a teacher.

Representative DeKrey said he has no idea. The voters of North Dakota are very intelligent, they have no problem sorting out the criteria they want for their office holders. They would want a candidate that has been deeply involved in education in some manner, not necessarily a teacher. It could be experience on a school board, legislative service on the Education Committee, service on blue ribbon commissions.

Senator Bakke said some practical day to day experience in schools provides some depth of understanding of the system.

Representative DeKrey said no doubt. He has not submitted this bill because he wants the black smith who has never finished high school to run for Superintendent of Public Instruction. This is so a person with a passion for education and who has demonstrated the management, financial and leadership skills in education would be qualified for this job and that is not necessarily a certified teacher.

Senator Flakoll asked if it is true the current Superintendent of Public Instruction did not receive a letter of endorsement from either political party at the last state convention?

Representative DeKrey said that is correct.

Senator Flakoll asked if the Superintendent of Public Instruction, to keep his license up to date, must receive continuing education credit from those who work for him?

Representative DeKrey said yes.

Senator Taylor asked if it is common to have an Attorney General's opinion during the course of drafting legislation?

Representative DeKrey said its not. The Attorney General said it's not common. He was qualified to ask for an opinion so he did.

Senator Bakke asked if it was possible if this bill passed the local black smith could apply and become Superintendent of Public Instruction?

Representative DeKrey said absolutely. That is the way we elect people in North Dakota and that is the way they lose elections, too.

Chairman Freborg asked if that same black smith could run for governor?

Representative DeKrey said he sure could. The only thing he couldn't be was attorney general.

Gary Gronberg, Department of Public Instruction, presented testimony for Wayne Sanstead, Superintendent of Public Instruction, who was unable to attend. (Written testimony attached)

Senator Gary Lee asked if the law as written today does the certificate holder need to have actually taught in the classroom to be Superintendent of Public Instruction?

Mr. Gronberg said they would have to have student taught to have received the license in the first place. In order to receive an ongoing license, they must have had actual classroom teaching.

Senator Gary Lee said they would not have to have been an active teacher.

Mr. Gronberg said to receive the original license, they don't need to have taught beyond student teaching. In order to renew the license and to keep it current, there must be education to advance in the licensure area. You can continue to renew the license but you don't get a five year license if you don't experience teaching. Continuing education is a requirement but you would continue to receive a short term license if you do not have classroom experience.

Senator Gary Lee asked what qualifications are required in other states.

Mr. Gronberg said he does not know the exact numbers. There are states that do not require their chief administrator to have a teaching license. There are a number that are not elected, they are appointed, usually by an educational board. Some have higher education responsibilities as well.

Senator Gary Lee asked if a college professor would have a teaching license.

Mr. Gronberg said no, they are not required to be licensed.

Senator Gary Lee said they would not be qualified to be Superintendent of Public Instruction.

Mr. Gronberg said that is correct.

Senator Bakke asked the advantages of having someone with a teaching credential in this position.

Mr. Gronberg said the experience, having been able to know the basis for education policy formation is a helpful thing to administer it. The development and implementation of standards are based on the concepts and skills we want students to know and demonstrate.

Senator Bakke asked if he would foresee problems with the black smith being the Superintendent of Public Instruction?

Mr. Gronberg said that is hard to anticipate. A good leader surrounds himself with experts. It would be possible to carry out the functions and the job. They could hire a good staff. It would be helpful to be a licensed teacher.

Senator Flakoll said the testimony did not address the Attorney General's opinion. If it's unconstitutional, what is the recourse?

Mr. Gronberg said he cannot comment on it if the Attorney General says it is so. They would advocate this bill should be a constitutional amendment instead of a bill to remove the qualification. They think it's a necessary qualification and one that should be validated with whatever means possible. He cannot recall anyone who has not had the qualification. The question of how long it has been in law, he thinks a very long time, over 50 years. Why change it now?

Senator Flakoll said we can't change this bill into a constitutional amendment.

Mr. Gronberg said he is not sure of the legislative process in order to do that.

Senator Taylor said it takes more than an opinion to prove constitutionality. It takes a plaintiff to bring it to court and challenge it. Has he ever heard of anyone wanting to go so far?

MR. Gronberg said not that he is aware of.

Senator Gary Lee asked if the leadership people in the department are certified teachers.

Mr. Gronberg said they have both. Some job descriptions require a teacher qualification and some do not.

Senator Bakke asked him to expand on that. What positions do not require a teaching credential?

Mr. Gronberg said support staff do not need licenses. The professional staff, in the technology area, there are jobs that do not require teaching licenses. In the finance area, they do not require teaching licenses, some have them anyway. There are a number of positions that do not require a teaching license.

Gloria Lokken, NDEA, testified in opposition to the bill. She believes the Superintendent of Public Instruction must be an educational leader with a teaching license. They must make education decisions that affect the entire state and a formal education background helps them make decisions that will benefit those students. They have to have a day to day grounding in the classroom.

Doug Johnson, North Dakota Council of Educational Leaders, testified in opposition to the bill. It is important the Superintendent of Public Instruction have a background in education. There is a knowledge base in how schools operate and how they interact with curriculum development and instructional strategies in the classroom. They are an important part of decision making and the department's work. He would prefer a degree in educational leadership because they have a real understanding of the administrative side. In regards to the history, about 4 months ago there was a news broadcast on Prairie Public radio that talked about Dr. Qwain's wife (Q and R Clinic) who, in 1897, ran for Superintendent of Public Instruction and she was not a certified teacher. She could not run so she went back and got her teaching license and was later elected.

Senator Bakke asked if most administrators have a teaching credential and what is the benefit.

Mr. Johnson said all school administrators must have a teaching license. It is very important for them to understand the operations of the classroom and the perspective from which the teacher teaches.

Senator Bakke asked if the same would be true for the Superintendent of Public Instruction?

Mr. Johnson said it is important for the Superintendent of Public Instruction to have that understanding. It is possible without a license but it would give a better edge in understanding the processes.

Senator Bakke asked if he sees a problem with someone without a teacher's license in that position.

Mr. Johnson said it is hard to quantify. Personally, as an administrator, there are certain things that go on in a classroom in a school that you have a sense of because of your historical experience.

Chairman Freborg closed the hearing on HB 1169.

Senator Taylor said we should leave it as is. If someone wants to bring suit, they should go ahead and give it a go. He won't vote for the bill.

Senator Bakke said she agrees. Philosophically, when they are leading teachers, if they are not a part of the profession, you don't understand it. She will not vote for the bill.

Senator Gary Lee said he will support the bill, It offers a wider pool of candidates. He was surprised to hear that even some of those here testifying with key roles in the department in terms of responsibility for education and testing aren't educators themselves. You can be a teacher in credential without having taught in the classroom or not having taught in the classroom for many, many years. He thinks it is a large bureaucratic agency that needs someone with administrative skills, particularly. He agrees completely the job requires a passion for education and a desire for a strong educational system here in the state.

Senator Flakoll said he is interested in a succession plan, many assistants don't have the current qualification. For example, Greg Gallagher has a psychology degree and he is in charge of standards.

Senator Bakke said in recent years, some of the difficulties in the office of Superintendent of Public Instruction came from the support staff not understanding the profession from a first hand standpoint. That shows it is valuable to have that license.

Senator Taylor said it is a good idea for a school superintendent to have a teaching license. T is equally important for a state superintendent to have a license.

Senator Taylor moved a Do Not Pass on HB 1169, seconded by Senator Bakke.

The motion failed 2 – 3.

Senator Flakoll moved a Do Pass on HB 1169, seconded by Senator Gary Lee.

The motion passed 3 – 2. Senator Gary Lee will carry the bill.

Date: 3/14/07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1169

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Sen Taylor Seconded By Sen Bakke

Senators	Yes	No	Senators	Yes	No
Senator Freborg		✓	Senator Taylor	✓	
Senator Flakoll		✓	Senator Bakke	✓	
Senator Gary Lee		✓			

Total Yes 2 No 3

Absent 0

Floor Assignment _____

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

Cost

Date: 3/14/07
Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES / BILL/RESOLUTION NO. 1169

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Lee Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg	<input checked="" type="checkbox"/>		Senator Taylor		<input checked="" type="checkbox"/>
Senator Flakoll	<input checked="" type="checkbox"/>		Senator Bakke		<input checked="" type="checkbox"/>
Senator Gary Lee	<input checked="" type="checkbox"/>				

Total Yes 3 No 2

Absent 0

Floor Assignment Sen. Lee

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

REPORT OF STANDING COMMITTEE (410)
March 14, 2007 11:23 a.m.

Module No: SR-48-5276
Carrier: G. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1169: Education Committee (Sen. Freborg, Chairman) recommends DO PASS
(3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1169 was placed on the
Fourteenth order on the calendar.

2007 TESTIMONY

HB 1169

