

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1270

2007 HOUSE EDUCATION

HB 1270

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1270

House Education Committee

Check here for Conference Committee

Hearing Date: 17 January 07

Recorder Job Number: 1256 and 1257

Committee Clerk Signature

Jan Prindle

Minutes: **Representative Dave Monson, District 10**, introduced the bill. HB 1270 came out of discussions that at one of our last JPA meetings I attended. I am an administrator in a small school in northeastern North Dakota. We belong to the Red River Education Cooperative which is a JPA. We were planning our in-service for the 15th of January. We had some other in-services through the JPA that we wanted to have our teacher able to attend. The only way we could get time off for our teachers was to take the whole day. We could not get the speaker for the whole day. We could only do it for an afternoon. We started discussing ways we could make our in-service more accessible to the schools, especially those on the fringes from Grand Forks, like my school is. Many of these events are being held in Grand Forks now or even a neighboring school like Grafton and Park River. Some of the administrators said they could sure use some more flexibility instead of having two full days on page 1 of your bill, line 16. Over the years we have talked about what is a full day. It is defined by higher ed as 8 hours. Two days of 16 hours is enough to get a credit from most of the universities. Two full days in DPI language might be like 6 hours or 6.5 hours of actual classroom time. Since we are a JPA working with the UND, we would like 2 full days or the hourly equivalent of two full days for professional development activities that are approved by an institution of higher education. Most of the JPAs (there are 9 in the state) do work with a university and we didn't think that would be a problem because most of them across the state

agree that it takes 16 hours of classroom time for people to get the credit. It doesn't mean they have to apply for the credit, but in our JPA we set our blocks of time at 8-hour blocks and we would like to have the flexibility to maybe have three 6-hour days. Then we don't have to worry about travel time and our teachers being on the road at 5 in the morning on icy roads in January. We think 3 6-hour days would be better or even 4 4-hour days. We want the flexibility and that's the reason this bill is before you. When I was talking to Dr. Decker she said it was still not going to give us the flexibility we need because on line 9 where it says 173 full days of instruction, we neglected to change that. So I have amendments to change that and I understand Dr. Decker will not be happy with that but she will come up and make the case why we shouldn't change it. I apologize for bringing in amendments to a bill that you haven't heard the full testimony on. (Amendment Attached.) The amendment adds "or the hourly equivalent of one hundred seventy-three full days" and "or the hourly equivalent of two full days." There are situations when we don't get full days. When we get a storm we have to make up those days unless we have an added length day which many schools do. We would like the hourly equivalent so that we could let out at 2 o'clock so we could have a JPA and higher ed approved in-service in an afternoon. We are not saying we should be forgiven that time. We want to put that time in. I believe that 173 days really isn't even enough contact time so we're not arguing over that. We just need the flexibility to be able to have the in-services sometimes in the afternoon. So consider the amendments along with the bill if you would.

Vice Chairman Meier: Why do want the activities to be approved by the institution of higher education?

Representative Monson: Originally I didn't think it was necessary but at the same time I know that over the years people have criticized schools for the types of in-service. My intent

is that these activities should be good quality learning experiences for our teachers not something that we make up. To get rid of some of concerns over schools abusing this, I have no objection to putting in here that it has to be something that would work through higher ed. We thought about putting in working them through the JPA and maybe that's a better fit. I do believe that almost all JPAs have a connection with a university or college and I don't see that a college would have a problem coordinating and working with the JPAs to come up with good quality in-service that they could approve as part of a credit. It's a safeguard for those people who might think it would be abused. If you don't think it's necessary, I don't have problem with you changing that. I know there are people out there that would have problems with trusting the schools to do in-service without some supervision.

Chairman Kelsch: One of the concerns we as a Committee have had, is the fact that we didn't want the schools to have an in-service that was two hours long. What kind of meaningful professional development can you get in two hours? Perhaps you can bring in a motivational speaker or something like that. We may have had a different intent than what the law reads because when we changed the law we were thinking that the minimum that you could have would be four hours up to one full day of eight hours. I think we have a bit of work to do to regain the flexibility because I think the school districts right now believe that the only option they have is to have an in-service for eight hours. I'm also interested to talk to the teachers. Mandan had their eight hour in-service yesterday. It would be interesting to talk to the teachers and find out if they felt they got a better benefit and more out of the in-service by holding a full day vs. those two-hour segments. Personally, I don't want to go back to school districts having the little 2-hour segments. I don't think they are beneficial. But I do think they need the flexibility and I think four hours would be a good minimum.

Representative Monson: I did discuss the four or more hour segment. That would be the best solution. By the time you get done and have to drive an hour and half to get home, then sometimes they will have a social afterwards, it gets to be an awfully long day for these teachers. I know exactly where you are at because I was in the same discussions. One of the things that's in provisions right now that Grand Forks gets a waiver from this and they can let out at 2 o'clock for a two-hour segment. But as small schools we don't have the ability or waiver. We haven't applied for the waiver because we can't make a very good case for giving us a waiver unless we've got somebody we can partner with like the JPA. Schools in Thompson and Manville that are right outside of Grand Forks their teachers could very easily in 20 minutes or a half hour drive to Grand Forks if they had the flexibility that Grand Forks teachers do and go to the same workshops as Grand Forks teachers do. Their teachers could take part in the same things, they could share costs and it would make it more cost efficient and it would be same exact program. The UND Continuing Education is working with Grand Forks to grant their teachers for these two-hour blocks of time. That's one of the reasons that if we go down to two hours someone has to oversee it. Continuing Education at UND was in this discussion and said they would love to work with the JPA, have the teachers come to 8 or 10 events and open it up to more teachers. Right now Grand Forks teachers are the only ones that have the waiver. I'm sure Dr. Decker can give you more insight on that and the waivers.

Chairman Kelsch: You can bring up some really good points. It's difficult for those school districts if you let out at 1:30 or 2, some of those people have a distance to drive so you can't start the in-service until 3:30 and then you have four hours and they still have to drive back. That's why we thought having a full day or four hours or three sixes.

Representative Monson: The problem we have been running into is now we have 9 JPAs in the state and almost all of the school districts belong to a JPA and the JPAs are getting organized and doing these in-services and they working with the colleges but we'd like some flexibility to say that instead of going to Grand Forks which is 70 miles maybe we can go Grafton which is 30 miles. Or we can a one presenter start in the morning in Grand Forks and then come to Grafton and then go to Cavalier and we don't have to let school so early, we don't have to have our teachers traveling so far and we can get these same programs in the same way that Grand Forks does it and we can work it all through the JPA to get the same in-services. That's what the JPAs are about is trying to get more service for more teachers and more students. We think this is a way to get the flexibility. I'm not sure this is the perfect way to do it but if you can come up with better solutions, I would be open to those too.

Chairman Kelsch: It's an important issue so we will work on the bill. It may not be perfect but it will be practically perfect.

Mary Wahl, representing the ND Council of Educational Leaders, shared the official NDCEL position on this issue. "The NDCEL supports the banking of hours for staff development to be stated at 16 hours instead of two days and allow the 16 hours to be broken into 2-hour blocks." As stated earlier that flexibility would allow for opportunities in continuing education that might not otherwise be available. One of the concerns we have about the bill trying to define just what two full days would be. When you talk about 173 full days of instruction, that may or may not mean the same when we talk about two full days. We also have some concern about the requirement that these courses must be approved by an institution of higher education. That may be a good idea and may work very well for some situations and for some JPAs. To blanket require it, would be a concern of ours. We do

believe that continuing education quite well in segments of time less than the full day and less than 6 hours and less than 4 hours and 2 hours can be beneficial.

Dan Hennenkamp, representing the NDEA, spoke in favor of the bill. We have concerns about the approval process. It could get muddy. It is something that as you construct this bill you have to very careful about. We also support the ability of school districts to have flexibility in providing their professional development. The other point I want to make is about the length of time that these slots have to be administered. At our two-day instructional conference, we have everywhere from one-hour to sixteen-hour sessions and they all work.

Anita Decker, director of School Approval and Accreditation for the Department of Public Instruction testified in Opposition to the bill. **(Testimony Attached.)** The department is concerned that allowing early release of students on student instructional days and having teachers paid for two full days of professional development may not provide a total of 180 days as required in the statute.

Chairman Kelsch: If I remember correctly, in my mind, thinking more 4, 6, 8. I do know that some of the school districts like Bismarck, Grand Fork, Mandan, and Fargo can do an 8 hour day. Travel is not that difficult. It is more difficult when we get out into some of these rural areas. I didn't hear complaints from the large school superintendents. It was the small school superintendents. I never did like the early dismissal. If we are looking at meaningful professional development it probably needs to be more than two hours.

Decker: We were not offered any options by the two attorneys that we talked to because of the previous history in last legislative session. The JPAs were less formed than they are now. In the past two years we have reprogrammed the school calendar and it doesn't go by hours, it goes by days. So we still need the 173 full days unless we are going to go back to collecting

everything on paper. I would be more than happy to work with the Committee to find a resolution.

Chairman Kelsch: We are also going to have to look at the school calendar that was presented to the Senate Education Committee and that bill will probably come out today as a special appropriation. We are going to have to look at how that meshes. It would be good to be forward thinking that bill is probably going to make it over hear and potentially become part of law and that would be increasing the contact days for students as well as providing additional professional development days.

Representative Herbel: Anita, on line 17, do you anticipate any problems with that approval by an institution of higher education?

Decker: Actually I do have some reservations about that. Having offered professional development opportunities for teachers myself, I have worked with primarily graduate degree granting institutions. We don't have those all across the state. Primarily their requirement has been for the contact time not the content. Now if they are working with the JPA maybe they want to appoint somebody to be part of the approval process for the content as well. They are going to require some kind of record of who attends, who the teacher is and usually it has to be administered by a master degreed teacher, and whether or not they want to approve the content, I don't know. But the word approval in hear would seem to indicate more than providing records.

Representative Herbel: What would happen in a situation where there is no higher education institution in the JPA? Is that a problem?

Decker: When I offered workshops across the entire state, I have gone between UND and NDSU and in one instance Minot State and it didn't matter where I offered them as long as I sent them a list of the registrants and the check. That is not a problem.

Chairman Kelsch: If the JPA didn't have an institution they were affiliated with, that they could accomplish this with any of the institutions.

Representative Mueller: Anita, you indicated that you dealt with some of these kinds of in-service training. Is there a real necessity to run it through a higher education institution or could it just as easily be done and maybe better done by some powers that be in the JPA. I have the same concerns that Representative Herbel speaks to: is it really all that necessary that it be approved by an institution of higher education.

Decker: Most of the time teachers are hungry for credits and they need graduate credits. It is my understanding that the Education Standards and Practices Board allow those kinds of one-credit courses for renewal of a teacher's license. So while it is not required or necessary that they provide credit, it may very well be desirable.

Chairman Kelsch: I think this is something we need to look at a little more closely. One of the things I am going to do is request that our intern look for historical information because I believe we have addressed this issue probably every session. I suggest we look at the 01, 03 and 05 sessions to see what the discussion was so we have a bit more of a historical perspective. I will then appoint a subcommittee that will look more closely at this perhaps even contacting some superintendents to know a little bit more about the challenges and see if we can't put together that is workable for us and easy to understand. I know it was difficult during the last interim and Anita had to go the Attorney General's opinion and actually go back and look at our legislative history and that made it more difficult process than it should have been.

Representative Solberg: Has there been any comments from teachers regarding this especially the teachers in the less populated areas?

Chairman Kelsch: I haven't heard anything from the teachers.

Representative Herbel: How would we gain any advantage if we made it a four or six hour increment?

Chairman Kelsch: I don't think we would. I think we have to make it a full amount of hours such as saying 18 or 20 hours whatever but you can't have any smaller block of than say 4 hours with a maximum of up to 8 hours.

Representative Herbel: The bottom line is that we are concerned about giving up the school time.

Chairman Kelsch: Correct. We're concerned about the contact time. Letting out school at 1 o'clock eight times during the school year so the teachers can have two-hour in-service is not practical. Would be more practical to let them out four times or two times and not letting them out for a half day off?

Representative Herbel: Would it be practical to have the classes flipped so that the afternoon classes could meet in the morning so the same classes aren't dismissed each time.

Chairman Kelsch: That is an issue we have discussed several times. That is one of the main issues. If you are letting out at 1:30 each time, you are letting out those same classes each time. We also talked about starting school at 11:30. That was difficult. If you don't have a kid coming in the morning, chances are they are not going to come all day. We have talked about these issues in the past but we have never been able to come up with something that is a perfect system. A lot of the school districts have gone to a higher level of professional development so there are more continuing education credits offered.

Representative Herbel: Are there any schools in the state that do not offer professional development programs of some sort?

Decker: They all have to report which two days this year they were going to use for professional development so they had to have something. I don't know the content.

Chairman Kelsch: When we talked about JPAs being able to facilitate this, whoever is on the subcommittee should probably pull J. Martinson and Tom Decker in those discussions to see how prepared JPAs are and if they are an individual who could be the point person for approvals or something like that.

Decker: Many schools use the opening of the school year for at least one of their professional development days and encounter considerably fewer problems.

Chairman Kelsch: And many do it right before the next semester starts.

Representative Hunskor: I would just share with the Committee that several teachers have indicated that when they attended professional development days they said it was a waste and there really wasn't anything there. I think that would be strength for being approved by an institution of higher education. That would insure that those days would be quality content days. There may just be a few cases where that happens.

1257

Chairman Kelsch: I will appoint Representative Meier, Representative Karls, and Representative Hunskor to a subcommittee to review this bill. I suggest working with Anita, Tom, J. Martinson, and Representative Johnson about it. Try to see if you can come up with something that is workable and offers a little bit of help for our rural school districts. If we can't come up with something that is workable then we have to leave the law the way it is.

Representative Hunskor: Why is the emphasis on 8 hours instead of 6 when 6 hours is school day for instruction? Why wouldn't it be a school day for professional development?

Decker: The reason we set on 8 hours because we have no other option according to the minutes of the conference committee.

Chairman Kelsch: They based their interpretation on legislative intent. They went back to the conference committee and looked at what the legislative intent was and the attorney's opinion of what that intent was.

Representative Hunskor: Would there be any merit in considering 6 hours.

Chairman Kelsch: Two eight-hour days or three six-hour days. There is a little bit of difference there, but we may have to do something like that.

Representative Mueller: We know we have 183 days for students, some districts have 180. What is the balance of those days?

Chairman Kelsch: Two days for the teacher conference which are considered professional days, there are parent teacher conferences, three holidays.

Representative Mueller: Professional development days have to come out of student contact days?

Chairman Kelsch: They are included in the total amount. We still require that you have to have 173 actual contact days with the student, but our school will run 180 to 183 days. One hundred and eighty is required. If you take anything else away from that you take away from the 173 contact days.

Discussion Closed.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1270**

House Education Committee

Check here for Conference Committee

Hearing Date: **23 Jan 07**

Recorder Job Number: **1696**

Committee Clerk Signature

Jan Prindle

Minutes:

Vice Chairman Meier: The subcommittee reviewing this made a couple of changes to the bill. We changed the full day from 8-hours to 6-hours. We also removed the requirement for the approval by an institution of higher education. **I move a Do Pass on the Amendment.**

Representative Herbel: I second.

A voice vote was taken: Yea: 13, No: 0, Absent: 0

Vice Chairman Meier: I move Do Pass as Amended.

Representative Karls: I second.

Representative Myxter: Does this mean that staff development may not be presented in less than 6 hour increments.

Chairman Kelsch: That was an issue that came up last legislative session. We just did not feel that meaningful, productive professional development by having two-hour increments after school.

Representative Hunsakor: By having 6 hours you have a better prospect of getting more qualified people to present and thus have something more worthwhile.

A roll call vote was taken: Yea: 12, Nay: 1, Absent: 0

HB 1270 was passed as amended.

Proposed Amendments to House Bill 1270

Page 1, line 16, after "full" insert "six-hour" and remove ", or the hourly equivalent of two full days."

Page 1, line 17, remove "that are approved by an institution of higher education"

Renumber Accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1270

Page 1, line 9, after "days" insert ", or the hourly equivalent of one hundred seventy-three full days."

Page 1, line 13, after "days" insert ", or the hourly equivalent of two full days."

Renumber accordingly

House Amendments to HB 1270 (70475.0102) - Education Committee 01/24/2007

Page 1, line 16, after "full" insert "six-hour" and remove ", or the hourly equivalent of two full days."

Page 1, line 17, remove "that are approved by an institution of higher education"

Re-number accordingly

Date: 23 Jan 07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1290

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken No Pass as Amended

Motion Made By Meier 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 Sukat	✓				
Rep Wall	✓				

Total Yes 12 No 1

Absent 0

Floor Assignment Meier

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

REPORT OF STANDING COMMITTEE

HB 1270: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1270 was placed on the Sixth order on the calendar.

Page 1, line 16, after "full" insert "six-hour" and remove ", or the hourly equivalent of two full days."

Page 1, line 17, remove "that are approved by an institution of higher education"

Renumber accordingly

2007 SENATE EDUCATION

HB 1270

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1270

Senate Education Committee

Check here for Conference Committee

Hearing Date: February 21, 2007

Recorder Job Number: 3559

Committee Clerk Signature

Minutes:

Chairman Freborg opened the hearing on HB 1270, a bill relating to professional development days for teachers. Senator Taylor was absent.

Representative Monson introduced the bill. This bill came from a JPA meeting in his area. He is the administrator at the Edinburg school and they are part of the Red River Educational Cooperative. It is a hardship to have two 8 hour professional development days when the teachers have to travel quite a distance to attend the in service. Some of his teachers have to get up at 4:30 in the morning to get to the in service on time and they get home quite late. HB 1270 as engrossed has 1 change; it defines a day of professional development as a 6 hour day. Originally the law just said 2 days and there are different definitions of the length of a day. He would prefer 3 six hour days because that would total 18 hours which is more than enough for college credit, which usually requires 16 hours. Six hours makes sense since it is the length of a classroom day but the 12 hour total is not enough for college credit.

Chairman Freborg asked who determined an 8 hour day was required by law.

Representative Monson said Anita Decker from Department of Public Instruction. There is a gray area in code and it was not clearly defined.

Senator Flakoll said we could leave it at 8 hours with 2 for travel.

Representative Monson said it was the decision of the House Education Committee to change it to 2 six hour days.

Senator Flakoll said he is concerned about making special accommodations for some schools that could take away from the opportunities of others.

Representative Monson said this would be a minimum, they could do more, this would require two days in the calendar.

Senator Bakke asked if the original bill say 2 days.

Representative Monson said the new language is 2 six hour days, old language was 2 days.

Senator Flakoll asked if we could do 2 afternoons of three hours instead of 1 six hour day.

Representative Monson said the original bill had 2 hour blocks of time to total 16 hours but the

House Education Committee decided they wanted 2 six hour days. The original bill had more flexibility.

Anita Decker, Director of School Approval and Accreditation, Department of Public Instruction, testified in favor of the bill. (Written testimony attached)

Chairman Freborg clarified it is not necessary to put in a six hour day; it could be an 8 hour day.

Dr. Decker said yes.

Senator Flakoll asked if we could do 3 – 4 hour increments.

Dr. Decker said no, it presents a problem with never knowing the school calendar and being sure there are 173 full instructional days.

Senator Bakke asked what was wrong with the original language.

Dr. Decker said the conference committee last session struggled with the language for 2 paid professional days. After the session was over, the Attorney General advised Department of

Public Instruction that since the length of the day was not defined, it would be one adult work day which would be 8 hours.

Senator Bakke said she is troubled by the insinuation that teachers need to be monitored, they are professionals. She doesn't know why it is necessary to put this into law. It's as if we don't trust teachers to put in a full day.

Dr. Decker said that is not their intention. Schools were demanding an answer. There is a requirement for 173 full instructional days and early dismissal is not an option.

Senator Flakoll asked if she has any problems with part time conferences.

Dr. Decker said no.

Senator Flakoll said what about three days.

Dr. Decker said if the legislature passed three days, Department of Public Instruction would not question it.

Representative Aarsvold, a co-sponsor of the bill, testified in favor of the bill. With the advent of JPA's and their involvement in professional development, travel has become a major issue.

Senator Flakoll said there has been discussion of 2 eight hour days with two hours for travel.

Representative Aarsvold said that would not change the intent of the bill and two hours for travel is not unrealistic for travel time.

Doug Johnson, North Dakota Council of Educational Leaders, testified in favor of the bill. He supports the engrossed bill. He worked with the subcommittee on the amendments on the House side. His association would still prefer the flexibility of 2 – 3 hour blocks with the school district writing a letter of request if they wanted to do that way. He doesn't believe the JPA's would use that option as much.

Chairman Freborg asked if the 3 hour blocks were proposed in the House.

Mr. Johnson said yes, Department of Public Instruction would have a problem monitoring the school calendar.

Senator Bakke asked how many districts are over the minimum of 173 days. Are most over the minimum?

Mr. Johnson said he doesn't know.

Bev Nielson, North Dakota School Boards Association, testified in favor of the bill. Six hours is an improvement over 8 hours. It would be beneficial to the larger schools to be able use blocks of 2 – 3 hours. Teachers would eventually expect compensation for the 10 – 12 hour days.

Senator Flakoll asked if there would be a problem with going from 6 to 8 hours.

Ms. Nielson said most will spend 8 hours, some for travel. Each school district will do what they see fit. An 8 hour professional development day is unworkable for JPAs due to travel. Teachers did not like the 8 hour requirement.

Senator Flakoll asked how many schools offer in house professional development.

Ms. Nielson said it used to be more. Now the larger class B and class A schools do, although they are also part of JPAs and could cooperate with them. Some schools have more than two days of professional development.

Senator Flakoll said it would be good to have that information, how much is occurring through the JPAs, how the transition is going.

Senator Bakke asked what if a certain number of hours of professional development were required to allow more flexibility.

Ms. Nielson said they would love it but Department of Public Instruction has trouble verifying the number of school days. It comes down to accountability.

Senator Gary Lee asked what the work day is for teachers.

