

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2057

2007 SENATE EDUCATION

SB 2057

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2057

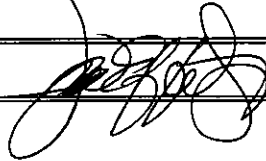
Senate Education Committee

Check here for Conference Committee

Hearing Date: January 9, 2007

Recorder Job Number: 777,778

Committee Clerk Signature



Minutes:

Chairman Freborg opened the hearing on SB 2057, a bill relating to the definition of the profession of teaching and national board for professional teaching standards certification. All members were present.

Janet Welk, Executive Director of the North Dakota Education Standards and Practices Board, testified in favor of the bill. (Written testimony attached) She said she had just visited with Jack McDonald regarding the bill. The bill could require approved schools that do not seek accreditation to have a principle. There are two such schools in North Dakota who do not have a principle.

Senator Bakke asked if there are 19 board certified teacher in the state?

Ms. Welk said there are 25 board certified in North Dakota, 19 are in the classroom and they would qualify for the \$1000 per year stipend. Present law calls for \$1500 per year for 4 years, the bill before the committee calls for \$1000 per year for the life of the certification.

Senator Taylor asked if some teachers are not receiving the \$1500 stipend; he has had a couple of phone calls about this.

Ms. Welk said the \$1500 stipend has come and gone. One teacher was certified and qualified for the stipend but by the time this happened, the biennium had ended and the money had

been returned to the state. This biennium, 3 teachers are now eligible and the bill states they will be paid at the end of the school year so they will receive the stipend if the bill passes.

Senator Taylor asked those caught in the time crunch, would they qualify for the \$1000 stipend for the life of their certificate and how will we know about the availability of the funds?

Ms. Welk said the \$1000 would apply to all certified teachers. There are dollars in the Department of Public Instruction budget and they presently receive \$40,000. If this bill passes, they would probably need to ask for more dollars.

Senator Gary Lee asked if the stipend is paid for the life of the certificate?

Ms. Welk said yes, for 10 years. This bill would be effective in August of 2007 and the first stipends would be paid out in May of 2008 if the teacher is certified by December, they would receive \$9000 over the life of their certificate.

Senator Gary Lee asked about the requirement of participation in a mentoring program, if available. Isn't that a significant part of the program, why use the "if available" qualifier?

Ms. Welk said the Education Standards and Practices Board does not have authority to require a school to have a mentoring program.

Senator Gary Lee about the definition of teachers, do librarians and counselors need to be teachers?

Ms. Welk said no, school psychologists have a special degree.

Senator Gary Lee asked about counselors.

Ms. Welk said a counselor can be a teacher or can have a master's degree.

Senator Flakoll asked about the roll up costs, the costs of certification, would they still be reimbursed?

Ms. Welk said they call them assessment costs, \$1250 is the state share and \$1250 is the federal share. The teachers must pay this back if they withdraw from the program. North

Dakota now has the Take One program where teachers go through one part of the national board to help them prepare.

Amy Benz, board certified teacher from Beulah, testified in favor of the bill. (Written testimony attached)

Senator Taylor asked how specific is board certification and could she please explain Take One.

Ms. Benz said there are 40 different areas. Counseling and principle areas are also offered. Almost all teachers can become nationally certified now. She is very excited about Take One. Of the 5 basic areas, two are video tapes that are taken of the teacher teaching, are unedited and the teacher then writes about her teaching. Take One helps with the video experience. It takes 200 – 400 hours to complete national board certification. The video really helps with professional development. There is a \$350 charge for Take One, there is still the \$2500 charge but a teacher learns what to expect in the process. A teacher can bank Take One scores for two years until the rest of the program is completed and they have one less section to complete.

Senator Bakke asked if it is true that no board certified teacher has ever received a stipend.

Ms. Benz said that is correct, not from the state. Some schools are paying stipends. All board certified teachers have received their application fee but not a stipend.

Leann Nelson, NDEA, testified in favor of the bill. She distributed information on the nationally board certified teachers in North Dakota. NDEA supports the bill and the amendments proposed by Ms. Benz.

Senator Flakoll said if the money is not getting to the teachers, he assumes NDEA would oppose any prohibition on getting the stipend to the teachers,

Ms. Nelson said it's just a carrot. Yes, they want payments to teachers who are board certified. Some districts are providing extra money. Some theorists say teachers should not receive a stipend; they should become board certified for the professional development.

Sometimes the stipend is an incentive.

Senator Taylor said since some teachers might have only 3 or 4 years left of their certification, would they be upset that recently certified teachers would get more money?

Ms. Nelson said some will be upset but at least they will get something.

Senator Flakoll asked for Janet Welk to return to the podium for a question. He asked why there was no fiscal note on the bill, in a recent session the bill had a fiscal note of approximately \$47,000.

Ms. Welk said there has been a fiscal note in some sessions.

Senator Flakoll asked if the payment of \$1250 and the stipend are intertwined.

Ms. Welk said she would have to do some research

Senator Bakke asked about the policy of the Educational Standards and Practices Board on nationally certified teachers who come to North Dakota from out of state.

Ms. Welk said the board has discussed it and yes, they should receive the stipend. For their license, if their certification is in a content area (not a generalized area), it helps them become highly qualified in that area. It extends the life of their license out 10 years.

Jack McDonald, State Association of Non Public Schools, testified. He wonders about the effect of this change in the definition of the profession of teaching. On page 1, line 1, by removing Public School District, are you changing the requirements for non public schools who are not seeking accreditation? He can do some research.

Chairman Freborg asked if he can have the research done by tomorrow?

Mr. McDonald said yes.

Chairman Freborg closed the hearing on SB 2057.

Chairman Freborg said the committee will discuss the bill tomorrow, if there is a need for amendments, the committee members should get them prepared.

Chairman Freborg adjourned the meeting of the Senate Education Committee.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2057

Senate Education Committee

Check here for Conference Committee

Hearing Date: January 10, 2007

Recorder Job Number: 836

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on SB 2057.

Senator Taylor said he had an amendment for the bill.

Chairman Freborg said more amendments were coming.

Senator Taylor moved a do pass for amendment 78074.0102. Senator Flakoll seconded the motion.

Senator Taylor said the amendment removes the "if available" qualifier from the language so the stipend will be paid, some people are afraid the stipend won't be paid again.

Senator Gary Lee said the amendment reverts the bill to the original language. Why didn't they receive the stipend in the past?

Senator Bakke said each time the bill has come before the legislature there has been a change in wording and the wording was interpreted that this year the teachers don't qualify but next time they will. They have been given a lot of reasons they have not been paid. She has an amendment upstairs with Anita Thomas that will make sure they now get paid.

Senator Gary Lee said the money was there, why didn't the teachers get the stipends?



Senator Taylor said they have to teach for a year after certification before they are eligible for the stipend. The shells kept moving so they never knew if they qualified. This time around, the die has been cast, and if they don't get paid, some questions should be asked.

Senator Flakoll said he doesn't know if he was more angry or embarrassed yesterday when it was revealed that the stipends had not been paid. He has carried the bill, he thought the money was there and he thought they were getting paid. He wishes Janet had said something earlier. The committee thought the stipends were being paid. In testimony, Janet almost indicated some stipends were paid. Should the committee have her come down again and explain how much was actually paid out? We carried bills down to appropriations that had money attached. What happened to that money?

Senator Gary Lee said this amendment just reverts to the original language. What can we do to see that they get paid?

Senator Bakke said she knows several nationally certified teachers and none have ever received a stipend. That is why she is having an amendment drafted. The amendment will authorize back payment for the stipends they were entitled to receive.

Chairman Freborg asked what years the teachers received certification?

Senator Bakke referred to the handout from the hearing. Some were certified in 1999.

Chairman Freborg said he can't remember which session authorized the stipends.

Senator Taylor said the amendment does revert to the original language which hasn't worked in the past but to keep the "if available" language puts us in a worse situation. Can we manage this through committee scrutiny or do we need another amendment?

Chairman Freborg asked what is done if the money is not available. Apparently some do not complete certification. He is concerned about someone who completes certification and does not receive a stipend.

Senator Bakke said page one of the bill says they will take no more than 17 applications.

Chairman Freborg said if we give them enough money to fund 17 teachers and 4 drop out, do we fund 4 more?

Senator Bakke said packets are usually sent out in October and completing the certification process is a big job. If someone tried to start in January, it would be too late in the process.

Chairman Freborg said it should be a continuing appropriation. If we decide to spend it, we should spend it.

Senator Taylor asked if the funds were in the Department of Public Instruction budget as a line item?

Chairman Freborg said a continuing appropriation does not revert to the general fund.

Senator Bakke said she will address this with Anita Thomas.

Senator Gary Lee asked if the bill needs a fiscal note?

Chairman Freborg said no, it's in the Department of Public Instruction budget.

Senator Flakoll said if the committee authorizes back pay, it should all be according to the new level.

The motion to pass the amendment 78074.0102 passed 5-0-0.

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2057

Senate Education Committee

Check here for Conference Committee

Hearing Date: January 15, 2007

Recorder Job Number: 1066

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on SB. All members were present.

Senator Bakke said she has an amendment .0103 for the bill. There has been some concern among the committee members that certified teachers have not been paid the stipend that had been approved by the previous legislative assembly. The amendment would allow these certified teachers to receive the stipends they had been promised, not to exceed \$4000.

Chairman Freborg asked if this would simply be fulfilling the obligation we have in language from other bills, approved in previous sessions.

Senator Bakke said absolutely. There is also a reporting requirement in the amendment so the Education Standards and Practices Board will report to the interim committee who has received stipends.

Senator Flakoll asked about the \$4000 cap, are those teachers still eligible for additional funds?

Senator Bakke said the \$4000 cap applies to back pay. They would still be eligible to receive \$1000 per year for the duration of their certification.

Senator Flakoll asked about the language requiring residence and employment in North Dakota. If a teacher teaches in Grand Forks and lives in East Grand Forks, are they eligible

for the stipend? Does "employed in North Dakota" mean employed by a public school district?  
Do we need to add that?

Senator Bakke said she had not thought of that scenario. She welcomes the change of wording.

Senator Gary Lee asked about the mechanism for making payment? If we say "employed in North Dakota" and take out the reside language, would that take care of it?

Senator Flakoll said he thinks so, we could say employed by a public school district or perhaps continuously employed, depending on our intent.

Senator Bakke said the reason it just says employed is that some eligible teachers living in the state and are not currently employed as teachers but were in the past and are entitled to "back pay".

Chairman Freborg asked about the number of teachers that will be eligible for stipends.

Janet Welk, North Dakota Education Standards and Practices Board, appeared before the committee to answer questions. She said only one teacher was eligible to receive the stipend and did not receive it. She would have been eligible for four years. She is from Minot and is still teaching.

Chairman Freborg asked if we would need \$4000 to pay her. Is Ms. Welk very confident it is one teacher for four years?

Ms. Welk said yes.

Chairman Freborg recommended returning to Anita Thomas to include an appropriation in the amendment and to strike "reside.

Senator Gary Lee asked if we can be certain the eligible teachers will be paid.

Senator Bakke said she will discuss this with Anita Thomas.

Senator Flakoll asked if the reporting date of September 1, 2008 is realistic. There is no emergency language. There may be limited time for the interim committee to meet; perhaps the reporting deadline should be moved to November 1, 2008.

Chairman Freborg said that is a good point.

Senator Flakoll confirmed the committee wants to hear that the payments have been made.

Senator Bakke referred to the list of certified teachers that was distributed by Ms. Welk during her testimony on the bill. Why is only one eligible for back pay? She thinks more are qualified.

Ms. Welk said it is because of past legislation, in some sessions there was a stipend, in others not. When they worked with the Attorney General's office, they were told if a teacher certified during a biennium where there was no stipend, they were not eligible to receive one, unless

the law changes. That is what they are asking for in section 2, that all teachers, regardless of the year in which they were certified would receive a \$1000 annual stipend for the life of their certification, no matter when they were certified.

Chairman Freborg said there was no law in effect when the list of teachers certified?

Ms. Welk said that is correct.

Senator Taylor asked about Julia Goble, the teacher from Minot who is eligible for the stipend.

According to the list, she certified in 2002. Why are the other teachers who certified in 2002 not eligible?

Ms. Welk said Ms Goble achieved certification in 2001 – 2002. The others achieved certification the year after, they can bank sections they complete and certify the next year.

Senator Bakke said the list indicates they certified in 2002.

Ms. Welk said she wants to research this.

Chairman Freborg said that is a good idea. Can she have some answers for the committee by tomorrow?

Ms. Welk said she would try.

Chairman Freborg closed the discussion of SB 2057.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2057

Senate Education Committee

Check here for Conference Committee

Hearing Date: January 16, 2007

Recorder Job Number: 1187

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on SB 2057. All members were present.

Senator Bakke distributed amendment .0105. Anita Thomas recommended we get a memo from the Education Standards and Practices Board regarding the fiscal impact of the amendment. There will not be a fiscal note on the bill until the amendment passes. She met with Janet Welk and has a list of the teachers that would be eligible for the stipend and what the cost would be for the next biennium. This would pay the eligible teachers back pay and would pay them in the future \$1000 per year for the lifetime of their certification.

Senator Flakoll asked if we know of any cases where the local district could have paid for this. In that case, would the money be sent as a reimbursement to the school district?

Senator Bakke said no district has paid to her knowledge. In her district the school district gives a \$500 congratulations check but it is not an ongoing stipend.

Janet Welk, Education Standards and Practices Board, appeared before the committee to answer questions. There are districts that have it in their negotiated agreement, Bismarck for example. It is her understanding they will receive the state stipend in addition to any payment that has been negotiated at the local level.

Chairman Freborg said he did not think previous legislation depended upon any money from the district. This is an obligation of the state.

Ms. Welk said that is correct.

Senator Gary Lee confirmed that the people on today's list have not been paid.

Ms. Welk said that is correct.

Chairman Freborg asked if our cost would be \$85,000.

Senator Bakke said that is correct. It includes back pay and 2 years of the biennium. Some of the individuals may not be teaching in the state any longer but they are included on the list until it can be determined if they are teaching so there are adequate funds in the fiscal note.

Senator Gary Lee confirmed that even if they are not now teaching in the state, we would still pay them the back pay they are eligible for. The Education Standards and Practices Board are researching the list.

Senator Bakke moved amendment 78074.0105. Senator Taylor seconded the motion.

Chairman Freborg asked if our cost is \$85,000 why does the amendment show \$90,000. The fiscal note from Education Standards and Practices shows \$90,000.

Senator Bakke said yesterday, they estimated \$90,000. Should the amendment be corrected to \$85,000?

Senator Flakoll asked if it is her intent to overstrike \$90,000 and add \$85,000?

Chairman Freborg said we can take action on this.

Senator Bakke withdrew her motion and Senator Taylor withdrew his second.

Senator Bakke moved amendment 78074.0105. Senator Taylor seconded the motion.

The motion passed on a roll call vote 5-0-0.

Chairman Freborg said we have already adopted amendment .0102.

Senator Flakoll has an amendment pending on the bill.



## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2057

Senate Education Committee

Check here for Conference Committee

Hearing Date: January 17, 2007

Recorder Job Number: 1311

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on SB 2057. All members were present.

Senator Flakoll said he has an amendment. One issue of concern is we have some unmet promises. He thought this was taken care of and it was being paid out. He is frustrated he did not know the stipends were not being paid. The amendment assures the money will be paid without any stoppage at the school district level.

Senator Flakoll moved the .0104 amendment. Senator Gary Lee seconded the motion.

Senator Flakoll said our general intent is to be sure the stipends are not stopped somewhere in the process. We want it to be paid out unobstructed.

Senator Taylor asked if the amendment relates to the state stipend, a school district stipend or both?

Senator Flakoll said it would be for both.

Senator Taylor asked if any school districts have provided a stipend at this point.

Senator Flakoll said there are schools who intend to do this.

The motion passed 5-0-0.

Senator Flakoll moved a Do Pass As Amended and rerefer to Appropriations on SB 2057.

Senator Taylor seconded the motion.

Senator Bakke said she has the revised fiscal note from the Education Standards and Practice Board which she distributed.

The motion passed 5-0-0. Senator Bakke will carry the bill.

78074.0102  
Title.

Prepared by the Legislative Council staff for  
Senator Taylor  
January 9, 2007

PROPOSED AMENDMENTS TO SENATE BILL NO. 2057

Page 2, line 31, remove "the funds are available and"

Renumber accordingly

*Adopted*



January 10, 2007

PROPOSED AMENDMENTS TO SENATE BILL NO. 2057

Page 1, line 3, after "certification" insert "; and to provide for a report to the legislative council"

Page 2, line 28, after "4." insert "Any individual who received national board certification before August 1, 2007, is entitled to receive one thousand dollars for each year the individual has maintained and continues to maintain national board certification, provided the individual continues to reside and be employed in North Dakota. An individual may not receive more than four thousand dollars under this section.

5."

Page 2, line 29, after the comma insert "beginning with the 2007-08 school year."

Page 3, after line 4, insert:

**"SECTION 3. REPORT TO LEGISLATIVE COUNCIL.** Before September 1, 2008, the education standards and practices board shall report to an interim committee designated by the legislative council regarding the payments made to individuals who hold national board certificates as provided in section 15.1-18.1-02."

Renumber accordingly

*distributed 1/15/07*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2057

Page 1, line 3, after "certification" insert "; to provide an appropriation; and to provide for a report to the legislative council"

Page 2, line 28, after "4." insert "The board shall pay to any individual who received national board certification before July 1, 2007, one thousand dollars for each year the individual has maintained and continues to maintain national board certification, provided the individual continues to be employed by a school district in this state. An individual may not receive more than four thousand dollars under this subsection.

5. a."

Page 2, line 29, after "the" insert "board shall pay to an" and overstrike "is entitled to receive"

Page 3, line 1, overstrike "a." and insert immediately thereafter "(1)" and overstrike "served" and insert immediately thereafter "was employed"

Page 3, line 2, overstrike "in a public or nonpublic" and insert immediately thereafter "by a" and after "school" insert "district in this state"

Page 3, line 3, overstrike "b." and insert immediately thereafter "(2)"

Page 3, after line 4, insert:

"b. The payment provided for in this subsection is available beginning with the 2007-08 school year.

**SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in, the general fund in the state treasury, not otherwise appropriated, the sum of ~~\$90,000~~, <sup>25,000</sup> or so much of the sum as may be necessary, to the education standards and practices board for the purpose of providing payments to recipients of national board certification and scholarships to individuals seeking national board certification, for the biennium beginning July 1, 2007, and ending June 30, 2009. This appropriation is not subject to cancellation at the close of each biennial period as otherwise required under section 54-44.1-11.

**SECTION 4. REPORT TO LEGISLATIVE COUNCIL.** Before November 1, 2008, the education standards and practices board shall report to an interim committee designated by the legislative council regarding the payments made to individuals who hold national board certification as provided in section 15.1-18.1-02."

Re-number accordingly

Date: 1/16/07  
Roll Call Vote #: /

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2057

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number 78074.0105

Action Taken Move the amendment

Motion Made By Senator Bakke Seconded By Senator Taylor

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

Total Yes 5 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

(with \$900,000 changed to \$85,000)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2057

Page 3, after line 4, insert:

- "5. A contract negotiated under chapter 15.1-16 may not preclude or limit the ability of a school district or any other entity, public or private, from providing any remuneration to a teacher who has obtained national board certification. Any remuneration received by a teacher as a consequence of having obtained national board certification is in addition to any other compensation otherwise payable as a result of any contract negotiated under chapter 15.1-16."

Renumber accordingly







