

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2304

2007 SENATE EDUCATION

SB 2304

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2304

Senate Education Committee

Check here for Conference Committee

Hearing Date: January 22, 2007

Recorder Job Number: 1503, 1505, 1507, 1589

Committee Clerk Signature



Minutes:

Chairman Freborg opened the hearing on SB 2304, a bill relating to coordinators of English language learner services. All members were present.

Senator Robinson introduced the bill. (Written testimony attached)

Senator Bakke asked if the JPAs would hire these people.

Senator Robinson said he thinks so, 90% of students are involved in a JPA. This would seem to be the correct structure.

Mari Rasmussen, Department of Public Instruction, testified in favor of the bill. (Written testimony attached)

Senator Gary Lee said the bill says each JPA shall contract, there are 9 JPA's, yet 80% of the ELL are in 4 of the districts. How do we justify this?

Ms. Rasmussen said one issue is the kids aren't being identified and we need to get an expert in each area to help with this. She also noted that the number of ELLs is growing.

Senator Taylor asked if it's true there are 2100 ELL in NCEA, without an urban school district, is this correct?

Ms. Rasmussen said they are working hard to get accurate numbers, this is what has been reported.

Senator Taylor asked how many languages are present statewide.

Ms. Rasmussen said there are a variety of languages, primarily in the urban areas. ELL teachers have expertise in English language, not in the student's language.

Senator Bakke asked if the JPAs would be hiring teachers or just coordinators, what about their salary and benefit packages?

Ms. Rasmussen said she would defer to a JPA expert.

Senator Flakoll asked about the data on page 2.

Ms. Rasmussen said it is all the students not proficient by the federal method of assessment.

Senator Flakoll asked what percentage of ELL are new Americans vs. longer residents of our state?

Ms. Rasmussen said she doesn't have that information but could get it.

Senator Flakoll asked with there is a \$100,000 appropriation per JPA, he would estimate a salary of about \$35,000 plus benefits?

Ms. Rasmussen said yes, a little for travel.

Senator Flakoll said the southwest corner of North Dakota is about as rural as we can get, there are five students there.

Ms. Rasmussen said that is correct, although last night she heard there were more.

Senator Flakoll said that would be \$20,000 per student.

Ms. Rasmussen said they must provide consistent service, they also travel from school to school.

Senator Flakoll asked about the 954 students who are not a part of a JPA.

Ms. Rasmussen said that is a good point. The data is from last year and she apologized it is not current. More students are involved in JPAs now.

Chairman Freborg said the bill says educational associations shall contract.

Senator Bakke asked if the coordinator provides direct services.

Joan Oigawa Aus, Director of ELL Education, Valley City State University, testified in favor of the bill. (Written testimony attached) English is her second language. The southwest area shows 5 ELLs. Senator Bowman says there are 12 Spanish speaking new residents. North Dakota is a hospitable state. In ELL, the language of instruction is always English. They teach English proficiency in all classes. The coordinators will teach sometimes. We are a global community, these are North Dakotans we are talking about.

Senator Taylor asked what kind of students get grouped into ELL, we have talked about new immigrants, migrant laborers, what about Native Americans?

Ms. Aus said yes, some Native American students test limited English proficient. Their oral language is good, they do not have a lot of strong academic, cognitive language so when they test, as required by No Child Left Behind, they are not showing up as proficient. There are German speaking Huderites that do not read or speak very well in English. There are diversity to such an extent, bilingual education is not an option, it must be ELL. The migrant children are probably one of the fastest growing segments.

Senator Gary Lee said what if the bill were more permissive, they would be allowed to hire a coordinator if they had the student numbers to justify it?

Ms. Aus said she would be receptive to that.

Tanya Lunde Neumiller, Coordinator of the Missouri River Educational Cooperative, testified in favor of the bill. (Written testimony attached)

Chairman Freborg asked if Max is a member of their Education Association, what help to they receive.

Ms. Neumiller said they should be getting help from MREC. That is the problem, MREC asked the Bismarck Public Schools to share their experts with the Education Association. They go out once or twice a year to help teachers plan their program. It's a great start but it's not enough. Senator Flakoll said one concern with JPAs is they could become administratively heavy. This bill provides 40 – 45% more for administration than for funding for services for kids. In the current biennium, we have an appropriation for \$650,000 for ELL. This bill asks for \$950,000 for administration.

Ms. Neumiller said this would not be for administration. It would be for student services. With such large area to serve, it will take more time and cost more.

Senator Flakoll asked where in the bill does it provide teaching services.

Ms Neumiller said it is not clarified in the bill, it was left open so it could be based on need. They would work with schools on identification of ELL students.

Bill Demaree, principal of Myhre School in Bismarck and the ELL Director for the Bismarck Public Schools, testified in favor of the bill. He introduced Alissa Bucholz, the lead ELL teacher for the Bismarck Public Schools. He has been consulting with the JPA. He has been doing strictly consulting and assessment but there is a need for direct service to the students. The students need weekly contact with an ELL certified teacher. Teachers want to do the best job possible but some do not know how to approach ELL students. Teachers spend a lot of time working with ELL students which can take away time from the rest of the students in their classroom. Having an ELL teacher available helps them be more efficient in the classroom. Materials are another issue. Professional development is an issue. They need help identifying limited English proficient students. Native American students have many of the same kinds of needs as immigrant students, second and third generation families. Some immigrants are well educated, they learn English quickly and their children are fast learners of

English. Some immigrants are less well educated and do not learn English very well and as a result, their children's language level is much lower, even if they were born in North Dakota. Native Americans have a unique background. They are affected culturally and also in some cases by poverty and this can all affect language development in the home. When they come to school they do not have the same level of language as other children at school. The ELL program allows them to look at each student and make a plan. The minority group in North Dakota that is not achieving proficiency and will cause problems in North Dakota because the state won't meet AYP is our Native American population. One way to help them is through ELL services. That is one population that is vastly underserved across the state. The vast majority of the ELL dollars are going to a handful of districts. This bill would help provide services to students across the state.

Ms. Bucholz said she is first employed by Bismarck Public Schools so those students are her first responsibility. The children in the JPA schools that need services deserve to have the resources and quality of education that she gives her students in the Bismarck Public Schools. Senator Taylor asked if the MRCC had an administrator that was not providing services, how would that help?

Mr. Demaree said if an employee worked for the MRCC they would not be administrative, they would provide services. Perhaps \$100,000 is too much.

Senator Taylor confirmed the language does say they can provide student services. Will having a JPA ELL person help Bismarck as well?

Mr. Demaree said yes, he could also see some joint relationships.

Mr. Demaree complimented Chairman Freborg on making each day of foundation aid a full day of school.

Leslie Bieber, interactive video network Spanish and ESL instructor for the Greater Northwest Education Cooperative testified in favor of the bill. (Written testimony attached)

Dr. Deb Syvertson, North Central Education Cooperative JPA Coordinator testified in favor of the bill. (Written testimony attached)

Heather Matthews, TGU Granville teacher, testified in favor of the bill. (Written testimony attached)

Senator Taylor asked how hard is it to become ELL certified?

Ms. Matthews said she did it at night, 16 credits.

Debby Marshall, TGU school district superintendent, testified in favor of the bill. In 2001, they had students enrolled the day before school started that did not speak English. She had a wonderful teacher Heather Matthews who took it upon herself to get an ELL certification to help these children. Their numbers grew that year from 4 to 11. They have developed a plan for them. Harvey has a meat packing plant and they will be affected. There will be urban and rural students.

Senator Flakoll asked if the committee could get the data for the last 3 bienniums to see the change in number of ELL students.

Tom Decker said he would get it.

Chairman Freborg closed the hearing on SB 2304.

Chairman Freborg opened the discussion on SB 2304.

Senator Gary Lee said there is a growing need for ELL services. He is bothered by the way this bill is set up, telling the JPAs what to do. They need the flexibility to determine what their needs are in their region. Some JPAs are relatively new, to tell them right out front to tell them to hire one of these people is pretty close scrutiny.



Senator Taylor said some area service providers who have a great need, some have very little. Maybe turning the shalls to may's and reducing the appropriation request would remedy some of that. It would have merit with a couple of changes.

Senator Gary Lee said it would make it a better bill but he still questions if we need that level of oversight.

Senator Bakke said in looking at SB 2030, didn't that allow this kind of flexibility? What they are looking for is the appropriation.

Chairman Freborg said they could do this in their JPA.

Chairman Freborg asked if any members anticipated any amendments to the bill.

Senator Taylor said possibly. He would like to see the sentiment in the bill carried forward.

Chairman Freborg asked if it could be done by this afternoon.

Chairman Freborg reopened the discussion at 2:15 PM.

Senator Taylor distributed an email he sent to Anita Thomas regarding proposed amendments to the bill. Changing the language of education association to area service provider is not necessary, legislative council will take care of it later. He is also thinking of changing the mandatory language to permissive language and reducing the appropriation to cover the 5 JPA's with significant numbers of ELLs. He also had the idea of leaving the option open to the JPAs that instead of hiring a coordinator, they could use some funds for tuition assistance for teachers to seek certification as ELL teachers. Anita Thomas said the funds should go to Department of Public Instruction then to the teachers. He would delete section 3, He is intrigued with the idea of assisting teachers become ELL certified.

Chairman Freborg asked how he arrived at \$500,000.

Senator Taylor said five JPAs with over 150 ELL students.

Chairman Freborg asked how much tuition assistance would be available.

Senator Taylor said up to \$100,000 is quite a bit. He would have to research the cost of a credit hour.

Senator Bakke said she likes the idea of turning it into tuition assistance; perhaps \$10,000 to each JPA.

Senator Gary Lee said the "mays" make it more palatable but he has a problem in telling the JPAs what to do. We need to let them find their own way.

Chairman Freborg asked if the number of ELLs is decreasing in the valley.

Senator Flakoll said in his district it has flattened, it is not growing any more.

Senator Bakke said in Grand Forks, the increase is not as sharp. They have hired one additional instructor so they have 2 now. Their school district is affected by UND students with children who do not speak English.

Senator Gary Lee said it is a larger issue in West Fargo, he doesn't hear about it from the rest of his other 7 districts.

Senator Flakoll said the number can fluctuate as many as 100 to 200 children out of a total of 800 each month. Tracking is very difficult.

Chairman Freborg asked how many schools receive a part of the \$600,000 now?

Senator Flakoll said he thinks 24 – 40 is a good guess.

Chairman Freborg asked if they represent foreign students.

Senator Bakke said they have students from Bosnia, China, Japan, Nigeria, and Afghanistan.

Senator Taylor said outside of the valley, there is more rural influx. Expansion of dairies, feedlots, construction projects all contribute.

Chairman Freborg asked if they are citizens if the US?

Senator Taylor said in his district yes, they are Mexican Americans born in the US without English language skills.

Senator Bakke said in California there are Spanish speaking communities where no one speaks English in their homes.

Senator Bakke asked about the weighting factor in SB 2200, will that provide extra funding? Maybe the tuition assistance plan is a better idea.

Senator Flakoll said he has trouble supporting the current bill. It is less kid focused than other ELL bills over the years. SB 2200 had notable increases in ELL funding. He talked of the provisions in SB 2200 to allow JPAs to provide special education services, to allow another delivery option.

Senator Gary Lee asked if these are special education students.

Senator Flakoll said no, he was talking in terms of governance and structure, it is a viable delivery system. The commissions opinion of ELL, special education and other such specialized services is 2200 is the first step towards adequacy and will continue to fine tune in terms of students with special needs.

Chairman Freborg asked if Senator Taylor wanted to do an amendment.

Senator Taylor said yes.

Chairman Freborg said if the bill were to pass, it would be a good amendment.

Senator Bakke said she has some problems with the \$900,000.

Senator Gary Lee said the amendment would make the bill better but would not change his vote in terms of the bill.

Senator Taylor said in light of the discussion, he would like to salvage the tuition assistance concept and reduce the fiscal impact. This would help more teachers in critical areas achieve their ELL endorsement.

Chairman Freborg said this changes the bill.

Senator Flakoll said this may fit more naturally in SB 2200 than 2304.

Senator Gary Lee moved a Do Not Pass on SB 2304. The motion was seconded by Senator Flakoll.

Senator Gary Lee said he applauds the efforts in recognizing that some students need support in the ELL area. He is not convinced that adding another layer in the JPAs would be a good solution.

The motion passed 3-2-0. Senator Gary Lee will carry the bill.

Date: 1/22/07  
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2304

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Senator G. Lee Seconded By Senator Flakoll

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

Total Yes 3 No 2

Absent 0

Floor Assignment Senator G. Lee

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

**REPORT OF STANDING COMMITTEE**

**SB 2304: Education Committee (Sen. Freborg, Chairman) recommends DO NOT PASS**  
**(3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2304 was placed on the**  
**Eleventh order on the calendar.**

2007 TESTIMONY

SB 2304

**TO: Senator Layton Freborg, Chairperson  
Senate Education Committee  
RE: Senate Bill 2304**

**From: Senator Larry Robinson  
Monday, January 22, 2007**

Mr. Chairperson and members of the committee.

The goal of Senate Bill 2304 is to assist all school districts in North Dakota in providing high quality, research based, instructional services to students. The focus is on a unique and growing population of students called English language learners – students from non-English backgrounds. The method of delivery of services to these students is through Education associations governed by Joint Powers of Agreement (JPA). The bill would fund an “English Language Learner Coordinator” who is an individual with coursework qualifying him or her to instruct and assess English language learners to assist school districts within the JPAs. Using JPAs to coordinate services is a step towards providing consistent and equitable services throughout the state. English language learners are increasing in numbers in North Dakota – particularly rural areas. A key piece of the bill is the connection with higher education to ensure that the coordinators are supported through research and best practices. Funds would be available to universities in the state to provide professional development. This bill is needed to build the capacity and move North Dakota forward into a strong educational system that can compete with the rest of the nation and meet the needs these students who have been historically underserved. According to an article by McRel – the education lab that serves North Dakota “English language learners represent the fastest growing segment of the school-age population” (retrieved 1.21.07 from



[http://www.mcrel.org/PDF/PolicyBriefs/5052PI\\_PBEnglishLanguageLearners.pdf](http://www.mcrel.org/PDF/PolicyBriefs/5052PI_PBEnglishLanguageLearners.pdf).

The heartland and rural areas of the nation, according to McRel are seeing significant growth in this population.

**TESTIMONY ON SB 2304**  
**SENATE EDUCATION COMMITTEE**  
**Monday, January 22, 2007**  
**By Mari Rasmussen, Assistant Director**  
**328-2958**  
**Department of Public Instruction**

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Chairman Freborg and members of the committee:

My name is Mari Rasmussen and I am an Assistant Director with the Department of Public Instruction. I am here to speak in favor of and provide information regarding Senate Bill 2304.

The strength of Senate Bill 2304 will address a need in North Dakota for consistent services and support throughout the state, for school districts that have students from non-English language backgrounds. Because of the coordination of activities through Education Organizations governed by joint powers of agreement and the higher education support, there is greater opportunity for consistency of services for all students, whether they are enrolled in a large or small school district. There is greater likelihood that students will be identified, assessed and exited using the same standards. The connection in this bill to professional development will help ensure that best practices are used.

School districts in North Dakota are greatly challenged these days. While the multicultural students who enter our classrooms are welcomed because of the diversity they offer and the fact that they fill empty seats that have been vacated by decreasing enrollments statewide, few districts are appropriately meeting the educational requirements needed to support these students in learning English and competing successfully in the classroom.

Federal and state laws require that school districts provide services until the students are proficient in English. Specifically, the districts are required to

