

FISCAL NOTE
Requested by Legislative Council
12/20/2016

Bill/Resolution No.: HB 1051

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This proposal repeals section 15.1-21-15 of the North Dakota Century Code, relating to the electronic course delivery approval process. There is no fiscal impact.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill has a fiscal impact of \$0.00.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

This bill has a fiscal impact of \$0.00.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

This bill has a fiscal impact of \$0.00.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

This bill has a fiscal impact of \$0.00.

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Agency: NDDPI

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Date Prepared: 12/22/2016

2017 HOUSE EDUCATION

HB 1051

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

Bill No. 1051
1/4/2017
Job:26524

- Subcommittee
 Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to the electronic course delivery approval process

Minutes:

Attachment 1

Chairman- Mark S. Owens: opens discussion on bill 1051

Anne Ellefson- (See attachment 1 for testimony)

Projected use of online courses (3;50)

Chairman- Mark S. Owens: Thank you, any Questions?

Vice Chairman- Cynthia Schreiber-Beck: Thank you for clarifying some of the thoughts that I had, but I wanted to just insure that you did say it does not affect the center for distance education. I just wanted to clarify that there is no way that it will impact that delivery.

Anne Ellefson: is answering Vice Chairman- Cynthia Schreiber-Rep. Rich S. Becker's question. So the center for distance education is actually governed under 15-19, so this law is not specific to the center for distance of education. The center for distance for education does provide great educational services to our students of North Dakota. When this section of the law was written, it was for the intended use for electronic course delivery primarily for out of state providers, not necessarily from school to school and these guys have seen the use of center for distant Ed from school type option. And I also Apologize for not addressing this.

Vice Chairman- Cynthia Schreiber-Beck: May I follow Up?

Chairman- Mark S. Owens: Please.

Vice Chairman- Cynthia Schreiber-Beck: Is there any, and it must be mandated some other place in code that I would have to search for, that those courses then that those districts will choose to select no matter who they are offered from are accredited in the state? How would that be accomplished or is there other some place in code.

Anne Ellefson: all ND courses must have the re-align to standard, and that is addressed in 15-21 section of century code. Regarding the accreditation our schools go through accreditation processes. So if they are working with an online vendors deliver a course or an online curriculum, those are real local decisions that they review independently and I don't know that there is a specific section of the addressed accreditation of those external providers, so we believe that for traditional course work that is a local responsibility, and to let that flexibility would be great to have here for their electronic delivery option as well.

Vice Chairman- Cynthia Schreiber-Beck: Thank you.

Rep. Mary Johnson: Thank you Mr. Chairman, will there be an audit availability for DPI maybe to select randomly what courses they are, and do you have an audit procedure to review these online courses or are you just giving it to the locals.

Anne Ellefson: the department has an approval process that it uses for all of its schools, or schools report their course work through the MISO free system that we can use whether it's a traditional course or let's say an online course or if it's a course that offered through a vendor or an approved center for distance of education, so those processors would continue on being.... In addition, districts pursue accreditation for an accrediting process, and on a five-year cycle, so all districts participate in that.

Rep. Mary Johnson: Would there be a separate auditing of electronic courses.

Anne Ellefson: Exclusively we do not have a method in place for that electronic delivery, but it's a part of our overall review of all courses for school.

Rep. Mary Johnson: very good.

Chairman- Mark S. Owens: Rep. Zubke did you have a question?

Rep. Denton Zubke: No.

Rep. Corey Mock: Thank you Mr. Chairman. Ms. Ellefson, as I am looking at the chart maybe you can walk me through this, the second column is the number of applications the department has approved or has received and the last is number that has been approved. Can you explain, just share with the committee what were the reasons that some applications would have been denied.

Anne Ellefson: is answering Rep Mock. The first column of the chart obviously shows the school year, the second column is specific to district applications, so districts that intend to possibly use this throughout their school year, the middle column... freelance data... this is where districts said we had to use this. For instance, five have indicated that we may use this, one is reporting to have been used. The last column is the actual out of state or online provider that has sought approval. So we have five outside vendors if you will that have gone to the state for ... process to be on that approved list.

Rep. Corey Mock: ok.

Anne Ellefson: I believe there are six applications, but only five of those were approved once that was aligned with the North Dakota ...

Rep. Corey Mock: there is no correlation between the second, third, or fourth columns of this chart, so has there been a history of some applicants not receiving approval as vendors to provide online courses to North Dakota school districts.

Anne Ellefson: no, the history districts have been able to use this framework, the vendors primarily have received approval unless they are not evidentially use the North Dakota standard. However, with the legislation that is in place, it's really minimally impacting 1.8 percent of our schools and districts. I would like to add that we are aware that others probably are making decisions that are in the best interest of the districts. Often times not consulting the section of the law, and so that why we choose to repeal this to allow for that local flexibility to make those decisions at the time that they need.

Rep. Corey Mock: has one more question for Anne Ellison. Does the department approve any other vendors that deliver any other related services to school districts. Do you have any other approval process, you mentioned that you do not approve curriculum through others standards, but is there any other vendor approval process that the department has?

Anne Ellefson: answering back Rep. Corey Mock. To my knowledge, and I have been with the department for 10 years. There may be approval processes such as vendors who lay concrete or construction through the state bidders process, recommended vendors, not necessary only. We do not approve curriculums, and we do not approve curriculums that vendors. We do not approve professional development vendors. The only thing that does come close is a similar process we use to meet federal law, which would supplemental educational services which is no child left behind, and that is now repealed replaced with.....

Rep. Rich S. Becker: has a question. On page 2 your chart there is there anything that we should be reading between the lines, I am just surprised by the flex up and down from 5 one year, 3 the next year, 6 the next, 9, 8, 2, 7, I mean it's up and down. I would think it would be a consistent growth.

Anne Ellefson: we do at the department agree, and considering that we are looking at over 200 districts. It's a very small percentage, and when I say districts we are considering special education units, REA, all LEE's are eligible to apply for this flexibility, I believe sometimes it has to do with awareness, if DPI is attention that something that a district might be using this we will encourage them to apply, but the application process in column one actually a Imposed administrative practice so we have a better understanding, that data point is not required by law. Just the second and thirds columns the third and fourth columns are those that are attached here currently. But yes, we too see the inconsistency numbers and proportionately it's a very small percentage of our district.

Rep. Rich S. Becker: thank you

Chairman- Mark S. Owens: any other questions.

Rep. Corey Mock: I presume that this language was put in the law to ensure for the vetting process. To ensure that all vendors met a certain standard or expectations for quality control if you will. If this is removed from statute how will we assure vendors are providing a quality service to the school districts. What quality control mechanisms exist if this is removed.

Anne Ellefson: I do believe that that was the intent, and if we move back to 10 years ago, and consider the phone that you held in your hand, and how that technology has changed and I do think that it came from that intent of the vetting process. And if we look at technology currently available to our districts, the base feature that we are looking at and providing those services to our students having the language in the law as currently written is a barrier to our district, so how can we ensure that what they are providing is vetted and is of high quality, I think the question is that, is it a local responsibility for our district, or is that a department and a state responsibility. If it is a state responsibility, and then we need to have questions of what does that mean for curriculum, what does that mean for professional developing if that's the choice for electronic first delivery to have that mechanism, then revisiting the language to make sure that it works 10 years later.

Rep. Corey Mock: so. Mr. Chairman, it sounds like It's a shift in the departments policies, this was put in place because it was a state priority, it was a state role to ensure that the quality this sounds as though this is a shift to get away from the quality control at the state level, and to leave that solely on the hands of the local districts. Is that a correct assessment, is that a fair assessment that the state wants to get away from quality control?

Anne Ellefson: I don't believe that the state is going away from quality control, but the state believes in that quality. But if the state would like to be the decision point to be at the district level. The districts are vetting the current curriculum, their current textbooks, their current initiatives, and we find districts that are in a partnership with online provider for curriculum, and when a course becomes available if they are not on this approved list, districts may be violating century code because they are not on the states approved list, by providing that course to their students. So DPI is in the game for accountability, and for those rigorous courses. But is it a vetting process for the local level or is that a vetting process at the state level.

Rep. Corey Mock: at the risk of disrupting and using all of my speaking turns on the punch card in one sitting.

Chairman- Mark S. Owens: for the year

Rep. Corey Mock: Is it possible for us to review the current statute to address some of these issues without an outright repeal. Would the department be willing to work with this? committee?
to find a way to address those concerns without repealing the entire section.

Anne Ellefson: the department is willing to work on revising/ refreshing this section to meet today's standards and expectations, if a repeal does not fix it.

Chairman- Mark S. Owens: any other questions

Rep. Dennis Johnson: the appearance, this I think is about 10 years ago, that this was put into place. It appears that it really never took off as far as the numbers you shared with us here, and that's what Representative Mock I think brought up a good question, and seeing that there are parts that we should keep or just go on and repeal all of it, certainly providing the numbers our committee are looking at, and maybe someone here can explain a little more. As far as the time or to have it necessary to pass this in the first place.

Rep. Mary Johnson: thank you Mr. Chairman and Ms. Ellison. I am a little confused so, let me recap what I think I heard and you can correct me if I am wrong. Because of the local school districts do their own vetting for their all curriculum among other things, you want to add the online courses into that vetting process for their capability, and you audit them on occasion. Is that all correct?

Anne Ellefson: That's correct, that's the current standing of our traditional coursework, they are reviewed through our MISO free audit system, as well as our advanced Ed which is over five years.

Rep. Mary Johnson: So without this, let's say this statute is eliminated. They would all still be subject their online courses that are now the responsibility of the local school district for vetting purposes, like the curriculum and whatever, will still will audit their curriculum and their online courses on occasion. I thought you said every five years.

Anne Ellefson- without this statute. Districts, LEA's will continue to report courses that they are offering that time that those courses are offering teachers associated with these courses or any courses. Review the curriculum or the alignment of the court standard. That's all local, we would be putting the electronic courses in with the local expectation, that they align, if they are offering an electronic course for algebra, let's say that they ensure that course aligns with algebra standards they expect to meet during that course, and insure that the teacher is suffice to teach that mathematics course and they ensure it's the right amount of time or the right amount of competencies that that student would achieve before proceeding. But DPI does not review curriculum or accrued curriculum or standard. But to answer your question, without this we would be putting locals in charge of selecting and vetting their online courses that they would provide.

Chairman- Mark S. Owens: Representative Oliver.

Rep. Bill Oliver: if we repeal this section it does not affect education at all? I think this is what everybody is trying to get to, this is not going to affect the standards of education in that school district that does not effectively, how many school districts in the state.

Anne Ellefson: If its public the number is lower, but I reference about 200 school.

Rep. Bill Oliver: So 200 districts we have five that are using this. So effectively you are saying the law is not being used.

Anne Ellefson: that is correct, whether or not it will influence education, that's pretty broad. I do think that our schools are looking for different ways and different methods to reach individual

student needs. I actually feel electronic course delivery grew, the question is is it the states responsibility to vet and review those providers or is that a local responsibility. That was our intent with repealing this section to transfer those responsibilities locally, but however if its suggested that we work together to come up with something that in today's language, that would be welcomed

Rep. Bill Oliver: thank you, thank you

Chairman- Mark S. Owens: calls on Vice Chairman- Cynthia Schreiber-Beck

Vice Chairman- Cynthia Schreiber-Beck: has there been any input from the local districts to, to have this district code repealed. That would probably important to know.

Anne Ellefson- he has not surveyed the districts; we have not broadcast that we were repealing this section. Quite honestly I think many districts are unaware that this exists. If anything we troubleshooted on the back end where a district contacts us or we find out through a newsletter or a publication that they are using online courses with a vendor that is not one of the five that is approved. So what does a large district that has multiple kids in a course do, do they continue that service and break state law, is that vendor going to the ... process. So what do we do, DPI references the section of the laws, but local rules to make determination locally. Not sure if this addresses your question, but it is a challenging section of code to implement. I do believe that there are more than 5 districts that utilize electronic courses.

Vice Chairman- Cynthia Schreiber-Beck: ok thank you

Chairman- Mark S. Owens: any other questions. Let me see if the way I read this you agree with. The districts have responsibilities for their coursework meeting the standards set up within the century code for classes, and the standards developed DPI, that we have been going back and forth our beloved common corp. And all the standards that are associated with how the curriculum should be set up, and they are responsible for administering these courses. For 20 years we have had online education but it was so new 20 years ago that 10 years ago the state decided to protect our students and to make sure they are getting what they needed, we created a system whereby we can regulate it and insure. Now its 10 years later not many people are using it, but everybody that you've reviewed has qualified and met the standards, and quite frankly the curriculum is the responsibility of the districts and the classes are the responsibility of the district, so what this bill is seeking in my opinion and you correct me if I am wrong, is deregulation at the state level of a local control issue in returning the authority to the districts.

The chairman is addressing Anne

Anne Ellefson: yes Mr. Chairman that is very well stated, and yes I believe that is very accurate.

Chairman- Mark S. Owens: Thank you, are there any further questions. Thank you. Is there any further support for House Bill 1051?

Doug Vannurden: I am the Assistant Director to the Missouri River Area Career & Technical Center. We provide online and interactive television courses to our consortium, through the Missouri River Educational cooperative, (other gentleman speaks) I started in 2009 with 34

students taking online and i-tv courses and this year as of yesterday with 683 students taking online courses were supplementing career technical educational in those small school throughout the state of North Dakota. Just a reminder that all of our teachers are qualified teachers, our curriculum is approved through career technical education and reviewed we meet those standards, and we have that in place and we think it's the right way to go. What we are talking about here and the information that you have that is considering out of state vendors that come in and there is lots of them out there, that are providing courses that we have no idea the quality of those courses and this was one thing that was put into place to assure quality of the courses coming in from other vendors throughout the United States. We are doing things in state, the career center for distance education uses some of these courses. We think we have a good system, I think that this is, I want to make sure that you are understanding that this is not something that is dying in the state of North Dakota. We are growing in the amount of our online education and we are providing some enhanced curriculum to the small schools throughout the state of North Dakota. So any questions?

Chairman- Mark S. Owens: any questions? Thank you. Calls on Vice Chairman- Cynthia Schreiber-Beck

Vice Chairman- Cynthia Schreiber-Beck: are you in support of repealing this?

Doug Vannurden: Well I wanted to come and listen to see what exactly what was being done, I think that there is need for oversight, and if that's being done at the local level as its stated here, they meet the state requirements that they have a licensed teacher teaching if that can be done in another way that's fine.

Vice Chairman- Cynthia Schreiber-Beck: thank you.

Doug Vannurden: but again I am concerned that my teachers have to meet those standards and be licensed teachers, and meet all the requirements and that someone from the out of state that they don't have those standards, that would be unfair.

Chairman- Mark S. Owens: any other questions. In state or out of state the requirements would still be the same for the districts. To ensure that the education meets the standards.

Chairman- Mark S. Owens: anyone else in support of House bill 1051. Hearing no one, is anyone in opposition to house bill 1051. Opposition? Anyone with Neutral testimony, who would want to provide neutral testimony for house bill 1051.

Neutral testimony

Rae Ann Kelsh: A registered lobbyist for the North Dakota council of education leaders. And while we have not taken a position on the bill, I think that its worthy to at least, there has been some really good comments and there has been some really good discussions about the bill and I think that there might need to be a little more clarification, I think that the department is trying to repeal some of the bill, I think that before you repeal it you may want to sit down and have this discussion about what both Representative Johnson and Representative Rep. Corey Mock said is there a way that we can keep components of this statute still there so that quality control is there. Because that was the intent of this legislation when it was implemented and it was all

about quality control. And it was that yes there is all kinds of competition and we just heard that, there is a lot of competition out there, but who determines what that quality actually is, and I trust our local school districts, I represent the superintendents and I trust that they will make good sound decisions, but I also think that there may be needs to be some checks and balance to ensure that those online courses due meet the standards that are already implemented in the state of North Dakota. So that's just a little of the historical perspective, it was a bill that was introduced basically for quality control, that was the number one issue, because we know that there are vendors out there that are just in it for the dollars and not necessarily for the quality. The committee can do what they choose, and we know that the department has given some compelling information.

Chairman- Mark S. Owens: any questions? Calls on Rep. Denton Zubke

Rep. Denton Zubke: Rae Anne, the quality control is there for all of these other courses that the districts are delivering locally, so wouldn't the same quality control be there then for these online courses also?

Rae Ann Kelsh: You might be correct, and it might be that the time has come that the quality control is there across the boards. This is just done as an insurance policy basically to say that we wanted to make sure that they were thoroughly vetted and that we had the quality control in there, and maybe the time has come. I don't know, I can't answer that question, I just thought it was worth the discussion to say that that's why it was done, we wanted to make sure we had high standards and high quality education for North Dakota for all school districts and that includes the center for distance education. We have to ensure that they have high quality as well, and so when we set out some of these, when the vendors come in and they offer their bids, sometimes the most cost effective may not be the highest quality, so cheap may not always be the best form of education for our students.

Rep. Denton Zubke: if in our investigation we find out that this quality control check is with the district like all of their other courses, then you are saying that you will be ok with the repeal of this since the districts are doing that on the other online courses and they are doing it on this course also.

Rae Ann Kelsh: yes, repeal away. I always said that the book is so full already that just to get rid of it.

Chairman- Mark S. Owens: thanks for the historical commentary. Any more neutral testimony, one last time neutral testimony. The Gavel was struck at 10:18am by the Chairman.

Closing the hearing at 34;52

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1051
1/10/2017
Job 26764

- Subcommittee
 Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to the electronic course delivery approval process.

Minutes:

No attachments.

Vice Chairman- Cynthia Schreiber-Beck: After numerous discussions with the people that had an interest in this including DPI I would suggest to vote to accept the house bill as written to repeal the sections, and leave it to the local.

Chairman- Mark S. Owens: Is that a motion?

Vice Chairman- Cynthia Schreiber-Beck: I will make that a motion, yes.

Chairman- Mark S. Owens: we have a motion from Vice Chairman- Cynthia Schreiber-Beck, for a do pass, and seconded by Rep. Matthew Ruby. Is there any further discussion? I will ask the clerk to call roll on HB 1051 for a do pass. 14-0-0, and Rep. Matthew Ruby will carry this bill.

Date: 1/10/17

Roll Call Vote # 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1051

House Education Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rep. Schreiber Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman- Mark S. Owens	✓		Rep. Andrew Marschall	✓	
Vice Chairman- Cynthia Schreiber-Beck	✓		Rep. Bill Oliver	✓	
Rep. Rich S. Becker	✓		Rep. Brandy Pyle	✓	
Rep. Pat D. Heinert	✓		Rep. Matthew Ruby	✓	
Rep. Dennis Johnson	✓		Rep. Denton Zubke	✓	
Rep. Mary Johnson	✓		Rep. Ron Guggisberg	✓	
Rep. Donald W. Longmuir	✓		Rep. Corey Mock	✓	

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Ruby

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

REPORT OF STANDING COMMITTEE

HB 1051: Education Committee (Rep. Owens, Chairman) recommends **DO PASS**
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1051 was placed on the
Eleventh order on the calendar.

2017 SENATE EDUCATION

HB 1051

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1051
2/8/2017
Job Number 28033

- Subcommittee
 Conference Committee

Committee Clerk Signature

Sandy Baumgartner

Explanation or reason for introduction of bill/resolution:

Relating to the electronic course delivery approval process

Minutes:

#1

Chairman Schaible: The committee come back to order for HB 1051

Ann Ellefson, Academic Support Director within the Department of Public Instruction. Testimony #1.

Chairman Schaible: Then this bill would than say that the course would be by the local district and if it meets that standard then it is okay with Department of Public Instruction?

Ann Ellefson: That is correct. Repealing this section of the law would allow districts the authority to select on-line course providers. The oversight, like the MISO 3 process or to the Advanced Ed. accreditation process, will continue whether it is electronic course or not. For other courses delivered with a textbook the Department of Public Instruction doesn't review those. We are asking for this section to be repealed so on-line courses could be chosen locally and districts determine what best fits the districts needs and how it aligns to their standards.

Chairman Schaible: Are these totally electronic or are they 2-way videos and are they all the same in the category?

Ann Ellefson: This section of the law only applies to electronic courses delivered by the vendors, so IVAN courses from school to school do not pertain here. There could be a vendor, an external vendor, and the districts are really subject to that vendor applying to the department to be on the approved list. Then it is from the approved list that they are to select from. We find that it is often burdensome. Districts don't know when a teacher may leave in the middle of the year or if student may need remediation. Waiting for a vendor to apply and be approved is a large challenge for a district.

Senator Oban: Can't you just have an on-going list of approved vendors?

Ann Ellefson: The law as it states now is that we have to review this on an annual basis. It is an annual review. We could keep an on-going approved list. But, we do not keep an on-going list for textbooks, for curriculum, for professional development. Those are all local decisions. If we make an approved list for this course, what precedence might we be setting or message might we may be sending as we do not have approved list for any other approved lists for the districts.

Senator Oban: How are these electronic classes delivered?

Ann Ellefson: The law that is required right now is that if a vendor had an algebra course, the Department of Public Instruction needs to review the teacher credentials associated with that course, making sure that there is a licensed teacher in that home state where the course is originating. It might be in Florida or Mississippi. We collect that information and review that. Then the course is delivered on-

ine. Our technology has changed since this bill was first drafted. Think back to 9 years ago when Amazon was a baby. So many things have changed in the delivery. How often the student might even talk to that teacher may be minimal. In many cases the curriculum might be provided through the framework that the company owns. So the instruction may be provided through videos, tutorials, and automated processes. Not necessarily is there an instructor that is delivering the course.

Senator Oban: My concern is making sure that whatever is on the other end is as effective as what it would be if a teacher is delivering it. If Department of Public Instruction is currently making sure that is the case rather than any vendor coming in and offering whatever cost, it is might be pretty appetizing to school districts on tight budgets. Because it is the cheapest one doesn't mean it is the best one. I understand districts can make that decision.

Ann Effefson: I understand your concerns. Districts make these choices choosing their textbooks, curriculum, and professional development. If it is not a wise investment in other areas, Department of Public Instruction doesn't have the oversight of that. Why would we single this out? Right now the Department of Public Instruction would collect these applications and assure they are aligned to the standards and that the person, a piece of paper that says they are qualified in that home state. There is nothing that the Department of Public Instruction has access to that could determine the level of quality of that course other than if it is in alignment of the standards. But the quality of the course is not vetted through the current law. We feel that locals are building those relationships with the vendors and will be able to pick out the best course and the best opportunities to meet the needs of their kids.

Senator Rust: Before a person may provide an elementary or secondary course electronically to a student, the vendor should have had approval to teach.

Ann Effefson: That is how we would interpret the law. We have had many questions from educators, homeschool parents, students that might be seeking an on-line high school diploma. We direct them to the approved menu of approved vendors and even high schools that might have relationships with the vendors that might not be approved. We would say it does not meet that section of the law. But there is nothing that prevents a family or high school student from pursuing a high school diploma using that vendor. The law exists, but it is a very challenging law to implement. In some cases, we have solicited vendors to apply and they have said, "No thank you". These are vendors working in ND.

Senator Rust: Is it up to the school whether they would accept that credit? The vendor could be a very qualified person or a person who doesn't even have a GED.

Ann Effefson: We handle the situation by telling the parent or high school student to work closely with a high school that they are attending and to make sure if they plan on college, the course they are taking would be recognized at that college. Some colleges wouldn't accept credits from on-line vendors that is not accredited. When a student isn't affiliated with a local high school, like in the western part of the state, many students came in that were in on-line high school programs from another state that was not on our approved list. We always reference this law, but there is nothing I can do to prevent a student from taking on-line courses that are not on our approved list.

Chairman Schaible: Do you think this law came into effect to protect technology that was relatively new and now we have outlived this usefulness?

Ann Efferson: Yes, I believe that this section of code was written at a time when these vendors were up and coming. We were trying to digest how the on-line internet services would be provided to our schools. I believe it was a good measure at the time. Look at our data back to 2009, when this was implemented, we had 5 districts through applications that would most likely use an on-line course provider. Only 1 outside vendor had applied to the department for approval.

Chairman Schaible: Any other testimony in favor, in opposition, any agency? If not close the hearing.

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1051
2/13/2017
Job Number 28281

- Subcommittee
 Conference Committee

Committee Clerk Signature

Sandy Baumgardner

Explanation or reason for introduction of bill/resolution:

Relating to the electronic course delivery approval process

Minutes:

Chairman Schaible: Meeting called to order and let's look at HB 1051.

Senator Rust: I move for a "Do Pass".

Senator Oban: I second.

Chairman Schaible: Any other discussion? Call roll.

Roll Called: 5 Yeas, 0 Nays, 1 absent

Senator Kannianen will carry.

Date: 2-13-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1051

Senate Education Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rust Seconded By Oban

Senators	Yes	No	Senators	Yes	No
Chairman Schaible	✓		Senator Oban	✓	
Vice-Chairman Rust	✓				
Senator Davison	ab				
Senator Kannianen	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Kannianen

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

REPORT OF STANDING COMMITTEE

HB 1051: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS**
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1051 was placed on the
Fourteenth order on the calendar.

2017 TESTIMONY

HB 1051

Attachment
(1)

HB 1051

1/4/17

(2:47)

time stamp

Testimony on HB 1051
HOUSE EDUCATION COMMITTEE
Ann Ellefson, Director, Academic Support
North Dakota Department of Public Instruction
aellefson@nd.gov
Date: January 04, 2017

Mr. Chairman and Members of the Education Committee:

I am Ann Ellefson, Academic Support Director, within the Department of Public Instruction (NDDPI). I am here to provide information regarding HB 1051 regarding the recommendation to repeal §15.1-21-15 relating to the electronic course delivery approval process.

The chart below outlines the various data points collected on this section of law since its inception in 2009. The NDDPI has observed minimal applications, inconsistent reporting, and a stagnant number of providers seeking approval. The second column outlines the number of districts seeking approval to utilize electronic course delivery providers during the given school year. These districts are then expected to project the intended course use and report this through the departments MIS03 report, column three. The last column outlines the number of providers that sought approval during the given school year. The provider applications are minimal and do not fully capture coursework opportunities available for schools and students.

School Year	District Applications for Electronic Course Delivery Approval	District MIS03 Data Indicating use of Electronic Course Delivery Course(s)	Providers Approved for Electronic Course Delivery
2009-2010	5	1	1
2010-2011	3	2	1
2011-2012	6	3	1
2012-2013	9	6	6
2013-2014	8	2	6
2014-2015	2	4	7
2015-2016	7	2	6
2016-2017	5	1	5

As the law requires, the NDDPI solicits applications from out of state electronic course delivery provider utilizing the Office of Management and Budget (OMB) State Procurement Officers (SPO) online bidders list. The process outlined in NDCC requires NDDPI to review the content of each course, verify teacher licensure, and evaluate contact time between students and teachers. This annual process is very time-intensive as it requires applicants and reviewers to ensure each course aligns with North Dakota State Standards. It should be noted, although NDDPI approves schools and reviews school courses offerings, the NDDPI does not review individual course content or standards alignment on a course-by-course basis. Districts have the local autonomy to determine their course structure and how each course will address the state standards.

The NDDPI has a process in place for districts to submit an annual application seeking approval from the state regarding their use of electronic course delivery providers. In addition to schools and districts, the NDDPI has received applications from special education units as well as nonpublic schools. Districts applying for these courses often do so with the intent of offering students credit-recovery coursework or providing courses not currently available in their school.

Over this period, an average of five schools have applied for approval. During the 2016-2017 school year, NDDPI received five applications representing 1.8% of all LEAs in the state.

By repealing this section of the NDCC, schools and districts will have greater flexibility in utilizing services they independently have vetted to meet their unique needs and provide coursework opportunities to students. The NDDPI fully supports the continued use of electronic course delivery options and advocates for the use of a variety of course structures that best meet the needs of North Dakota students.

Mr. Chairman, this completes my testimony. I am available to answer any questions.

Thank you.

HB 1051
2-08-17
1 p.1

Testimony on HB 1051

SENATE EDUCATION COMMITTEE

Ann Ellefson, Director, Academic Support

North Dakota Department of Public Instruction

aellefson@nd.gov

Date: February 8, 2017

Mr. Chairman and Members of the Education Committee:

I am Ann Ellefson, Academic Support Director, within the Department of Public Instruction (NDDPI). I am here to provide information regarding HB 1051 regarding the recommendation to repeal §15.1-21-15 relating to the electronic course delivery approval process.

The chart below outlines the various data points collected on this section of law since its inception in 2009. The NDDPI has observed minimal applications, inconsistent reporting, and a stagnant number of providers seeking approval. The second column outlines the number of districts seeking approval to utilize electronic course delivery providers during the given school year. These districts are then expected to project the intended course use and report this through the departments MIS03 report, column three. The last column outlines the number of providers that sought approval during the given school year. The provider applications are minimal and do not fully capture coursework opportunities available for schools and students.

MB 1057
 2-08-17
 #1 p. 2

School Year	District Applications for Electronic Course Delivery Approval	District MIS03 Data Indicating use of Electronic Course Delivery Course(s)	Providers Approved for Electronic Course Delivery
2009-2010	5	1	1
2010-2011	3	2	1
2011-2012	6	3	1
2012-2013	9	6	6
2013-2014	8	2	6
2014-2015	2	4	7
2015-2016	7	2	6
2016-2017	5	1	5

As the law requires, the NDDPI solicits applications from out of state electronic course delivery provider utilizing the Office of Management and Budget (OMB) State Procurement Officers (SPO) online bidders list. The process outlined in NDCC requires NDDPI to review the content of each course, verify teacher licensure, and evaluate contact time between students and teachers. This annual process is very time-intensive as it requires applicants and reviewers to ensure each course aligns with North Dakota State Standards. It should be noted, although NDDPI approves schools and reviews school courses offerings, the NDDPI does not review individual course content or standards alignment on a course-by-course basis. Districts have the local autonomy to determine their course structure and how each course will address the state standards.

The NDDPI has a process in place for districts to submit an annual application seeking approval from the state regarding their use of electronic course delivery providers. In addition to schools and districts, the NDDPI has received applications from special education units as well as nonpublic schools. Districts applying for these courses often do so with the intent of offering students credit-recovery coursework or providing courses not currently available in their school.

HB 1057
2-08-17
1 p.3

Over this period, an average of five schools have applied for approval. During the 2016-2017 school year, NDDPI received five applications representing 1.8% of all LEAs in the state.

By repealing this section of the NDCC, schools and districts will have greater flexibility in utilizing services they independently have vetted to meet their unique needs and provide coursework opportunities to students. The NDDPI fully supports the continued use of electronic course delivery options and advocates for the use of a variety of course structures that best meet the needs of North Dakota students.

Mr. Chairman, this completes my testimony. I am available to answer any questions.

Thank you.

requiring responses that might be deemed personal to a student or to the student's family. Before a test is finalized for use in this state, the superintendent shall require that the test be reviewed by a standards alignment committee appointed by the superintendent to ensure that the test meets the requirements of this section.

HB 1051
2-08-17
1 p. 4

15.1-21-12. Professional development - Use of available funds.

1. On or before October first of each year, each school district shall file a report with the superintendent of public instruction indicating:
 - a. The amount and source of funds that were made available to the district for professional development during the preceding school year;
 - b. The amount and source of funds that were expended by the district for professional development during the preceding school year; and
 - c. A separate list of the professional development activities in which the district participated during the preceding school year and the amount of time committed to the activities.
2. The superintendent of public instruction shall compile the information submitted under this section to determine how much of the available funding for professional development was used by school districts in this state and, beginning with the reports due on or before October 1, 2002, whether the expenditure correlated with increased student achievement on the reading and mathematics tests required by section 15.1-21-08.

15.1-21-13. Content standards - Translation - Curriculum.

Each district shall provide upon request a copy of its content standards in the areas of reading and mathematics, a translation of the district's content standards in the areas of reading and mathematics for individuals who do not have a background in elementary or high school education, and a copy of the curriculum or syllabus used by each teacher of reading and mathematics.

15.1-21-14. Test - Availability for viewing.

Upon request, a school district must allow any individual over the age of twenty to view any test administered under sections 15.1-21-08 through this section as soon as the test is in the possession of the school district.

15.1-21-15. Electronic course delivery - Approval process.

1. Before a person may provide elementary or high school courses electronically to a student, school, or school district in this state, the person must obtain annual approval from the superintendent of public instruction. The electronic delivery of a course includes online and technological delivery methods.
2. Before the superintendent of public instruction may grant approval to a person under this section, the superintendent shall verify that:
 - a. All courses offered by the person in this state are aligned with the state content and performance standards and if standards do not exist for a particular course, the criteria must ensure that the course content is sufficiently challenging for students, given the grade level at which it is offered;
 - b. All teachers involved in the electronic delivery of a course meet or exceed the qualifications and licensure requirements placed on the teachers by the state in which the course originates; and
 - c. All students receiving a course electronically have ongoing contact time with the teachers of the course.
3. The approval process provided for in this section does not apply to a course provided electronically between approved schools in this state.

15.1-21-16. Summer school courses and programs - Eligibility for payment.

The summer school courses and programs for which a school district may receive payment as provided in section 15.1-27-19 are:

HB 1051

2-08-17

#1 p. 5

1.
 - a. Remedial mathematics provided to students enrolled in any grade from kindergarten through eight;
 - b. Remedial reading provided to students enrolled in any grade from kindergarten through eight;
 - c. Beginning after the conclusion of the 2009-10 school calendar, mathematics provided to students enrolled in any grade from five through eight;
 - d. Beginning after the conclusion of the 2009-10 school calendar, reading provided to students enrolled in any grade from five through eight;
 - e. Beginning after the conclusion of the 2009-10 school calendar, science provided to students enrolled in any grade from five through eight; and
 - f. Beginning after the conclusion of the 2009-10 school calendar, social studies provided to students enrolled in any grade from five through eight; and
2. Any other high school summer courses that satisfy requirements for graduation, comprise at least as many clock-hours as courses offered during the regular school term, and comply with rules adopted by the superintendent of public instruction.

15.1-21-17. Interim assessment.

Each school district shall administer annually to students in grades two through ten the measures of academic progress test or any other interim assessment approved by the superintendent of public instruction.

15.1-21-18. Career interest inventory - Educational and career planning - Consultation.

1. A school district shall administer to students, once during their enrollment in grade seven or eight and once during their enrollment in grade nine or ten, a career interest inventory recommended by the department of career and technical education and approved by the superintendent of public instruction.
2. At least once during the seventh or eighth grade, each school district shall arrange for students to participate in either an individual consultative process or a nine-week course, for the purpose of discussing the results of their career interest inventory, selecting high school courses appropriate to their educational pursuits and career interests, and developing individual high school education plans.
3. Each school district shall notify its high school students that, upon request, a student is entitled to receive a consultative review of the student's individual high school education plan at least once during each high school grade. Upon the request of a student, the school district shall provide the consultative review.
4. Each school district shall verify compliance with the requirements of this section at the time and in the manner required by the superintendent of public instruction.

15.1-21-19. Summative assessment - Selection - Cost - Exemptions.

1. Except as otherwise provided, each public and nonpublic school student in grade eleven shall take the ACT, including the writing test, or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The superintendent of public instruction is responsible for the cost of procuring and administering one summative assessment per student.
2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.
3. A school district superintendent or a school administrator in the case of a nonpublic school student may exempt a student from the requirements of this section if taking the test is not required by the student's individualized education program plan or if other special circumstances exist.