

2017 SENATE EDUCATION

SB 2030

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2030
January 4, 2017
26508

- Subcommittee
 Conference Committee

Committee Clerk Signature

Sandra Baumgartner

Explanation or reason for introduction of bill/resolution:

Updating statutory references to the ND Education Association and to repeal section relation to the credentialing process for special ed. Teachers.

Minutes:

#1

Chairman Schaible: Opened bill. For the record, I am Senator Don Schaible from Mott ND. I was also the chairman for the Senate Education Interim Committee. This is where this bill came from. I will go through the bill and list the changes. I believe everyone has the bill in front of them. Section 1. This actually came about because of ND United, which replaced ND Education Association. Membership has changed a little bit and they also had a name change. In this section of the bill, we thought it was pertinent to clean up some of the language and most is just name changes. We will go through that. Line 11 on section 1 is just a name change from ND Ed. Assoc. to ND United. Same with Line 12 and Line 15 and Line 16. They also have that name change on Line 23 and 24. In Section 4, there is a change there. It was "existing from a list of 3 nominees submitted by the governor by the ND Ed. Assoc." This has been changed to "having 2 board members who are actively employed as teachers, the governor just appoints 2 teachers and they do not have to be nominated by the ND Teachers Association". Line 13 -14 is just a name change from ND Education Association with ND United. Line 19-20 change to membership, because members used to be just teachers now it is also including public employees. We thought that this was a change that an elementary or secondary education member of ND United would be the representation. We thought maybe it was an implied position. That was also the intent of Lines 23-24-25 where an elementary/secondary education member was also listed. Line 24 -25 line is a name change. Mister Chairman that is the drafted bill from the Interim Education Committee.

Vice-Chairman Rust: Any questions?

Senator Oban: Tell us what is being repealed in Section 8.

Vice-Chairman Rust: It is credentialing of the Special Ed. Teachers, which was obsolete that was no longer needed or used.

Senator Rusk: I also had a question about the law. Why it was there and if it was a shot at the Superintendent of Public Instruction Dept. It was part of the law so powers of State Public Instruction were limited so they couldn't change the credentials of special Ed. teachers.

Chairman Schaible: Any other questions?

Senator Oban: Section 4 of the draft. Why are we eliminating the nominees provided by previously NDEA which is now ND United? I have asked Jeff to print off that section of code to show us the other nominees provided by other associations. For consistency sake, shouldn't we either have the groups providing nominees throughout the code. I believe this is to TFR. Or not have groups providing nominees?

Chairman Schaible: I don't disagree with you. I agree with your logic with this line. I guess it was the idea with this line that ND United could always submit names to the governor or he can pick other names from other areas. It wasn't discussed in this bill. But for this section, the governor can solicit names and input from any group or individual he wants. If we need to add that we could do that.

Senator Oban: In Section B, they get nominations from North Dakota Council of Educational leaders and Section C they get them from Retired Teachers Association.

Senator Rust: Mr. Chairman, if I may, ND United is a now actually a combination of two organizations, ND Teachers Education Assoc. and Public Employees.

Chairman Schaible: I can't speak for everyone on the committee but now the majority of membership are non-teachers. If that was the intent, I agree that the governor can solicit information or request from anybody and decide. He will put weight on recommendations on who has the best incites.

Senator Rust: I remember in conversations, I believe that there were members that were no longer teachers and now you had non-teachers making recommendations for teachers. I think that that is where the hang-up started.

Senator Oban: The majority of ND United membership are teachers. However, in other places in code, we specifically stated that it should be elementary and secondary educator of ND United. I think for consistency, we could that the same way.

Chairman Schaible: Any other questions? Now we will have testimony in favor of the bill.

Nick Archuleta, President of ND United in favor of bill testifies. See attachment #1

Chairman Schaible: Any questions?

Senator Oban: If we were to amend this, would there be any problem with specifying an elementary or secondary educator member as ND United as we did in later portions.

Nick Archuletra: Absolutely not.

Chairman Schaible: Any other testimony in favor of?

John Martinson from the ND School Board Assoc. testifies in favor of the bill: Anita Thomas, our legal counsel, was supposed to speak today, but she is sick today. You will recognize when I get into some of the wording that this is her work, not my work. But, I would like to talk to you about the wording in Section 6 of the bill. The word "educator" during the interim committee was changed to or became "an elementary or secondary educator" and the word "educator" is not defined in century code. We would like to recommend on page 2 in lines 19-20 the wording be "an individual that is licensed to teach by the Education Standards and Practices Board" or "approved to teach by the Education Standards and Practices Board". The second part of my testimony deals with the same issue, which is in section 7 of the bill that talks about an ad hoc committee convened by the governor. The language again says that 2 elementary and secondary educator members and again the word "educator" is not in century code. She would recommend again that it say a "a person licensed to teach or

approved to teach by the Education and Practices Board” and selected by the governor from a list of 5 nominees.” Any questions?

Chairman Schaible: Any questions for Mr. Martinson? Any other testimony for SB 2030? Any other comments? If not, we will close the hearing.

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2030
1/10/2017
Job Number 26728

- Subcommittee
 Conference Committee

Committee Clerk Signature

Sandra Baumgartner

Explanation or reason for introduction of bill/resolution:

Updating statutory references to the NDEA and to repeal section relation to the credentialing process for special ed. teachers.

Minutes:

#1

Chairman Schaible: Call meeting to order. Please turn to SB 2030. Senator Oban, do you have some business?

Senator Oban: I will pass out and move 17.0043.03003 to all of you. Senator Oban explained purpose of amendments to Senate Bill 2030, see handout #1. "So that is what my amendment will do Mr. Chairman and as I mentioned, I would move that amendment."

Chairman Schaible: Motion is there. Is there a second?

Senator Rust. Second

Chairman Schaible: We have a motion in second. Senator Oban, would you take the question about the educator?

Senator Oban: I did, and as we discussed with our legal intern, "teacher" is defined in a way that was discussed, and so we did not use the term "educator". We use the word "teacher". And in Section 4, we actually spelled out teacher, as also defined in that section of TFFR section of code. We wanted to specify it to be elementary or secondary teacher and full-time positions not classified as school administrators. Because in that section of code, teacher includes administrator. So we wanted to make sure, we were only talking about elementary and secondary teachers.

Chairman Schaible: Other discussion?

Senator Kannianen; Please clarify, section 6 is dealing with the Teacher of the Year Award?

Senator Oban: Yes. That is correct.

Senator Kannianen; Your amendment would read a representative of ND United. So it would just be a staff member and not an educator and teacher?

Senator Oban: That's correct. It would be consistent with all the other groups that are represented in choosing that "Teacher of the Year". The way it is written, it is a staff member of the School Boards Association, and it is a staff member of School Administrators Association. This would be a staff member of ND United.

Senator Kannianen: Is there any consideration, that the staff member has an education background and not some other public skill?

Senator Oban: There is no other requirement of those other staff members to have certain backgrounds. And when the majority of ND United is made up of teachers, a lot of what they are looking out for is the interest of teachers.

Senator Kannianen: All the other members on their board have no requirement that they are involved with education.

Senator Oban: That would be who they are hiring. I know for example, the School Board Assoc. just hired someone from Legislative Council, who has extensive experience in education policy. He hasn't been in a classroom in a couple decades.

Chairman Schaible: As for these bills that we have, it is just a narrow view of what is in that section of code. So sometimes you have to look at the whole thing to get the entire meaning of what is going on. You are looking at only one part and there might be many other parts. Sometimes you need to do that.

Any other discussion? Do you have a way of putting the Senate Christmas Tree version?

Intern Jeff Diemert: Yes, I think so. I was just taking notes as you were going through it. I think I have them all and I just want to make sure that I have all your changes that you want.

Chairman Schaible: Is there any other changes we are looking at? If not, why don't you go ahead.

Jeff Diemert: Do you have a copy of it with the changes on it that you were discussing?

Chairman Schaible: Yes, here is a copy of the amendment. I would like to see it also. So why don't we adjourn.

Senator Rust: We have a motion and a second.

Chairman Schaible: We can accept the amendment.

Senator Rust: We probably need a vote.

Chairman Schaible: We can table it until we see the Christmas Tree version.

Senator Rust: Do we need a motion of that?

Chairman Schaible: Yes, we would. I don't see no down side in doing it. We would have to kill it we wanted to change it. We can do that if we have to.

Senator Oban: I can move to whatever we need to do.

Chairman Schaible: We will stand at ease until we see the Christmas Tree version of this bill in its form of what it would do, and then take it up and vote. We will adjourn till I call chair to order after session today. Probably around 1:30 or so.

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2030
1/10/2017
Job Number 26747

- Subcommittee
 Conference Committee

Committee Clerk Signature

Sandra Baumgardner

Explanation or reason for introduction of bill/resolution:

Updating statutory references to the NDEA and to repeal section relation to the credentialing process for special ed. teachers

Minutes:

Chairman Schaible: We have received our Christmas Tree version amendments offered by Senator Oban. Is there any discussion? Senator Oban do they look like they are correct? (See attachment #1 from 1/10/17, meeting job #26725)

Senator Oban: Yes, they do.

Chairman Schaible: I think we had a motion. Do you want to remake the motion?

Senator Oban: Yes, I will move amendment 17.0043.03003.

Chairman Schaible: A second?

Senator Rust: I will second.

Chairman Schaible: The motion is seconded on the proposed amendment of the 03003 version. Any discussion? No discussion. I will ask clerk to take roll.

Roll taken: 5 yeas, 0 nays, and 1 absent.

Chairman Schaible: Carrier?

Senator Oban: I can. Now we have to vote on the actual bill.

Chairman Schaible: We have approved the amendments now we need a motion on the bill as amended.

Senator Oban: I would move SB 2030 as amended.

Chairman Schaible: Is there a second?

Senator Vedaa: Second

Chairman Schaible: We have a motion and a second to approve the amended version of SB 2030. Is there any discussion? Seeing none, ask clerk to take the roll.

Roll taken: 5 yeas, 0 nays, 1 absent.

Senator Oban will be carrier.

Senator Oban: Yes, I will.

January 10, 2017

ET
1-10-17
10 1 of 1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2030

Page 2, line 5, remove the overstrike over "~~, from a list of three nominees submitted to the~~"

Page 2, line 6, remove the overstrike over "~~governor by~~"

Page 2, line 6, remove the overstrike over "~~North Dakota~~"

Page 2, line 6, after "~~association~~" insert "united"

Page 2, line 6, remove the overstrike over the overstruck comma

Page 2, line 7, after "as" insert "elementary or secondary"

Page 2, line 19, remove the overstrike over "~~A representative~~"

Page 2, line 19, remove "An elementary or secondary educator member"

Page 2, line 23, after "~~individuals~~" insert "actively employed"

Page 2, line 23, replace "educator members" with "teachers"

Renumber accordingly

Date: 1-10-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2030

Senate Education Committee

Subcommittee

Amendment LC# or Description: 17.0043.03003

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 Oban Seconded By Rust

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 _____

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

2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2030

Senate Education Committee

Subcommittee

Amendment LC# or Description: 17.0043.03003 Title 04000

- 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 Oban Seconded By Vedaa

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

Total (Yes) 5 No 0

Absent 1

Floor Assignment Oban

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

REPORT OF STANDING COMMITTEE

SB 2030: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2030 was placed on the Sixth order on the calendar.

Page 2, line 5, remove the overstrike over "~~from a list of three nominees submitted to the~~"

Page 2, line 6, remove the overstrike over "governor by"

Page 2, line 6, remove the overstrike over "~~North Dakota~~"

Page 2, line 6, after "association" insert "united"

Page 2, line 6, remove the overstrike over the overstruck comma

Page 2, line 7, after "as" insert "elementary or secondary"

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Page 2, line 23, after "~~individuals~~" insert "actively employed"

Page 2, line 23, replace "educator members" with "teachers"

Re-number accordingly

2017 HOUSE EDUCATION

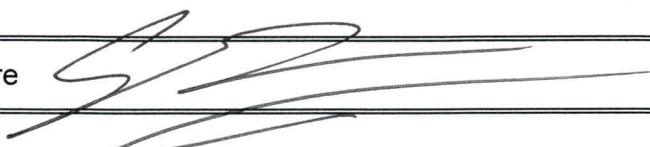
SB 2030

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

SB 2030
2/15/2017
Job 28416

- Subcommittee
 Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to credentialing process for special education teachers.

Minutes:

Attachment 1.

Chairman- Mark S. Owens: call the education committee to order, and invite the clerk to call the roll. Open the hearing on SB 2030.

Sen. Donald Schaible: I am here to introduce SB 2030 to you today, this bill came out of the education interim committee which I chaired, it is a pretty simple bill, a couple of changes in existing law, the first one is as you first see on page 1, line 11 the first changes, changing education association to united. With the membership change of North Dakota united from North Dakota education association we have these name changes that are requested, and we thought it was appropriate to correct the name of these changes, so several places through this bill you will see where education association is changed with united, so it corrects the names to North Dakota united, that takes place on line 11, line 12, line 15, line 16, line 24, on line 6, on line 7 you also see a change as an elementary and secondary teacher. The other concern with the name change that North Dakota united change was also the membership that changed, but some of their memberships are not considered to be licensed teachers. The changes that were requested in this bill is that when we are looking for a person to serve on these boards or these kind of things, that we wanted to make sure they were teachers, and not another member of North Dakota United that was not a teacher, so this just clarifies that we are expecting a teacher to serve in that capacity, so that change is on line 7, and also on line 23. On line 15, 25, and 20 are also there again just changing education association to united. That's the just of the bill, legislative council is here to address other concerns, with that I would be happy to try to answer any questions.

Chairman- Mark S. Owens: ok thank you, are there any questions.

Rep. Dennis Johnson: what's the repeal on section 8, what are we repealing.

Sen. Donald Schaible: that I can't remember, I cannot remember, so I will have to.

Rep. Dennis Johnson: which is fine, thank you senator.

Chairman- Mark S. Owens: any other questions.

Rep. Dennis Johnson: can I ask a question of the council; I might volunteer to carry this bill so I know the answers.

Chairman- Mark S. Owens: we'll have to make a note of this.

Dustin Assel: I am legislative council, I staff the interim education committee that drafted this bill to make technical corrections to North Dakota education, which became North Dakota United in the bill draft, and Rep. Dennis Johnson to answer your question, section 8 repeals 15.1-32-23, and that section is in the chapter on special education, and it talks about the credentialing process for special education teachers, after some discussion in committee, it was determined that the section should be repealed, because it was determined that the section had outdated references, and thus become obsolete, so it just repeals the section of code that the interim committee determined was obsolete at this point dealing with special education credentialing.

Chairman- Mark S. Owens: any further questions, seeing none thank you. Anyone else in support of SB 2030.

Nick Archuleta: See attachment 1 for testimony.

Chairman- Mark S. Owens: are there any questions. Nick could you answer a question for me please sir, on the public employee side, is that just state.

Nick Archuleta: no it isn't, in fact we have public employees are classified as, we have state employees, municipal employees, city employees, so and they do a variety of different jobs, and for the state we have an archeologist who is a member of ours. We have folks that work at the developmental center in Grafton, the state hospital in Jamestown, we have people that do clerical work across many agencies in the state, we also have Burleigh county for example we have many county employees, but particularly in Burleigh county those folks that work in the social services, and throughout the state.

Chairman- Mark S. Owens: well what about police and fire.

Nick Archuleta: Police and fire, we don't have police, I don't believe that we can have them, they technically belong to the fraternal order of police officers I believe, and fire we do have some folks there, Brandon is a member of ours, but he is a member of ours, but he is a member because he is a legislator, and a public employee in that regard. We also have prison guards; we have a small unit of prison guards that are members of ours too.

Chairman- Mark S. Owens: ok thank you. Any questions, seeing none thank you. Anyone else in support of SB 2030, anyone in opposition to SB 2030, any neutral position on SB 2030. Committee what is your pleasure on this bill.

Rep. Ron Guggisberg: I motion for a do pass.

Rep. Bill Oliver: second

Chairman- Mark S. Owens: we have a motion made by Rep. Ron Guggisberg, and seconded by Rep. Bill Oliver for a do pass. Any discussion, ok seeing none I invite the clerk to take the roll for a do pass on SB 2030. 12-0-2, and Rep. Dennis Johnson will carry this bill.

Date: 2/15/17

Roll Call Vote # 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2030

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. Guggisberg Seconded By Rep. Oliver

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	AD	
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	AB	
	7			5	

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. D. Johnson

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

REPORT OF STANDING COMMITTEE

SB 2030, as engrossed: Education Committee (Rep. Owens, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2030 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

SB 2030



Great Public Schools

Great Public Service

1/4/17
#1
p1
SB 2030

Testimony before the Senate Education Committee
SB 2030
January 4, 2017

Chairman Schaible, Members of the Committee:

For the record, my name is Nick Archuleta and I am the president of North Dakota United. I rise today in support of SB 2030 with one glaring exception. That exception is the removal of an NDU member from the Board of Directors of the Teacher Fund for Retirement (TFFR). (See section 4. AMENDMENT)

In order to understand our members' objection to this amendment, it is important to know something about North Dakota United. ND United is a relatively new organization with very old, very deep roots in our state. NDU is the product of the 2013 merger between the North Dakota Education Association (NDEA) and the North Dakota Public Employees Association (NDPEA). NDEA was established in 1887, when North Dakota was just a territory of the United States. NDPEA was established much later but with an equal commitment to providing professional public services to the people of North Dakota. After working together on many issues over the years, both the NDEA and NDPEA Boards of Directors voted to merge in 2013 and form ND United. At the time of our merger, 81 percent of our NDU members came from the NDEA side of the family and 19 percent from the NDPEA. That ratio is now 84 percent education based and 16 percent public employee based.

What became SB 2030 was offered by our friend Tim Flakoll to change references to NDEA in statute to NDU. How that legislation morphed to exclude NDU's long established role of submitting names of potential TFFR Board Members to the Governor eludes me. In his book, "Pensions for Pedagogues," author Frank Vyzralek writes, "The origins of North Dakota's present Teachers Fund for Retirement are firmly rooted in the state's professional teachers' organization." In short, the idea of providing a reasonable retirement paid for by

1/4/17
SB #2030
#1

professional educators and their employers was an idea created by those educator members who came before us. As founding members of TFFR, NDU members have long earned a seat on its Board of Directors.

The fact that we have merged into one organization has not altered the missions of our predecessor organizations in the least: ND United believes in *Great Public Schools and Great Public Service*. And the citizens of North Dakota believe that is exactly what they are getting. The public overwhelmingly approves of the jobs that teachers are doing and trust them most when it comes to making decisions about education policy.

The legislation on the books has been on the books for quite some time. To date, no one has advanced a compelling rationale to change what has heretofore served as teachers, administrators and the public so well for so long.

Mr. Chairman, Members of the Committee, thank you for the opportunity to be heard to today on this important issue. I ask for a yes vote on SB 2030 after the correcting SECTION 4 and returning this common sense bill back to what Sen. Flakoll envisioned.

Thank you. I will now stand for questions.

1-10-17
SB 2030
#1

17.0043.03003
Title.

Prepared by the Legislative Council staff for
Senator Oban

January 4, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2030

- Page 2, line 5, remove the overstrike over "~~from a list of three nominees submitted to the~~"
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 - Page 2, line 6, remove the overstrike over "~~North Dakota~~"
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 - Page 2, line 23, after "~~individuals~~" insert "actively employed"
 - Page 2, line 23, replace "educator members" with "teachers"
- Renumber accordingly



Great Public Schools

Great Public Service

Testimony before the House Education Committee
SB 2030
February 15, 2017

Chairman Owens, Members of the Committee:

For the record, my name is Nick Archuleta and I am the president of North Dakota United. I rise today in support of SB 2030.

ND United is a relatively new organization with very old, very deep roots in our state. NDU is the product of the 2013 merger between the North Dakota Education Association (NDEA) and the North Dakota Public Employees Association (NDPEA). NDEA was established in 1887, when North Dakota was just a territory of the United States. NDPEA was established much later but with an equal commitment to providing professional public services to the people of North Dakota. After working together on many issues over the years, both the NDEA and NDPEA Boards of Directors voted to merge in 2013 and form ND United. At the time of our merger, 81% of our NDU members came from the NDEA side of the family and 19% from the NDPEA. That ratio is now 84% education based and 16% public employee based.

The fact that we have merged into one organization has not altered the missions of our predecessor organizations in the least: ND United believes in Great Public Schools and Great Public Service. And the citizens of North Dakota believe that is exactly what they are getting. The public overwhelmingly approves of the jobs that teachers are doing and trust them most when it comes to making decisions about education policy.

When Senator Tim Flakoll proposed the ideas that became SB 2030, he did so with the understanding that this bill represents cleanup language to reflect the reality of our name change while also recognizing that our mission has not changed.

Mr. Chairman, Members of the Committee, thank you for the opportunity to be heard to today on this important issue. I ask for a DO PASS vote on SB 2030.

Thank you. I will now stand for questions.