

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/15/2019**

Amendment to: Engrossed HB 1249

- 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.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$0			
Appropriations						

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

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 Biennium
Counties			
Cities			
School Districts		\$0	
Townships			

- 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).*

The amendment to this bill will have no additional impact as the PD day requirement remains at two. This bill gives districts an additional topic they can provide PD to teachers.

- 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.*

N/A

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.*

N/A

- 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.*

N/A

- 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.*

N/A

**Name:** Joe Kolosky

**Agency:** Public Instruction

**Telephone:** 701-328-2295

**Date Prepared:** 02/15/2019

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/15/2019**

Amendment to: HB 1249

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N/A

**Name:** Joe Kolosky

**Agency:** Public Instruction

**Telephone:** 701-328-2295

**Date Prepared:** 02/15/2019

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/06/2019**

Amendment to: HB 1249

- 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.*

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Counties			
Cities			
School Districts		\$8,813,297	
Townships			

- 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).*

Adding one more professional development day will impact school districts by raising the average salary of teachers and instructional aides. The school districts would be impacted as the NDDPI would not fund this.

- 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.*

\$802,010,000 per year is what was spent the 2017-2018 school year on salary/benefits for instructional personnel.

This number is divided by number of days, 182, which includes the added PD day.

= Average of \$4,406,648 per day will be spent for an all instructional personnel in the state.

For the biennium, \$8,813,297 more dollars will be needed.

Schools districts would have to find these dollars.

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**Name:** Joe Kolosky

**Agency:** Public Instruction

**Telephone:** 701-328-2295

**Date Prepared:** 02/07/2019

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/07/2019**

Bill/Resolution No.: HB 1249

- 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.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
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**Name:** Joe Kolosky

**Agency:** Public Instruction

**Telephone:** 701-328-2295

**Date Prepared:** 01/11/2019

**2019 HOUSE EDUCATION COMMITTEE**

**HB 1249**

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

HB 1249  
1/15/2019  
30787

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe by Donna Whetham

## **Explanation or reason for introduction of bill/resolution:**

Relating to increasing teacher professional development days and requirements

## **Minutes:**

Attachment 1, 2, 3

**Vice Chairman- Cynthia Schreiber-Beck:** Opened the hearing on HB 1249

**Chairman Owens:** An issue has been taking over current class rooms across North Dakota and America. It used to be if you taught a student to read from Kindergarten to about 4<sup>th</sup> grade you would be able to teach them anything. Now the issue is if you can teach the students to have social and behavioral control, then you may be able to teach them to read. Which would enable them to teach them. The school classroom is not the place to solve the problem. You are working on the symptoms and not the causes. It is important the teachers know how to recognize it. So they can prevent one child from interrupting the other students in the class. Sometimes one child's attitude can affect 3 or 4 others. What I am suggesting with this bill is adding another professional day, statewide, that will focus on mental health and behavioral issues as far as the recognition and adding mitigation techniques. They would do every two years. This is giving them a training day for this one issue. Explained the bill. Any questions? 3:38

**Rep. Mary Johnson:** Do you know if the Teachers Standards and Practices Board requires "x" number of days for professional development?

**Chairman Owens:** Education Standards and Practices Board (ESPB) days would be for the district to train their teachers to go through improvements and this has nothing to do with CEU to maintain their license. This is strictly about staying abreast of new developments and mitigation techniques that could help them in the class room daily.

**Rep. Ron Guggisberg:** The fiscal note says it is \$8.8 million dollars for local school districts, do you think we would increase the state aid to help pay for this?

**Chairman Owens:** The question is "do we try to pay for it", which I would like to do. Or do we take away one of their floating PD days now and turn that into the requirements of that floating one. Those are options that are on the table. I didn't put an appropriation in here yet

because I am not sure which way to go. I am willing to try to fund it to give them the three. This issue is rising to the level to how I described earlier. Even if I have to take away one of their floating PD days I would rather do it. There are some options on the funding, and as the fiscal note reads now it does show up as an unfunded mandate.

**Vice Chairman- Cynthia Schreiber-Beck:** additional questions. Others in support of HB 1249.

**Joe Kolosky, Deputy Director, Department Of Public Instruction:** (See Attachment 1)(7:38-9:10)

**Vice Chairman- Cynthia Schreiber-Beck:** Any questions?

**Rep. Mary Johnson:** What is the attendance regarding teachers at the current 8 hours they do provide?

**Joe Kolosky:** Within each school, it is a local control decision. We don't take attendance. Usually each school will require each teacher to attend.

**Vice Chairman- Cynthia Schreiber-Beck:** Any additional in favor of HB1249?

**Tom Nitschke, Superintendent:** I am testifying in favor of the bill. I believe in family health. I don't like the idea of forcing to use one of the floating days. We have so many things to train on. Funding is an issue but if we can find a way I think it would be a good thing. An unfunded mandate is not a good thing. 11:50

**Chairman Owens:** We only have so many options to choose from and the body as a whole will decide on that and all we can do is try to fund it.

**Tom Nitschke:** I do like the idea of you adding a day.

**Vice Chairman- Cynthia Schreiber-Beck:** Any more testimony in support? Opposition?

**Russ Ziegler Assistant Director for North Dakota Council of Educational Leaders for Aimee Copas:** In Opposition to HB 1249. (See attachment #2) (13:22-

**Vice Chairman- Cynthia Schreiber-Beck:** Any questions? Any more testimony in opposition to HB 1249?

**Alexis Baxley, House Education Committee:** Recommend a do not pass on HB 1249. (See Attachment 3). 19:00-20:39)

**Vice Chairman- Cynthia Schreiber-Beck:** Any further testimony in opposition?

**Rick Diegel, Superintendent at Kidder County School:** I am opposed to the current version of this bill. Professional development is great and we do require our teachers to attend the 2 days and I would like to see a 3<sup>rd</sup> day. I would also like to see the funding that goes along with it. Training our teachers to deal with the students is great but the best

solution is I need additional money to hire staff to handle the problems. The training is great but I have one teacher per 20 students and it is hard for them to deal with problem children and the others at the same time. I think personnel is key to solving some of the behavioral issues that I have in our classes.

**Rep. Pat D. Heinert:** In your professional development what topics did you cover in reference to behavior health in children?

**Rick Diegel:** One of the topics that deals with this is we have a CPI team. They are trained for if a student needs to be physically restrained. CPI member is trained for six hours more of training. We try to talk them down or we can restrain them if necessary and we did suicide prevention training also.

**Vice Chairman- Cynthia Schreiber-Beck:** Additional question? Any other opposition? Neutral? Closed hearing on HB1249.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau Room, State Capitol

HB 1249  
1/16/2019  
30917 (39:20-45:02)

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe by Donna Whetham

## Explanation or reason for introduction of bill/resolution:

Relating to increasing teacher professional development days and requirements.

## Minutes:

**Chairman Owens:** Opened the hearing on HB 1249.

**Rep Guggisberg:** If we don't fund this that is putting it back onto the local school boards. I like it and I think it should be covered by the state.

**Chairman Owens:** I wasn't sure how much to put in for the continuing appropriation, plus I wanted to see because normally it is done every two years and I did it every year that is why it is at 16 hours instead of 8 hours. I wanted to see how much that cost. Basically a whole PD day is \$4.4 million because that is for the whole state. I might consider amending it. I am open to the committee's desires right now.

**Rep. Guggisberg:** I move to amend the bill to add an appropriation for the dollar amount in the fiscal note.

**Rep. Hager:** Seconded.

Rep. Schreiber-Beck: I know you were specific in what you wanted to do here with mitigation of behaviors. We will see in our future there will be daily opportunities to interact in different ways and we can improve that behavior issue. Maybe we should hold this. Human services will come and present some information to us before we vote on any behavior bills.

**Rep. Guggisberg:** I will withdraw my motion for amendment.

**Chairman Owens:** We will hold this bill. Hearing closed.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

HB 1249  
1/30/2019  
31815  
2:25-12:00

- Subcommittee
- Conference Committee

Committee Clerk: Bev Monroe

**Explanation or reason for introduction of bill/resolution:**

Relating to increasing teacher professional development days and requirements

**Committee work**

**Chairman Owens:** Before us we have a recommended amendment designed to reduce the fiscal effect but still provide training for teachers. There is an option where the fiscal effect of this bill disappears where it can just be amended in. I will leave it up to the committee. Page 3, line 8 where it says mitigation techniques, the option would be to just amend that line and insert current or new behavior mitigation techniques. You are adding to the training requirement without adding any additional training time or money.

**Representative Denton Zubke:** The third option (inaudible)

**Vice Chairman Cynthia Schreiber-Beck:** Based on some of the committees I've been on, or a task force, looking at the pre-K-12 vision which has behavior health in it. The Innovative Education Task Force had notice of the fact that behavior issues are huge within our schools at this point and we need to address them. Also, when working with Pam Sagness, I asked her about HB 1249. Her statement reads: It would be helpful if we could have a clear registry of effective and quality behavior health trainings accessible to ND schools, like an education and behavioral health center of excellence type of resource. Often this just ends up being a local therapist sharing what they know which may not be appropriate or helpful for a school setting.

My point is that we don't want to silo ourselves, we want to integrate with what's happening on the behavioral health front – education, social services, behavioral health, etc. We don't want to throw money at something that we're not going to be effective throwing money at.

**Chairman Owens:** The focus of this was to give schools no restrictions or tell them where to get training. It just said to help out the teachers, to find out what is available and help them get some training and insight into. It is the sole purpose of the personal development day. There was a request for a separate personal development day. It may not pass, but we'll certainly give it a try. By adding 8 hours rather than 16 hours, 16 hours changed all of them.

**Representative Denton Zubke:** I will move the amendments you passed out.

**Rep. Brandy Pyle:** I will **second** it.

**Chairman Owens:** I would like to help them somehow in behavioral health. We could hog house something into where DPI creates a list of available training options, etc. There would be not cost there, technically. We have a motion to amend where we overstrike and delete sixteen so it just goes back to eight hours for each personal development day, but there are still three personal development days in here. We still added a personal development day. It is for eight hours across the biennium now. Since that sixteen didn't increase that day, it increased the others as well, this may drop to \$1M. We won't know until we accept it and we can get another fiscal note.

**Rep. Ron Guggisberg:** Can you explain what adding the current or new behavior does to the bill?

**Chairman Owens:** I just added that because the way I wrote it, mitigation techniques for what? It really didn't state what it was for. It was for behavioral health, that's why I added current or new behavioral mitigation techniques. We are also talking about mental health as well. The problem is that we know teachers shouldn't have to do this, but they are being forced to. If we can give them any tools or things to do, I think it would be advantageous.

**Rep. Brandy Pyle:** I've had teachers ask for this. There is training that Cass County Sheriff's Department does – a five-day class – so they would have to send someone for five days where they would go through these mitigation techniques.

**Chairman Owens:** Rep. Guggisberg, what were you thinking, though, just mitigation techniques? Do you think this restricts it? I could be overlooking something.

**Rep. Ron Guggisberg:** No.

**Rep. Mary Johnson:** From a favorite fifth grade teacher, Jefferson Elementary – Fargo - What is the reasoning, the significant problems we have in school is not lack of teacher education, the problem is students are bored with dumbed down curriculum, they are over tested and there is lack of parenting. I would love to see deficiencies in parents bearing the brunt of raising their children versus teachers.

**Chairman Owens:** Since having children and raising children are a god given right, the state can't regulate that.

**Chairman Owens: 10:19** Let's do a **Voice Vote. Motion Carried.** We will just set this aside and as soon as we find out the amount of the fiscal note, we will table it until we have all the facts.

Closed committee work.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

HB 1249  
2/5/2019  
32206

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe

**Explanation or reason for introduction of bill/resolution:**

Relating to increasing teacher professional development days and requirements

**Committee work:**

**Chairman Owens:** We made some changes to HB 1249 to see if it would alter the fiscal note. It did not alter it. The Fiscal Note is still \$8.8M, the changes we made did not affect that. I will leave it to the committee as to what you want to do with it.

**Rep. Pat D. Heinert:** I move a **Do Not Pass as Amended**.

**Rep. Mary Johnson:** I **Second** the motion.

**Chairman Owens:** Any discussion?

**Vice Chairman Cynthia Schreiber-Beck:** With the days to hours the districts might have a little more flexibility with their teacher in-service days. Knowing what Pam Sagness is dealing with in Human Services with behavior issues, I think we want to align with that. I don't disagree with more teacher training.

**Chairman Owens:** I brought this bill based on a request from my superintendent.

**Rep. Ron Guggisberg:** As the bill sits, it would be the responsibility of the school district to pay for this, correct?

**Chairman Owens:** Negative. I had asked for an amendment for an appropriation, but we also changed it to include all of those other things thinking it would lower the appropriation. They did not lower the appropriation. It is as amended and it did have an appropriation in the new one. The bill originally came through with the idea of it being absorbed. I left it blank because I didn't know how much to put in for an appropriation. Further discussion? Call for a Roll Call Vote.

**A Roll Call Vote** was taken: **Yes 7, No 7, Absent 0.**

**Vice Chairman Cynthia Schreiber-Beck:** Mr. Chairman, I make a **Motion for a Do Pass as Amended and Rereferred to Appropriations** on HB 1249.

**Chairman Owens:** Is there a second?

**Rep D. Johnson:** **Second.**

**Chairman Owens:** Any discussion?

A Roll Call Vote was taken: **Yes 5, No 9, Absent 0.**

We will revisit this later.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

HB1249

2/5/2019

32218

9:00-11:00

Subcommittee

Conference Committee

Committee Clerk: Bev Monroe

## **Explanation or reason for introduction of bill/resolution:**

Relating to increasing teacher professional development days and requirements

## **Minutes:**

**Rep. Dennis Johnson:** After careful reconsideration, I would move **Do Not Pass** on HB 1249.

**Representative Denton Zubke:** I'll **second** the motion.

**Chairman Owens:** It is a **Do Not Pass as Amended**. Is there a need for further discussion? A Roll Call Vote was taken **Yes 10, No 4, Absent 0. Do Not Pass Carries.** Rep. Andrew Marschall will carry HB 1249.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

HB 1249  
2/12/2019  
32591

- Subcommittee
- Conference Committee

Committee Clerk: Bev Monroe

Relating to increasing teacher professional development days and requirements

**Minutes:**

**Chairman Owens:** We will be reconsidering our actions on HB 1249. Any discussions?

**Representative Denton Zubke:** I so move.

**Rep. Longmuir:** **Seconded.**

**Chairman Owens:** Any discussion. A **Voice Vote** was taken. **Motion** carried.

The amendment was incorrect and the fiscal note was incorrect. It won't change the outcome of the bill; it just needs to be correct when we return it to the floor. We returned professional development from three days to two days and the change was to include current or new behavior. The fiscal note will be zero. We did not add a professional development day; we took it back to the sixteen hours that was currently in law. All it is doing is adding on page 3, line 8, instead of mitigation techniques it says current or new behavior mitigation techniques. We need to reconsider the amendment.

**Representative Denton Zubke:** It is still three days?

**Chairman Owens:** It is not supposed to be. We need to correct one thing and add appropriations for \$8.8M if you want to keep the current amendment.

**Representative Denton Zubke:** Would you prefer to go back to two days of professional development and then we would still have the mitigation techniques being changed to current or new behavior mitigation techniques.

**Chairman Owens:** I did advise the superintendents who wanted this that more than likely we wouldn't get a professional development day and I could add it in the end if that didn't pass but that would be in year current. It would be adding to your current professional development days. Health and Human Services are trying to come up with something for schools and everyone else and do it in a more collaborative and holistic fashion, so I don't

want to give them another thing to train within their existing personal development days. Unless we change the amendment, then we can send it back like we had it.

**Rep. Mary Johnson:** We are revisiting this 10-4-0, Do Not Pass why?

**Chairman Owens:** Because the amendment was incorrect that we passed out of here. It did not have the correct amendment on it. Since we are reconsidering our action, we have to vote again. It leaves it at three professional days, adds an appropriation for \$8.8M and will correct the wording of mitigation techniques.

**Rep. Brandy Pyle:** Are they trained on A through H every biennium?

**Chairman Owens:** They are supposed to be, but that's not saying they are.

**Vice Chairman- Cynthia Schreiber-Beck:** They don't have to if they don't want to.

**Rep. Brandy Pyle:** I have had several teachers in the district I represent that talk about the behavior mitigation techniques. If it is an option, I would like to add that in there. I think that is a very important part of it.

**Chairman Owens:** If you'd like we will fix that amendment and bring it back to you this afternoon and let you look at it in context. We will vote it out quickly.

**Rep. Brandy Pyle:** I move an amendment to remove the strike for two and strike out the underlined portion of three on line 17, page 1 of 19.0803.01000.

**Chairman Owens:** In this you would also have to say 'and remove section 3'.

**Rep. Brandy Pyle:** 'And remove section 3'.

**Chairman Owens:** Section 3 is in the other amendment that wasn't added that has the appropriation for \$8.8M.

**Rep. Brandy Pyle:** Just for clarification, on page 1, line 17, just going back to the two days instead of three days. It really doesn't add any fiscal note and with the other amendment we'll be able to add in an option for school districts to train on these behavioral mitigation techniques if they so choose.

**Chairman Owens:** The way the bill should read right now is 'three days', 'eight hours', which refers to once a biennium rather than once a year. Current behavioral health mitigation techniques and an appropriation for \$8.8M, that is the way it reads right now on the Do Not Pass. If this amendment is moved and adopted, the appropriation comes out and it goes back to two days from three days but it leaves in the additional training for mitigation techniques.

**Vice Chairman Cynthia Schreiber-Beck:** I'll Second that motion.

**Rep. Ron Guggisberg:** Looking at the testimony there was one group that was in favor of this because of the additional day that was paid, but everyone else opposed it. Now we have an unfunded mandate and I think all the organizations will oppose this bill now.

**Vice Chairman Cynthia Schreiber-Beck:** When I read the bill, it is not a new training requirement, it's an option. Looking at page 2, line 24 - based on the annual needs assessment of the school district, these hours must be designated from the following categories', so it's an 'or'. There is no mandate that you have to train in this, it's just an 'or '. We are adding that you can receive training in current or new behavior mitigation techniques. If I am reading the amendment that Rep. Pyle put on there, the only change to the bill is there is no additional funding requirement, it just gives you another option in your list of potential training that you might want to do.

**Rep. Ron Guggisberg:** I'm okay with that, but I would rather we would just pull all those categories out and let the schools decide instead of saying "shall encourage". Maybe something like professional development and youth behavioral health.

**Chairman Owens:** What they really wanted was another professional development day.

**A Roll Call Vote was taken: Yes 9, No 4, Absent 1.** The Motion carries.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

HB 1249  
2/13/2019  
32671

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe

## **Explanation or reason for introduction of bill/resolution:**

Relating to increasing teacher professional development days and requirements

## **Minutes:**

**Chairman Owens:** This bill now has no funds in it. There is no fiscal note. The reason it was removed because when we took it back from three days to two days. There was an existing code so there was no sense in having it in the bill any longer. Section 1 was renumbered just for the provision of adding the category of current and new behavior mitigation techniques. That is all this bill does.

**Vice Chairman Cynthia Schreiber-Beck: I Move a Do Pass as Amended.**

**Rep. Brandy Pyle: Seconded.**

**Chairman Owens:** Any discussion?

**Rep. Denton Zubke:** The red that is stricken is not being removed from the Code?

**Chairman Owens:** It's not being removed from the Code; it's being removed from the bill. Once we returned it from three days to two days, there was no change in that section of the code. It was taken out. Since it's being taken out of the bill and not changing the code, it's not listed in the bill. Section 1 now becomes the only section that is changing. It is not being stricken from the bill. We are not repealing that section.

**Rep. Brandy Pyle:** I like the addition of the five boards. This is one of the things one of the teachers in the Mapleton School District has talked about quite a bit. They are seeing more of the behavioral issues. In order to equip our teachers and support staff who are in the classrooms with different techniques and skills – if the school identifies that as one of the options I think it's a great opportunity and I think we are trying to get ahead of some of those issues as best we can.

**Chairman Owens:** Any further questions?

House Education Committee

HB 1249

2-13-19

Page 2

A **Roll Call Vote** was taken: **Yes 9, No 4, Absent 1.** A **Do Pass** carries. **Rep. Marschall** will carry HB 1249.

19.0803.01001  
Title.02000

Adopted by the Education Committee

DA 1/30/19

January 30, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1249

Page 2, line 21, remove the overstrike over "eight"

Page 2, line 21, remove "sixteen"

Re-number accordingly

19.0803.02001  
Title.03000

DA 2/12/19  
Adopted by the Education Committee

February 12, 2019

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1249

Page 1, line 1, replace "sections 15.1-06-04 and" with "section"

Page 1, line 2, remove "increasing teacher professional development days and"

Page 1, line 3, replace "requirements" with "youth behavioral health training"

Page 1, remove lines 5 through 24

Page 2, remove lines 1 through 16

Page 3, line 8, replace "Mitigation" with "Current or new behavior mitigation"

Renumber accordingly

Date: 1-30-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1249**

House Education Committee

Subcommittee

Amendment LC# or Description: 19.0803.01001

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. Zubke    Seconded By Rep. Pyle

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens			Rep. Guggisberg		
V. Chair. Schreiber-Beck			Rep. Hager		
Rep. Heinert					
Rep. Hoverson					
Rep. D. Johnson					
Rep. M. Johnson					
Rep. Johnston					
Rep. Longmuir					
Rep. Marschall					
Rep. Pyle					
Rep. Strinden					
Rep. Zubke					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment VOICE VOTE

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

MOTION CARRIED

Date: 2-5-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1249**

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 Heinert    Seconded By Rep M. Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens		✓	Rep. Guggisberg		✓
V. Chair. Schreiber-Beck		✓	Rep. Hager		✓
Rep. Heinert	✓				
Rep. Hoverson	✓				
Rep. D. Johnson		✓			
Rep. M. Johnson	✓				
Rep. Johnston		✓			
Rep. Longmuir	✓				
Rep. Marschall	✓				
Rep. Pyle		✓			
Rep. Strinden	✓				
Rep. Zubke	✓				

Total (Yes) 7    No 7

Absent 0

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

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

Date: 2-5-19  
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1249**

House Education Committee

Subcommittee

Amendment LC# or Description: 19.0803.01001

Recommendation:  Adopt Amendment .02000  
 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-Beck Seconded By Rep. D. Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	✓		Rep. Guggisberg		✓
V. Chair. Schreiber-Beck	✓		Rep. Hager	✓	
Rep. Heinert		✓			
Rep. Hoverson		✓			
Rep. D. Johnson		✓			
Rep. M. Johnson		✓			
Rep. Johnston	✓				
Rep. Longmuir		✓			
Rep. Marschall		✓			
Rep. Pyle	✓				
Rep. Strinden		✓			
Rep. Zubke		✓			

Total (Yes) 5 No 9

Absent 0

Floor Assignment FAILED

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

Date: 2-5-19  
 Roll Call Vote #: 3

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1249**

House Education Committee

Subcommittee

Amendment LC# or Description: 19.0803.01001  
.02000

- 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 A. Johnson Seconded By A. Zubke

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens		✓	Rep. Guggisberg		✓
V. Chair. Schreiber-Beck	✓		Rep. Hager		✓
Rep. Heinert	✓				
Rep. Hoverson	✓				
Rep. D. Johnson	✓				
Rep. M. Johnson	✓				
Rep. Johnston	✓				
Rep. Longmuir	✓				
Rep. Marschall	✓				
Rep. Pyle		✓			
Rep. Strinden	✓				
Rep. Zubke	✓				

Total (Yes) 10 No 4

Absent 0

Floor Assignment Rep. A. Marschall

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

Date: 2-12-19  
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1249

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. Zubke    Seconded By Rep. Longmuir

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens			Rep. Guggisberg		
V. Chair. Schreiber-Beck			Rep. Hager		
Rep. Heinert					
Rep. Hoverson					
Rep. D. Johnson					
Rep. M. Johnson					
Rep. Johnston					
Rep. Longmuir					
Rep. Marschall					
Rep. Pyle					
Rep. Strinden					
Rep. Zubke					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment VOICE VOTE

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

MOTION CARRIED

Date: 2-12-19  
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1249**

House Education Committee

Subcommittee

Amendment LC# or Description: See Below

- 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 Pyle    Seconded By Rep. Schreiber Beck

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	✓		Rep. Guggisberg		✓
V. Chair. Schreiber-Beck	✓		Rep. Hager	✓	
Rep. Heinert		A			
Rep. Hoverson		✓			
Rep. D. Johnson	✓				
Rep. M. Johnson		✓			
Rep. Johnston	✓				
Rep. Longmuir	✓				
Rep. Marschall	✓	✓			
Rep. Pyle	✓				
Rep. Strinden	✓				
Rep. Zubke	✓				

Total (Yes) 9    No 4

Absent 1

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

If the vote is on an amendment, briefly indicate intent:  
Remove strike for two and strike out underlined portions of three on line 17, page 1; and remove section 3

Date: 2-13-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1249**

House Education Committee

Subcommittee

Amendment LC# or Description: 19.0803.02001

*Title # 03000*

- 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-Beck Seconded By Rep. Pyle

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	✓		Rep. Guggisberg		✓
V. Chair. Schreiber-Beck	✓		Rep. Hager	✓	
Rep. Heinert	✓				
Rep. Hoverson		✓			
Rep. D. Johnson	A				
Rep. M. Johnson		✓			
Rep. Johnston	✓				
Rep. Longmuir		✓			
Rep. Marschall	✓				
Rep. Pyle	✓				
Rep. Strinden	✓				
Rep. Zubke	✓				

Total (Yes) 9 No 4

Absent 1

Floor Assignment Rep. A. Marschall

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

**REPORT OF STANDING COMMITTEE**

**HB 1249: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1249 was placed on the Sixth order on the calendar.

Page 2, line 21, remove the overstrike over "eight"

Page 2, line 21, remove "sixteen"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1249, as engrossed: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1249 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 15.1-06-04 and" with "section"

Page 1, line 2, remove "increasing teacher professional development days and"

Page 1, line 3, replace "requirements" with "youth behavioral health training"

Page 1, remove lines 5 through 24

Page 2, remove lines 1 through 16

Page 3, line 8, replace "Mitigation" with "Current or new behavior mitigation"

Renumber accordingly

**2019 SENATE EDUCATION**

**HB 1249**

# 2019 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Sheyenne River Room, State Capitol

HB 1249  
3/13/2019  
33657 (13:37)

- Subcommittee  
 Conference Committee

Committee Clerk: Lynn Wolf

## Explanation or reason for introduction of bill/resolution:

A bill relating to youth behavioral health training.

## Minutes:

No Attachments.

**Chairman Schaible:** Committee we will be hearing HB 1249.

**Representative Owens, Dist 17:** This bill does one simple thing – it includes in the option for training and professional development for teachers on PD days mitigating techniques for behavioral health. That is all this bill really does.

**Chairman Schaible:** Could you explain what behavioral mitigation techniques would be – give an example or something like that.

**Representative Owens:** I will be happy to based on my limited knowledge of the situation. The issue is teachers are encountering events – five or six years ago, it was give me a child and I – if I can teach him to read, I can teach him to do anything. Now, it is if I can teach him to self-control behavior, and if I can teach him to recognize how to deal with other people, I can teach him to read. That is what is going on in our schools right now. We aren't talking about high schools and middle schools; we are talking about elementary school. But, the teachers have not been trained, they haven't received any training in their education leading up to this – in college – in mitigation techniques to deal with these behavioral outbursts – banging your head against the wall, reaching over and just all the sudden punching out the student next to you in the stomach or face just to see what their reaction will be – screaming, pitching a fit in the middle of the floor – throwing things around the room. This causes the teacher to immediately – they have learned this mitigation technique – to protect the other children and get them out of the classroom until that child can get under control. In some cases, that means putting them in a chair, strapping them in that chair and taking him to another room where they are by themselves. This is what is going on out there. So, the teachers are looking for – or the superintendents I have talked to are looking for some information to help train the teachers on some of the things they can do to mitigate and to help respond to these behavioral outbursts and reactions so they know how they can handle that for multiple reasons – 1) one kids acts up, but 20 kids lose the opportunity to be educated because they have taken over the classroom – it affects all the kids, so it is not just about

that one child not being educated, it is about all the sudden, the whole class loses that educational time with the teacher because the teacher is having to deal with that single student. In some cases, the single student acts up and the others that just needed a leader join in and now you have three you have to deal with. Even with paras, sometimes in a mix because of a 504 or an IEP, there is a para in the room – that one para is not enough. In some cases, the child is so big, they can take on pretty much most of the staff in the school even though they are a fifth grader.

**Senator Oban:** Some of these behavior techniques aren't just for mitigation, but rather for prevention. Should this language include current or new behavior and mitigation techniques? Because really, ideally, you don't even mitigate, you prevent. I think a lot of the training tries to focus on getting ahead of those behaviors in the first place. We would want to make sure that that training would qualify towards these PD hours as well.

**Representative Owens:** I don't disagree with your analysis, but right now, they need mitigation techniques during and after the fact because it is happening. Exactly what you are talking about – school counselors and Special Education have started in some cases I am aware of working with the teachers to help – they pull the teacher aside and tell them – we know this child has some emotional problems. The sad thing about it is, the key people that need to be involved aren't – they used to be called parents. They are not involved in a large number of these. That is the biggest problem. We can't force them to be parents – they had a God given right to have children, but they don't have a right or knowledge to be a parent apparently. We don't have parents like we used to have. Preventive techniques are great, but we also need – this focus was – what do I do when it happens. That was the major question that kept getting asked. What are some techniques I can do to protect the other kids and to get this one to calm down and participate or remove this person?

**Senator Oban:** All I am saying is a lot of this training involves prevention, too. Which, I think we can all agree is better than mitigation. I assume we would want those kind of trainings to also qualify so that was all my question was – do we want that kind of training to also qualify or are we just focused on the mitigation part.

**Representative Owens:** Senator Oban, like I said, you are not incorrect, the focus that was I was approached with and the emphasis that I was given was that. Like I said, Special Education and some of them know these kids very well – the paras work with them every day and say, we know this kid has this and certain triggers set them off, so that is on the preventative side, but that doesn't always work, so

**Senator Marcellais:** On this behavior you are talking about, what I have been told from teachers and administrators, is the student didn't get their medications – that is why they are acting like that way. I don't see anything in this bill about that.

**Representative Owens:** In some cases, that may be accurate, but there are children that are on 504s and IEPs that are not on medication, they just have behavioral problems because of their wonderful home life – that was sarcasm by the way. Because of that, it is not solely

an issue of medication. You are right in some cases; it is a medication issue – but it by far is not the only reason.

**Senator Rust:** In all fairness, we have a number of parents who are engaged, who are also seeking answers to things. I mean, parents are having similar issues and it is not that all parents are bad, there are quite a number of them who are actually very, very, very good and I want to defend parents a little bit, too. Unfortunately, it seems like the percentage of parents who might be disengaged has gone up in past years and that might be for a variety of reasons that deal with things like maybe a broken home or some addition or everybody is working and nobody has time.

**Chairman Schaible:** And the question was what?

**Representative Owens:** My statement wasn't global – for all parents and obviously in my generation, kids were going to be ruined because the TV was their babysitter. Now we have the world babysitting. It is called Pintrist, it is called Facebook, it is called texting, it is called – I don't even know them all – I am sorry, I am not that generation. I can't name them all, but, that's who is raising some of these kids now.

**Chairman Schaible:** Any other testimony in favor of the bill?

(10:55) **Russ Zeigler, Asst. Director, ND Council of School Administrators:** NDCEL would like to stand in support of this bill for the reasons that Representative Owens has stated. Senator Oban, we don't disagree with adding that (prevention techniques) to the language, as well.

**Chairman Schaible:** Questions? Seeing none, thank you.

(11:23) **Elroy Burkle, Exec. Director, ND Small Organized Schools:** For the record, we support this bill. I agree with Senator Oban, the more we can do to prevent these occurrences, the better. I am going to go back to the small schools. We are limited in getting some of that information, so, the more we can do to prevent instances, the better.

(11:55) **Alexis Baxley, Exec. Director, ND School Boards Association:** We, too, support HB 1249 for the reasons previously stated and I would stand for any questions.

**Senator Oban:** I just have a question about continuing to add to this list which waters down your ability to – they are all pretty related, really, but – any concerns about continuing to add to the list, but never expanding hours.

**Alexis Baxley:** Absolutely. I think we have had that conversation on a number of bill this session where we are looking to add PD for really good reasons, but without extra hours that limits our ability to give teachers PD on teaching. Certainly it is a concern – at the same time we see the value in PD on these topics. Certainly, if there was funding existing to create that extra day we would absolutely be in support of it.

**Chairman Schaible:** Thank you. Any further testimony in support? Agency testimony? Testimony opposed to the bill? With that, we will close the hearing on HB 1249.

# 2019 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Sheyenne River Room, State Capitol

HB 1249  
3/18/2019  
33880 (4:15)

- Subcommittee  
 Conference Committee

Committee Clerk: Lynn Wolf
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## **Explanation or reason for introduction of bill/resolution:**

A bill relating to youth behavioral health training.

## **Minutes:**

No Attachments.
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**Chairman Schaible:** Committee, we are going to look at HB 1249. Senator Oban has passed out an amendment, so would you explain your amendment.

**Senator Oban:** Amendment 3001 would add just a couple of words into the new language proposed on page two. It would read current or new evidence based behavior prevention or mitigation techniques. I don't think anything that schools are doing just focuses on what are we doing in the middle of a situation to mitigate the effects. We probably want to prevent it, so it is just adding in language clarifying that we want to focus on both prevention and mitigation. That is the extent of the amendment. And, **I would move adoption of that amendment – 19.0803.03001.**

**Senator Rust: Second.**

**Chairman Schaible:** We have a motion and a second to adopt 19.0803.03001 amendment to the re-engrossed HB 1249. Other discussion. Hearing none clerk take the roll.

**Yeas: 7; Nays: 0, Absent 0.**

**Motion is adopted.**

**Motion by Oban, second by Rust to Do Pass as Amended.**

**Yeas: 7; Nays: 0, Absent 0.**

**Motion passes.**

**Senator Rust will carry the bill.**

19.0803.03001  
Title.04000

Prepared by the Legislative Council staff for  
Senator Oban

March 14, 2019

SK  
3/18  
181

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1249

Page 2, line 1, after "new" insert "evidence-based"

Page 2, line 1, after "behavior" insert "prevention or"

Renumber accordingly



Date: 3-18-19  
Roll Call Vote #: 2

2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1249

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 Oban Seconded By Rust

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:	✓	
Vice-Chairman Fors:	✓		Senator Oban:	✓	
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total (Yes) 7 No 0  
Absent \_\_\_\_\_  
Floor Assignment Rust

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

**REPORT OF STANDING COMMITTEE**

**HB 1249, as reengrossed: Education Committee (Sen. Schaible, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
Reengrossed HB 1249 was placed on the Sixth order on the calendar.

Page 2, line 1, after "new" insert "evidence-based"

Page 2, line 1, after "behavior" insert "prevention or"

Renumber accordingly

**2019 CONFERENCE COMMITTEE**

**HB 1249**

# 2019 HOUSE CONFERENCE COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

HB 1249  
4/8/2019  
34608

Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe
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## Explanation or reason for introduction of bill/resolution:

A bill relating to youth behavioral health training

## Minutes:

**Vice Chairman Cynthia Schreiber-Beck:** Conference committee opened on HB 1249. We can explain the reason behind the change before doing anything further.

**Sen. Oban:** Everything we have been moving towards with regard to behavioral health has been based on evidence-based strategies. My concern, when the bill sponsor brought it forward, was discussion about some schools using seclusion and restraint as a mitigation strategy. We know that is not best practice and that example led me to say that if these are the hours that we require of school district personnel to take for behavioral health training, then those strategies should be based on best practices. That is why I advocated for that change in language.

**Sen. Rust:** There is another change in here. The house amendment is the .03000 version?

**Vice Chairman Cynthia Schreiber-Beck:** I believe the .02001 version.

**Sen. Elkin:** It's the .02001 version.

**Sen. Rust:** It's the .03000 version that came to us. They had already taken out the three days to two days.

**Sen. Elkin:** Madam Chair, are we in agreement that we could take a vote and concur on this issue?

**Sen. Rust:** I think if the House accedes to our amendment, it's fine.

**Vice Chairman Cynthia Schreiber-Beck:** We can make a motion.

**Rep. LaurieBeth Hager:** I'll make a **motion to accede**.

**Vice Chairman- Cynthia Schreiber-Beck:** Rep. Hager has made a motion that the House accede to the Senate amendments. Is there a second?

**Rep. Michelle Strinden: Seconded.**

**Vice Chairman Cynthia Schreiber-Beck:** A Roll Call Vote was taken: **Yes 6, No 0, Absent 0.** A motion for the **House to accede to Senate Amendment** carries. House Carrier: **Rep. M. Strinden**, Senate Carrier: **Sen. D. Rust.**

The hearing was closed.



**REPORT OF CONFERENCE COMMITTEE**

**HB 1249, as reengrossed:** Your conference committee (Sens. Elkin, Rust, Oban and Reps. Schreiber-Beck, Strinden, Hager) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1281 and place HB 1249 on the Seventh order.

Reengrossed HB 1249 was placed on the Seventh order of business on the calendar.

**2019 TESTIMONY**

**HB 1249**

HB 1249  
1/15/19  
# 1

**TESTIMONY ON HB 1249**  
**House Education Committee**  
**1/15/19**

**By: Joe Kolosky, Deputy Director**  
**701-328-2295**

**North Dakota Department of Public Instruction**

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Mr. Chairman and Members of the Committee:

My name is Joe Kolosky and I am the Deputy Director of the Office of School Approval & Opportunity with the Department of Public Instruction. I am here to speak in favor of House Bill 1249 regarding extending the standard school professional development days from two to three.

Adding an additional built in day for professional development will fill a need in the field that has been expressed to my office for quite some time.

Superintendents, principals and teachers often call me asking how they can add additional professional development to their calendars as their needs are growing, especially within the areas of mental health, student engagement, continuous school improvement and technology training. This additional professional development day will most certainly fill this need.

Also, an additional professional development day may lower the number of requests for the Reconfiguration of Instructional Days Waivers my office processes. Many schools and school districts request a Reconfiguration of Instructional Days

#1 #B 1249  
1/15/19

Waiver to add professional development, as the current calendar does not account for needed professional development.

Currently, we have 112 Reconfiguration of Instructional Days Waivers on file. Of those waivers, 106 are for professional development, and six are for a four-day school week.

Chairman Owens and Members of the Committee, that concludes my prepared testimony and I will stand for any questions that you may have.

HB 1249  
1/15/19  
#2  
p1.

1/15/2019  
HB 1249 – PD Days – Testimony in opposition  
NDCEL – Aimee Copas

Chair Owens and members of the House Education Committee, my name is Aimee Copas – I serve as the Executive Director for the North Dakota Council of Educational Leaders representing K12 School Administrators and School Leaders throughout the state of ND. We stand before you today to discuss HB1249 and the rationale as to why we oppose the concept at this time.

In 2017, NDCEL worked carefully and with much collaboration with the Department of Health on the very section of century code in question. After many many surveys, conversations with House and Senate Human Services, NDDPI, and school leaders throughout the state, we amended and made century code as it is now after years of struggling with how this area of code had been interpreted from 2015-2017.

We arrived at an agreement in the last session that the portion of century code that dictated a mandated two days and that 8 hours per biennium would be dedicated to training in the areas listed was the most effective way to approach the issue as the issues in the PD areas in question are very much subject to issues within a local community. The need to be flexible in designing such training is critical. What the field has indicated to us is that the adjustments made to this portion of century code last session have been widely beneficial and we are beginning to see the real benefits of the modifications made. Although we are completely aware of the very positive intent behind this bill, we believe the adjustments made just two short years ago have proven to be so beneficial that additional amendments to this section of code seem unwarranted.

In addition to just that piece, we must discuss the unfunded mandate that this bill creates if enacted into law. Last session we discussed how moving century code to the place where it is right now was additionally geared in effectiveness and efficiency.

It is very important to note that schools are only compensated within the ND School Funding formula for 2 days of professional development. That is the key reason why

HB 1249  
1/15/19  
#2  
P2

the mandated 2 days has been in place for many years. Any mandate above that would constitute an unfunded mandate. Please allow me to dive into this a little deeper.

When a cost analysis was completed in our state in 2017, we uncovered the following information (note we are still using 2017 data as the per-pupil payment has not adjusted since 2017):

- Because of mandated training, over 75% of our districts are having to do more than the 2 funded days of professional development each year. These days are not funded in the formula and are a tremendous local cost burden. The mandated time by law in various areas encapsulates nearly all the time leaving important academic related PD left to be unfunded.
- Many areas of critical need are not addressed in a timely manner due to struggles with cost.
- Currently 65% of our schools have had to add additional professional development over and above the state paid 2 days – 100% of the districts reported their 2 paid days are currently full. Those who have been unable to schedule more cite that difficulty

### **Professional development cost**

With 68 Districts reporting in 2017, – we can extrapolate and make some general prediction on cost. Sums are approximate:

Statewide Cost to train teachers per day (only calculating based on the cost to pay them to be trained an additional day):

- Approximately \$4.5-5.5 million dollars per day

Statewide cost to train paraprofessionals per day

- Approximately \$850,000 per day

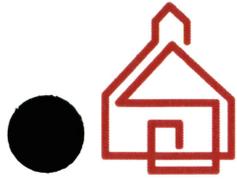
Statewide Cost to train classified staff

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- Approximately \$950,000 per day

Again, we are aware that everyone is grappling with how to manage through some of the struggles we are having in our state. Sometimes it truly does feel like we've accomplished something by saying that we are now requiring more training of our teachers, however, requiring that without considering supplemental funding or data that indicates that the additional training would warrant the results that might match the nearly 7 million dollar investment are the key reasons why our organization kindly encourages this body to recommend that we keep the relatively newly adjusted area code of century code the same and recommend a do not pass on HB 1249.

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**HB 1249**  
**Testimony of Alexis Baxley**  
**House Education Committee**  
**January 15, 2019**

Chairman Owens and members of the House Education Committee, my name is Alexis Baxley. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. NDSBA stands firmly in opposition to HB 1249.

While we are supportive of teacher professional development, we are concerned about the continuous increase in mandated hours in training not focused on teaching. We don't argue the importance of many of these topics, but we are running out of hours for teachers to continue developing their teaching skills.

Additionally, the cost of adding an additional day of PD will be significant for many districts – if they can find the substitute teachers necessary. We hope this committee and the legislature will consider the burden an additional day of professional development not funded by the state will place on districts as you evaluate these requirements.

NDSBA urges a Do Not Pass recommendation on HB 1249, and I would be happy to stand for any questions. Thank you.