

2019 HOUSE EDUCATION

HB 1531

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1531
1/29/2019
31629

- Subcommittee
 Conference Committee

Committee Clerk: Bev Monroe by Marjorie Conley
--

Explanation or reason for introduction of bill/resolution:

Relating to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria

Minutes:

Attachment 1, 2, 3, 4, 5, 6, 7

Chairman Owens: Open the meeting on HB 1531

Rep. Dennis Johnson: What we are trying to do here is allow for the noncore areas. The demand for teachers in the rural areas is great.

Chairman Owens: Any questions from the committee? Anyone else in support of HB1531?

Frank Schill, Superintendent, Edmore Public School: (See Attachment 1) end 10:00

Rep. Hoverson: Do you think that it would have been any less hard to teach kids if that teacher didn't have psychology courses?

Frank Schill: Potentially, it wouldn't. In my 31 years of education, I have observed first year teachers with all the course work necessary to be a teacher, walk into their classroom and struggle greatly to be an effective teacher.

Vice Chairman Cynthia Schreiber-Beck: Is there potential for usage of online instruction.

Frank Schill: It's situational. Edmore uses online course work extensively and I think that it is situational once again. Some course work is better served with the actual teacher in the classroom.

Chairman Owens: Others in support of HB 1531?

Dr. Paul Stremick, Superintendent, North Border School District: (See Attachment 2) HB 1531 allows people from the community on a short term basis, up to 4 years. Utilizing these individuals is not something that we want to do, it is something we have to do. If this option is not available, the students may not have access to these programs.

Chairman Owens: Anyone else in support of HB 1531?

Alexis Baxley, North Dakota School Boards Association: (See Attachment 3) Support HB 1531.

Elroy Burkle, Representative for Small Schools: This is a good start to address the teacher shortage in North Dakota. It is tough out in the rural education. Some people do not feel comfortable teaching in a rural area. It is not just a rural school problem, this allows an expansion. A recruitment of local individuals who you know have the passion to teach. I look at these as opportunities.

Chairman Owens: Any questions from the committee? If you went through all that why wouldn't you do it for the teacher shortage for the core subjects as well?

Elroy Burkle: I think that you have to have a starting point. Do I think that it could lead to that? One school that I was at, there was an engineer who could have possibly taught, but that would have qualified under the 4 year alternative licensing. So I think it is best to start here. This bill needs to be tweaked as we've heard and just work it through the process.

Lisa Feldner, NDCEL: (See Attachment 4) (21:45- 23:20) A Do Pass on HB 1531.

Chairman Owens: Any questions? Opposition?

Nick Archuleta, President of North Dakota United: (24:15-25:50) (See Attachment 5) urges a DNP

Chairman Owens: Are there any questions for the committee?

Vice Chairman- Cynthia Schreiber-Beck: Do you have a solution? Do you offer other solutions or some other mechanisms for the students?

Nick Archuleta: Yes there are some options. There was a paper that was prepared by Dr. Larry Skogen at BSC that talked about the number of graduates leaving education courses in North Dakota that are graduating with teaching degrees. I believe he mentioned in that paper that there are enough graduates to fill every position in North Dakota schools. The problem is they don't want to migrate to smaller schools. They choose the quality of life that small towns do not have to offer. Communities can make themselves more attractive to these folks coming out of school with a degree and that is a conversation for each individual community as they work to attract teachers to the profession.

Rep. Dennis Johnson: The community person being eligible to teach special education, that is still back to ESPB if they were to allow it not the community to allow that opportunity.

Nick Archuleta: You are absolutely right.

Rep. Dennis Johnson: Dr. Skogen's analogy of enough educated to fill the open slots but just emphasize that most of those folks that are graduating would want to be in larger areas.

Nick Archuleta: Where the larger schools used to get 50 applicants, now they are getting 5 or 10.

Rep. Daniel Johnston: What is the solution for a school that needs a welder and a woodworking teacher? What is the solution? I have not heard a solution yet.

Nick Archuleta: I would suggest that we do have virtual CTE now and that is something that they could avail themselves of. What can these communities do to make themselves more attractive?

Rep. Brandy Pyle: What is your opinion on the emergency licensing of teachers for example at central Cass. For three years we were without an agricultural teacher and we are in the heart of the Red River Valley. Even 20 miles from Fargo we failed to hire somebody until we had a stay at home mom who was an agronomist and she co-taught with one of our school board members. These school districts are doing everything they can to recruit qualified teachers, but we don't know what else to do. What is your suggestion?

Nick Archuleta: I don't think that we can assume that every community is doing everything that they can. In your case, there are options you can go to ESPB and get somebody with a different license for a period of time.

Rep. Pat D. Heinert: Could you explain to me how the classroom management happens while we are virtually teaching a welding or wood shop class and who is in the classroom to monitor that and for safety purposes?

Nick Archuleta: I am not certain who the school district puts in that class room to help monitor those virtual classes. That is a discussion for that particular school.

Rep. Pat D. Heinert: There is another person that has to be in that classroom?

Nick Archuleta: I would hope so. Yes, adult supervision is important.

Chairman Owens: Further questions from the committee? opposition?

Dr. Rebecca Pitkin, Executive Director, NDESPB: (See Attachment 6)

Chairman Owens: Are there any question from the committee?

Vice Chairman- Cynthia Schreiber-Beck: Is there a willingness to provide some amendments?

Dr. Pitkin: There has been a lot of conversation and one of them was the main piece, what would be the minimum qualifications for someone to be in the classroom as a community expert?

Chairman Owens: Any further questions?

Rep. Dennis Johnson: Your board is all certified teachers that make the decisions?

Dr. Pitkin: The ESPB? Yes.

Rep. Dennis Johnson: What we are trying to do is giving the students the opportunity.

Dr. Pitkin: I think our board recognizes what you are trying to accomplish, it is just the minimum. What is the minimum and how low will we go?

Rep. Dennis Johnson: I don't think that we are going that low.

Dr. Pitkin: But it isn't stating that in the bill so we didn't know.

Chairman Owens: Any further questions? Your second point accepting a bill which permits the suggested practices in the geographic area being rural comprises the equity to all students to have qualified teachers. Do you believe cancelling a class because they can't find a teacher does that not affect equity?

Dr. Pitkin: Of course it is better to have a teacher than no teacher.

Chairman Owens: Minnesota Tier 1 It says professional certification or 5 years of relevant work experience.

Rep. Daniel Johnston: Relevant work experience, wouldn't the superintendent be able to tell if that person would be a perfect fit for this situation.

Dr. Pitkin: Yes, we would just like to know exactly what they might think it would be. Relevant work can be defined in different ways.

Rep. Daniel Johnston: Isn't that the beauty of this bill?

Dr. Pitkin: Yes, I believe it is. I am speaking as a licensing agency and we license teachers and they send us the evidence.

Chairman Owens: What is the alternative licensing option? What is the policy there?

Dr. Pitkin: The policy is that if an individual has a 4 year degree and they want to teach math for instance, and they are an engineer, they would have 30 credits on their transcript in math or science and we would put them in the classroom.

Dr. Brenda Tufte, Chair, Graduate Education, University of Mary: (44:00-49:20)
(See Attachment 7)

Chairman Owens: Are there any question from the committee?

Rep. Pat D. Heinert: Can you correlate what a substitute teacher does that would be different or what this person coming to teach welding or woodworking would do that's different that a substitute teacher in a classroom for a day or a week or a month?

Dr. Tufte: ACTE is not in support of a substitute teacher teaching on a long term basis for the reasons that I testified. That is not something that ACTE is in support of.

Chairman Owens: Any further questions? Opposition? Neutral? Close hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1531
2/12/2019
32625

- Subcommittee
 Conference Committee

Committee Clerk: Bev Monroe by Marjorie Conley

Explanation or reason for introduction of bill/resolution:

Relating to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria.

Minutes:

Attachment 1

Chairman Owens: Opened the meeting.

Vice Chairman Cynthia Schreiber-Beck: Maybe the sponsors of the bill will want to comment as well, I spent considerable time with Rebecca Pitkin to get this massaged into something that is somewhat acceptable.

Rep. Guggisberg: Can you tell me what a Praxis content test is?

Vice Chairman Cynthia Schreiber-Beck: I can't, but if you take that test it gives you the right to be teaching.

Chairman Owens: **Rep. Longmuir** are you familiar with the Praxis. The Praxis is a subject area test in referenced to the teachers. All teachers have to take this test.

Rep. Longmuir: I do have experience where we did have to use it. We had a veterinarian that taught a biology class because we had a contract that wasn't turned in at the last minute. We had a substitute biology teacher for that class. She did go through the board process.

Rep. Ron Guggisberg: I don't think that there is a Praxis test on welding.

Chairman Owens: That was my very next question.

Rep. LaurieBeth Hager: I do not find one on welding but there are oodles of conscience areas. When I started this search I was concerned that it is only offered certain times of the year. But it says it is a continuous testing date. There is not one for welding but there is one for agriculture. We do not have one for automotive.

Rep. Dennis Johnson: Automotive and welding-these courses are all through the CTE program. There is already a program set up for mechanics, welding, carpenters. You can get credentialed to be a teacher if you have a trade that falls in that area. I don't care for the sunset clause.

Chairman Owens: The current bill says that the board may renew up to three times. I don't know why you would need that because they just do one year after one year forever, except for the sunset clause.

Vice Chairman Cynthia Schreiber-Beck: Remove the sunset clause as the bill sponsor. Adjusted and the amendment stands as written unless you have other comments. (Attachment 1)

Rep. Dennis Johnson: The reason the three years is put in the bill gives them time to get certified. They can start out the first year work on getting their certification so after three years either they have it or the program would be over for that individual. the way the amendments are now they would be able to continue on with no incentive to get to that level of certification.

Rep. Mary Johnson: 8:35 The original language of the statute talks about licenses, now we are talking about permits and then I just heard certification. What is a permit, what are the requirements or are we leaving that to the standards boards? How do you qualify for a permit?

Vice Chairman Cynthia Schreiber-Beck: The teaching license was denoted as a permit.

Rep. Mary Johnson: They get a permit and those three things.

Chairman Owens: That's an and for that part.

Rep. Mary Johnson: That's not the requirements of the permit. The permit that is issued and we still don't know the requirements of a permit are. I am willing to leave that to the standards boards.

Rep. Hoverson: I would like to see 5 a,b,c deleted. I think that it adds a lot of cumbersome for the school boards.

Vice Chairman- Cynthia Schreiber-Beck: If nobody requests this to the school board they won't need them. Right?

Rep. Hoverson: Explain the ands and ors.

Vice Chairman- Cynthia Schreiber-Beck: The ands and the ors, a,b,c, the 5 a,b,&c you have to have all three of them to get a permit issued. The or is about the preceding a,b,&c. Those are the requirements in order to even issue a permit, but then someone has to request that they want you.

Rep. Brandy Pyle: 12:00 I know that emergency teachers licenses are issued.

Chairman Owens: But before they issue an emergency, they have to go through those hoops. Clarify the amendment for everybody and move it or table it.

Vice Chairman Cynthia Schreiber-Beck: Rep. D. Johnson, where did you want to put three years to get a license?

Rep. Dennis Johnson: Was the three years not under consideration when you drafted the amendment?

Chairman Owens: 13:20 I understand that you have three years once you are under the emergency certification. You have three years to get the course work that you need to become a teacher.

Rep. Dennis Johnson: If you don't have your credentials in three years and if you don't have that in there the incentive is gone.

Rep. Zubke: Motion to adopt amendment.

Rep. D. Johnson: Seconded.

Chairman Owens: Does that language meet that requirement for you? Does everyone understand the amendment? We will take a voice vote on the amendment.

Voice Vote to adopt amendment carried.

Chairman Owens: What are the wishes of the committee?

Rep. Zubke: Moved a Do Pass on HB 1531 as amended.

Rep. Longmuir: Seconded.

Chairman Owens: Any discussion?

Roll Call Vote Yes 13 No 0 Absent 1

Rep. D. Johnson is the **Carrier**.

February 12, 2019

DA 2/12/19

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1531

Page 1, line 21, remove "An individual may teach any subject without a license issued by the board except"

Page 1, remove lines 22 through 24

Page 2, replace lines 1 through 13 with "An individual may teach part-time in any subject, except elementary education, mathematics, science, language arts, and social studies, if the individual has a permit issued by the board, has a high school diploma, and:

- a. Possesses at least two thousand hours of relevant work experience in the preceding five years in the subject area to be taught;
 - b. Possesses a certificate, license, or degree in the subject area to be taught; or
 - c. Achieves a passing score on the Praxis content test.
5. The board of a school district may authorize an individual to teach part-time under subsection 4 for one year, up to a maximum of three years, if:
- a. The administrator of a school within the district submits a written request to the education standards and practices board which indicates the administrator is unable to locate a qualified applicant and requests the education standards and practices board issue a permit;
 - b. The individual successfully completes a background check conducted by the education standards and practices board; and
 - c. The education standards and practices board issues a permit to the individual."

Renumber accordingly

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

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1531

House Education Committee

Subcommittee

Amendment LC# or Description: 19.1055.01002

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

Motion Made By Rep Zubke 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) _____ 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. 1531**

House Education Committee

Subcommittee

Amendment LC# or Description: 19.1055.01002

- 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 Zubke Seconded By Longmuir

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) 13 No 0

Absent 1

Floor Assignment Rep. D. Johnson

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

REPORT OF STANDING COMMITTEE

HB 1531: Education Committee (Rep. Owens, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1531 was placed on the Sixth order on the calendar.

Page 1, line 21, remove "An individual may teach any subject without a license issued by the board except"

Page 1, remove lines 22 through 24

Page 2, replace lines 1 through 13 with "An individual may teach part-time in any subject, except elementary education, mathematics, science, language arts, and social studies, if the individual has a permit issued by the board, has a high school diploma, and:

- a. Possesses at least two thousand hours of relevant work experience in the preceding five years in the subject area to be taught;
 - b. Possesses a certificate, license, or degree in the subject area to be taught; or
 - c. Achieves a passing score on the Praxis content test.
5. The board of a school district may authorize an individual to teach part-time under subsection 4 for one year, up to a maximum of three years, if:
- a. The administrator of a school within the district submits a written request to the education standards and practices board which indicates the administrator is unable to locate a qualified applicant and requests the education standards and practices board issue a permit;
 - b. The individual successfully completes a background check conducted by the education standards and practices board; and
 - c. The education standards and practices board issues a permit to the individual."

Renumber accordingly

2019 SENATE EDUCATION

HB 1531

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1531
3/12/2019
33604 (41:53)

- Subcommittee
 Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria.

Minutes:

Att. #1-Schill; Att. #2-Stremick; Att. #3-Ziegler; Att. #4 & Att. #5-Backman; Att. #6-Teevens; Att. #7-; Retterath; Att. #8-TGerras; Att. #9-Archuleta; Att. #10-Pitkin

Chairman Schiabe called the hearing on HB 1531 to order.

Representative Dennis Johnson, Dist 15: Representative Johnson introduced the bill referring to the bill.

Chairman Schaible: Questions? Thank you.

Frank Schill: Edmore Public School Superintendent: See Att. # 1.

Chairman Schaible: You just talked about getting by until we can find. What happens the next year – what does it say three-years on this?

Frank Schill: It would be three times to renew. After that, that person would not be utilized.

Chairman Schaible: They go in the salary schedule as a first year teacher?

Frank Schill: Yes.

Chairman Schaible: The rest follows that as you go forward.

Senator Rust: You indicated in your testimony, the ESPB would issue a permit. Page two section a line 10. When I looked it says school board may authorize and then one of the conditions is that the administrator submits a written letter to ESPB indicating they can't and requests them to issue a permit. Is that something they do now?

Frank Schill: I do not believe they do.

Senator Rust: This would be something new they would have to do.

Chairman Schaible: Other questions. Thank you.

Paul Stremick, North Border School District Superintendent: *See Att. # 2.*

(15:55) **Elroy Burkle, ND Small Organized Schools:** These two administrators said it all. This is a temporary solution to a long term problem. The more that we can do to help out kids in a temporary manner the better off we are. We all want to hire certified teachers, that would be a dream, that would be our goal, but my thirty plus years of experience went less and less and less. I teach ag. Three, four-years ago, there were no ag teachers. This might have helped some schools that maybe has some business in town that does some commercial welding, does construction, - at least it gives those kids an opportunity to develop their skills and trades. Otherwise, the door is locked or it gets used for a bus barn or it gets used for storage. That is what happens.

(17:34) **Russ Ziegler, Asst Exec. Director, ND Council of School Administrators:** *See Att. #3.*

(19:45) **Rod Backman, State Association of Non-Public Schools:** *See Att. 4 & Att. #5.*

(20:43) **Alexis Baxley, ND School Boards Association:** We stand in support of 1531. Boards are always appreciative of an extra tool to fill classrooms in needed classrooms in needed positions. Additional flexibility in this regard is one of the issues I hear most frequently from my members.

Chairman Schaible: Other testimony in favor of the bill. Agency testimony.

(22:02) **Gerry Teevens, Director of Special Education, Department of Public Instruction:** *See Att. #6.*

Chairman Schaible: Testimony in opposition to the bill.

(23:10) **Carly Ritterath, ND Council for Exceptional Children.** *See Att. #7.*

(26:51) **Katherine Terras, ND Association of Colleges for Teacher Education (NDACTE).** *See Att. #8.*

(30:14) **Nick Archuleta, ND United.** *See Att. #9.*

(31:56) **Brenda Tufte, ND Association of Colleges of Teacher Education (ACTE) Association.** I can get my testimony in three points and I would like to begin by saying that although our board voted to oppose this bill, there are things that we are much less concerned about in this bill than the previous bill. Primarily, because it is a temporary fix – it is not something that is permanent. When the license is given, there is a designation that it is a permit, not the same as a license that someone would get after going through a non-accredited program. It is also limited to the non-core, which our board appreciates and we

appreciate the addition of requiring background checks. We have two main concerns about this bill. First the clarity of what related experience is. It is very nebulous as it is written. There is concern that when the experience is not defined and at a high quality, that it actually could have the opposite effect and exacerbate the teacher shortage because you could be bringing in people who aren't qualified at all. When students see that, the idea of becoming a teacher isn't very appealing when you are taught by someone who is inept. The main concern we have of this bill is the inclusion of Special Education. You have heard testimony already that Special Educators are required to assess, diagnose, come up with programming for students who have disabilities in a number of areas. It is a highly complex process that requires highly complex training and technical training and so, that is our main concern with this bill. I look around this room and there are three people in this room who have children that have disabilities. Those children are our most vulnerable. They need the support and expertise to teach them well and they are also very gifted. You can have a disability and be very gifted some of our most high achieving professionals have disabilities and they were supported and diagnosed and taught by highly qualified teachers and able to overcome those disabilities. So, we really oppose the inclusion of Special Education and there was a lot of discussion in the House that that would be taken out and because it was not, we voted to oppose the bill.

(35:09) **Rebecca Pitkin, ND Standards and Practices Board (ESPB): See Att. #10.**

Senator Davison: ESPB licenses teachers. CTE certifies teachers. Can you help me understand that a little bit.

Rebecca Pitkin: What happens is that CTE has standards for CTE areas. ESPB does not because we have the stamp of approval to give and generate the license. It is a third party agreement. If someone has completed welding – they say the amount of hours are there, we don't do welding standards, we do things that – other things. CTE sends it over to us and then we have the capacity to put it on the license and punch in the code and hit issue. That the difference.

Senator Davison: They would go to CTE first?

Rebecca Pitkin: For those those things – those CTE areas, exactly.

Senator Davison: Before they came to you to be licensed.

Rebecca Pitkin: Right, absolutely. CTE determines those – that was what Mr. Schill was explaining.

Chairman Schaible: Other questions. Thank you. Any other testimony in opposition to the bill. Seeing none, we will close the hearing.

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1531
3/27/2019
34260 (13:50)

- Subcommittee
 Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria.

Minutes:

Att. #1-Rust

Chairman Schaible: Committee we are going to look at HB 1531.

Senator Rust: See Att. #1. Mr. Chairman, I do have an amendment for that bill. My amendment does the following: On page two of the bill, replace 2,000 hours with five years. Eliminate the words “preceding five years.” Essentially, the amendment does the same thing again. The exact same language as HB 1287 about a report on the number of teachers that we have the effectiveness, quality – where or not it is accomplishing the goals and to sunset it in four years. With that **I move a do pass of amendment 19.1055.02002.**

Senator Davison: Second.

Chairman Schaible: There is a motion and a second to adopt amendment .02002 to HB 1531. Any discussion?

Senator Oban: I missed the hearing for this bill. I am wondering if anybody asked the supporters of this if those schools that are really in a shortage are utilizing all the other tools they have available to them – whether it is online programs, ITV, - was that talked about at all?

Chairman Schaible: I can't say that it was asked, but I am assuming that they would. But, I guess it was directly discussed.

Senator Davison: A lot of the classes that they are asking to do this in on the first page – there probably isn't as much online as they would like. The example that was used was welding – again it is not that you can't do some welding lab on line, but, to have somebody there doing kind of training is probably more advantageous/

Chairman Schaible: Other discussion.

Senator Oban: Part time means they don't have a full time contract – is that what that means?

Senator Rust: Mr. Chairman, I did not change that – I left it at part time. On page one, there is exception for elementary education, math, science, language arts, social studies. Again my consternation, trepidation of that is that okay, for those classes you want a qualified teacher, but for the others, you don't care? I have something of a heartburn on that as well.

Senator Fors: You mean you have to have five-years of experience?

Senator Rust: Yes, if you are going to teach welding, let's say that is the class because that has been the one most referenced in this. I don't think that you want somebody with a – you know graduates from high school and teaches welding. You want something of a community expert is what that is. I don't think you want just anybody, you need to have some relative work experience and not just a little bit. I could probably – if I had to – teaching somebody welding, but I am not really a welder. I don't think I would do a very good job – I think you need to have some relative work experience.

Senator Oban: I know that there was a request to remove special ed. from this bill. Is that considered at all?

Senator Rust: As I recall, the testimony we got on that was that you can't do that anyway. You would violate the federal laws dealing with special ed.

Chairman Schaible: Would it hurt to take it out?

Senator Davison: I would be in favor of that.

Senator Elkin: I would too. That was the greatest concern that I heard in reference to this bill – dealing with special ed. issues.

Senator Rust: As I remember, I thought special ed. was in 1287 more so than in this bill – 1531.

Senator Davison: I think just for clarity sake; I think we should take the special ed. out. I can see where that may be somebody that would have some experience in working with kids that have special needs. I would prefer not to go there I guess.

Chairman Schaible: We can deal with it one of two ways – we can deal with this amendment and then add another one or we can take back your motion and relook at this and further amend. It is whatever you would like to do.

Senator Rust: No problem, I will take back the motion.

Chairman Schaible: Senator Davison?

Senator Davison: Yes, I will take back my second.

Chairman Schaible: We have the 2002 amendment we are looking at.

Senator Rust: What do you want me to do.

Chairman Schaible: If that is what your intention is, remove special education from line 10 on page one.

Senator Rust: I don't think you want to remove it from line 10, I think you want to add it to line 22.

Senator Oban: Yes, that's correct.

Chairman Schaible: It is your motion – or your amendment.

Senator Rust: Well, no, I haven't gotten there yet. In line 10, you are saying that they may teach those if they are licensed. Line 22 is where you don't want them to do it – right?

Chairman Schaible: That is fine.

Senator Rust: I think you would want to put special ed. in there whether you do it first or elementary education, special education, then math, science, language arts, and social studies. In other words, you are going to eliminate the possibility of a part time teacher teaching – who has – you might call a community expert from being able to teach that.

Chairman Schaible: So, do you have an amendment?

Senator Rust: Can I just add it to this?

Chairman Schaible: Yes.

Senator Rust: I would move a do adopt on amendment .02002 with the addition of the words special education on line 21 page one after the word education.

Senator Davison: Why wouldn't you remove it from line 10?

Chairman Schaible: Because that is where it says

Senator Rust: Provided the individual is licensed to teach. That is current law.

Chairman Schaible: We have a motion on an amendment, is there a second?

Senator Elkin: Second.

Chairman Schaible: We have a motion and a second on the further amended by 2002 which includes the addition of page one, line 21 after education to add special education Is there any other discussion?

Roll Call Vote: 6 Yeas; 1 Nay; 0 Absent.

Amendment 19.1055.02002 with the addition of the words “special education” on line 21 page one after the word “education” is adopted.

Chairman Schaible: Now before us, we have a further amended engrossed HB 1531.

Senator Rust: I move a Do Pass as amended for HB1531.

Senator Davison: Second.

Senator Oban: I can't help but think about if there would be a teacher shortage, if we didn't do everything in our power to not have school consolidate. It is like we are grasping at straws to keep thing in place the way it is. As somebody that grew up in a town of 600 people not far from Stanley, I understand why, but at some point, schools need to have those really hard discussions, and I think we are just perpetuating it with things like this.

Chairman Schaible: Senator Oban, I totally agree with you, except that being from one of those reorganized districts, right now, our range goes from 42 miles one way to about 50 the other way. To do another one of them, is it realistic.

Senator Oban: Oh yes, there are some schools that have already done that part.

Chairman Schaible: Like I said, I agree with you, but I am looking at the school district that I live in and that is where we are at. Our bus right now it is an hour and 25 minutes to pick up the first kid and put on four more and that is another hour. I agree with you – this should not be your first option by no means. I think we are discussing is should it be an option if there no other good choices. Other discussion?

Roll Call Vote on Do Pass on HB 1531` as amended: Yeas: 4; Nays: 3; 0 Absent.

Senator Rust will carry the bill.

SK
2/21
1/21

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1531

Page 1, line 3, after "criteria" insert "; to provide for a legislative management report; and to provide an expiration date"

Page 1, line 21, after "education" insert ", special education"

Page 2, line 1, replace "two thousand hours" with "five years"

Page 2, line 1, remove "in the"

Page 2, line 2, remove "preceding five years"

Page 2, after line 13, insert:

"SECTION 2. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT. The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and during the 2021-22 interim regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2023, and after that date is ineffective."

Renumber accordingly

Date: 3-27-19
Roll Call Vote #: 2

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1531

Senate Education Committee

Subcommittee

Amendment LC# or Description: 19.1055-02003

- 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 Davison

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

Total (Yes) 4 No 3

Absent 0

Floor Assignment Rust

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

REPORT OF STANDING COMMITTEE

HB 1531, as engrossed: Education Committee (Sen. Schaible, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1531 was placed on the Sixth order on the calendar.

Page 1, line 3, after "criteria" insert "; to provide for a legislative management report; and to provide an expiration date"

Page 1, line 21, after "education" insert ", special education"

Page 2, line 1, replace "two thousand hours" with "five years"

Page 2, line 1, remove "in the"

Page 2, line 2, remove "preceding five years"

Page 2, after line 13, insert:

"SECTION 2. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT. The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and during the 2021-22 interim regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2023, and after that date is ineffective."

Re-number accordingly

2019 CONFERENCE COMMITTEE

HB 1531

2019 HOUSE CONFERENCE COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1531
4/12/2019
34718

Subcommittee
 Conference Committee

Committee Clerk: Bev Monroe

Explanation or reason for introduction of bill/resolution:

A bill relating to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria

Minutes:

Attachment 1, 2, 3

Chairman Owens: (Attachment 1) The House didn't have any problem with your alternative teaching certificate and your report to legislative management or the expiration date. We did hear of an issue from the Senate that we wanted to bring up. To that end you have a suggested amendment in front of you. If the committee would allow, I would like to call somebody up to explain the purpose and the reason for this bill.

Sen. Rust: I think adding Special Education in there would be beneficial.

Chairman Owens: We don't have a problem with that.

Paul Stremick, Superintendent, North Border Public Schools: (Attachment 2) This handout is from the CTE website that talks about some of the trade industry and technical health science education and how these people can get certified.

Chairman Owens: The big issue was that the 2,000 hours was less than a year's experience. That is what the House had a problem with. I would like you to address this. If we were looking for the community experts and you wanted them to come in when you couldn't find anybody, it seems that you would hire somebody that had been in the community for a few years.

Paul Stremick: That is correct. One year would be less than what a sub would have (two years of college). It would be fine with it going to 4,000 hours. It was just a starter at the 2,000 hours.

Chairman Owens: Any questions for Mr. Stremick?

Sen. Schaible: What would you look at as a compromise between the hours? This says four but you wanted two.

Paul Stremick: We initially started off with two because it is temporary but if you want them to show that they have knowledge in that content area, we thought two was enough and four would be acceptable.

Sen. Schaible: Can you give me several examples of a profession or a person you have applications for and dwell on the examples of people in your community?

Paul Stremick: One of the positions we have open is Family and Consumer Science and we have had trouble in the past and have not filled it for a couple of years in the past. It's an example of where you would be able to get someone who's worked in the community (restaurant owner, manager, cook, etc.) where we could recruit them and they could come in and do some of the cooking in the Family and Consumer Science.

Sen. Schaible: You are the one who decides this. You can recommend it to the board and they decide that. You are the one doing the leg work. You on the board have the final say so you think that 2,000 or 4,000 hours is enough to put someone in a classroom.

Paul Stremick: Yes. We will know the person and I know that we are not asking for it but I will also be sending the person to the transition to teaching as well. That is part of the 15 credits that CTE requires. We want to give them the skills that they succeed.

Sen. Schaible: Would you consider that to be required? Maybe a superintendent is not that particular and they might not do that and it should be required?

Paul Stremick: I would not be opposed to it. I would enroll them in that program. I have had a number of teachers do that. In speaking with Dr. Bitz from Mandan, he informed me that two of the last six teachers of the year in Mandan went through this program. They started their education career with nothing in education and they have now been recognized as the Teacher of the Year.

Sen. Rust: What you have on your handout, you have a minimum of fifteen semester hours prior to receiving a five-year certificate and HB 1531 does not lead to a certificate. After three years it can't be used any more. Is that correct?

Paul Stremick: That is correct.

Chairman Owens: You can use this for three years, but if they follow this in CTE during that time, they can become a teacher.

Paul Stremick: This is for things like welding, construction tech, etc. I had mentioned Consumer Science and this option is not available. That's why we have the other bill. We want to make something similar to that available but with a sunset where they aren't permanent. The intention of showing this to you was 8,000 hours is what's required for CTE and the fifteen credits. I believe the amended version had 10,000 hours which was more than what these people would need.

Sen. Rust: Looking at HB 1531, it is to satisfy a shortage area for one year with the extension to three years and after that there will be a qualified instructor. It was never to bring somebody in with community experience and lead to a teaching license.

Chairman Owens: I was just confirming what the bill did; I wanted to make sure it was just temporary.

Sen. Rust: It is a temporary fix in this bill to my understanding.

Sen. Schaible: Paul, could you explain that minimum 15 semester hours of the clinical practice program?

Paul Stremick: We enroll the students in the transition to teaching out of Valley City. They go to Valley City and take classes, do practicums, etc. They are out of school a couple of days a month with the training. It gives them some of the educational background of how to get ready. In the past ESPB and Higher Ed got together and did a boot camp. Those things are very important for those people who have never been in a classroom.

Chairman Owens: Any further questions or comments?

Sen. Oban: (Attachment 3) I think this goes to the temporary discussion; it was brought to my attention that we use the word 'permit' in here and ESPB has no ability to regulate or give permits unless we give them the authority to do that. This would be a further amendment to give ESPB the authority to have permits and licenses. Keeping two different categories of permit and licenses allows them to track better how many are given out, what the results are, etc.

Sen. Rust: I haven't seen this amendment, so I need some time.

Chairman Owens: Sen. Oban, am I to understand that you are replacing the five years?

Sen. Oban: This amendment incorporates what the Senate's changes were. We can discuss that as well.

Chairman Owens: We talked about the first part, but on the amendment that I handed out, that second part deals specifically with the Senate issue that came up in reference to the 'and' and 'or' parts.

Sen. Rust: I think I am amenable to decreasing the number of hours. Right now the Senate version has five years and I could go to lesser hours over five years. I think the addition of special education from what we heard is a non-starter because of the federal regulations, etc., that would essentially prohibit that. I know what the amendments do, but I don't know what the effect on the bill is.

Chairman Owens: When I got this bill back from the Senate, the only reason I didn't object to special education, the report to legislative management or the sunset. That wasn't the issue. The reason I didn't concur was the issue with 'and' and 'or' and the five years.

Sen. Rust: I do want special education in there because it is an exception.

Chairman Owens: I was concerned with that also.

Representative Denton Zubke: That would be a question from me to Senator Oban or to the Senate. Are you comfortable with going to 4,000 hours and the preceding five years?

Sen. Rust: I think we are probably close on that one.

Chairman Owens: We'll close the hearing on HB 1531.

2019 HOUSE CONFERENCE COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1531
4/17/2019
34807

Subcommittee
 Conference Committee

Committee Clerk: Bev Monroe

Explanation or reason for introduction of bill/resolution:

A bill relating to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria; to provide for a legislative management report; and to provide an expiration date.

Minutes:

Chairman Owens: Opened the hearing on HB 1531.

Sen. Rust: We met on the .02004 version and there is a bit of cosmetics in that I took your suggestion and enumerated those in divisions like 'a' has a permit issued by the board, 'b' has a high school diploma, 'c' changes the 2,000 to 4,000 hours over a five-year period of time and then goes to subsection 1, which is 'possesses a certificate, license or degree and subsection 2, achieves a passing score. I did take into account the previous amendment that the board may adopt rules to administer this section. I eliminated the section that made references to 15.1-13-25 and 26, which is what ESPB probably wanted. I eliminated those because they all talked about teacher's licenses and revocation of teaching license and this bill gets nowhere near teaching license. It is a permit. I did not see why those should be in there or if they are it should have been restated and I replaced it with that the board of a school board may terminate the employment of an individual with a teaching permit issued under the section at will. You capture that with a teacher, but someone who is not a teacher the board can terminate. They could probably do it without line 7 but this just makes it clear that they can.

I'm look at 15.1-13-25 which says teaching license action by board causes - after holding a public hearing in accordance with chapter 2832, the board may issue a written warning reprimanding the individual, suspend the individual's teaching license or revoke the individuals teaching license, and this bill is all about a permit. I don't understand why you would want to reference teaching licenses in it.

Chairman Owens: In that section where it says the board - I believe there it is referring to the ESPB Board and not the school board.

Sen. Rust: On line six it is the board, meaning the ESPB board, may adopt rules to administer teaching permits. On line seven it is the board of a school district - may terminate.

Sen. Oban: Although those two references to Century Code do deal with licenses, that is what ESPB does, and now we are asking them to do this with permits. To say that ESPB gives them a permit but then all the authority to discipline lies with the school board that hires them. That would mean

that somebody could get a permit, be fired by a school district but still maintain that permit because ESPB can't do anything about it.

Chairman Owens: That borders on my question, Sen. Oban.

Sen. Oban: I would have a problem with taking out that we tell ESPB they give the permit but then their hands are off of everything else.

Sen. Rust: My understanding is that this a community expert doing this? Why would a community expert be going someplace else?

Sen. Oban: We are giving them the permit, they can. If they have the permit and go somewhere else – if a school board decided to terminate their employment.

Sen. Rust: My estimation would be if that local school board is doing their job they are going to check on this individual. If they find that another school board has terminated that person it would weigh heavily into whether or not they would employ that person.

Sen. Oban: With all due respect, there are teachers who get passed around from school district to school district because school boards and/or superintendents don't do that checking.

Chairman Owens: That was part of a particular bill we had earlier.

Sen. Rust: I'm going to move the amendment but I am also amenable to somebody else bring another amendment in to add that if they so wish.

Chairman Owens: My concern is that ESPB has certifications and they are the licensing people. Then they have license and they are the responsibility organization. We are requiring them to submit the permit. It just seems like this would be the board that would fire them or do away with the permit. I don't have a problem with leaving the 'board of a school district may terminate the employment of an individual with a teaching permit issued under this section at will', but upon termination ESPB will review and possibly revoke the permit. Or, would we say 'the ESPB board'.

Sen. Rust: Can what you are asking about fall under line 6 – the board may adopt rules to administer teaching permits? That could be done there.

Chairman Owens: I do agree with you; it could be done there.

Sen. Rust: I think it is a board that will administer those permits and I think they can put in there how you get them and how you lose them.

Chairman Owens: That is a good point, I was ignoring line 6.

Sen. Oban: If we could ask ESPB to come forward.

Chairman Owens: Dr. Pitkin, could you come up and answer a question or two?

Dr. Becky Pitkin: I'm sorry, what was the question?

Sen. Oban: If we were to adopt line 6, where it says the board may adopt rules to administer teaching permits under this section, does that also give you the authority to revoke as you would under sections 15.1-13-25 and 26?

Dr. Becky Pitkin: For licenses, it is in Century Code. That is one of the responsibilities of the board. I would need to check with Allison Hicks to see if that gave us the same power. They are all separately in Century Code. In Century Code it talks about if there is a felony it is automatic revocation. It is one of the broad responsibilities of our board.

Sen. Rust: What we are doing in this bill is using the word 'permit' for the first time, is that correct?

Dr. Becky Pitkin: Permit has not been used before.

Sen. Rust: We are essentially creating something new, so you may adopt the rules to administer that. I would think that would mean you could adopt rules for giving it and taking it away.

Dr. Becky Pitkin: We do have a few rules to write after this session.

Chairman Owens: Dr. Pitkin, do you agree with that?

Dr. Becky Pitkin: If we are given the authority, we will do it.

Representative Denton Zubke: Can we just add the words after administer and revoke? So the board may adopt rules to administer and revoke teaching permits?

Dr. Becky Pitkin: I don't think we would go right to revocation. There are other disciplinary actions that one takes. It seems like the word discipline might cover a multitude of various offenses, since revocation is reserved for the most serious and generally with a felony.

Sen. Rust: Doesn't administer cover it?

Chairman Owens: It would agree.

Dr. Becky Pitkin: Another concern we had was that this doesn't give us any right to charge a fee, because we only charge fees for licenses. This would cover fees also so that we could charge a fee.

Chairman Owens: Any other questions?

Sen. Rust: I see line 6 as being fairly broad.

Chairman Owens: Any further comments or questions?

Sen. Rust: I would **move** that the **Senate recede from its amendments and amend as follows - 19.1055.02005.**

Sen. Davison: Seconded it.

Chairman Owens: Any further discussion?

A **Roll Call Vote** was taken: **Yes 6, No 0, Absent 0.** A motion for the **Senate to recede** from its **amendments and amend as follows** passes.

House Carrier: Rep. Owens

Senate Carrier: Sen. Rust

April 15, 2019

DR 4/17/19
1 of 2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1531

That the Senate recede from its amendments as printed on pages 1419 and 1420 of the House Journal and page 1175 of the Senate Journal and that Engrossed House Bill No. 1531 be amended as follows:

Page 1, line 3, after "criteria" insert "; to provide for a legislative management report; and to provide an expiration date"

Page 1, line 21, remove "part-time"

Page 1, line 21, after "education" insert ", special education"

Page 1, line 22, replace "has a" with ":

a. Has a"

Page 1, line 23, replace ", has" with ":

b. Has"

Page 1, line 23, replace ", and:" with an underscored semicolon

Page 2, line 1, replace "a." with "c."

Page 2, line 1, replace "two" with "four"

Page 2, line 1, after "hours" insert "over five years"

Page 2, line 1, remove "in the"

Page 2, line 2, remove "preceding five years"

Page 2, line 2, after the underscored semicolon insert "and"

Page 2, line 3, replace "b." with "(1)"

Page 2, line 4, replace "c." with "(2)"

Page 2, line 5, remove "part-time"

Page 2, after line 13, insert:

"6. The board may adopt rules to administer teaching permits under this section.

7. The board of a school district may terminate the employment of an individual with a teaching permit issued under this section at will.

SECTION 2. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT. The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and during the 2021-22 interim regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is

accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

00-117/11
2012

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2023, and after that date is ineffective."

Renumber accordingly

**2019 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1531 as (re) engrossed

House Education Committee

- Action Taken**
- HOUSE accede to Senate Amendments
 - HOUSE accede to Senate Amendments and further amend
 - SENATE recede from Senate amendments
 - SENATE recede from Senate amendments and amend as follows
 - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen. Rust Seconded by: Sen. Davison

Representatives			Yes	No	Senators			Yes	No
	4-12	4-17				4-12	4-17		
Chairman Owens	X	X	X		Sen. Rust	X	X	X	
Rep. Zubke	X	X	X		Sen. Davison	X	X	X	
Rep. Guggisberg	X	X	X		Sen. Oban	X	X	X	
Total Rep. Vote			3	0	Total Senate Vote			3	0

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Rep. Owens Senate Carrier Sen. Rust

LC Number 19.1055 . 02005 of amendment

LC Number _____ . 04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

HB 1531, as engrossed: Your conference committee (Sens. Rust, Davison, Oban and Reps. Owens, Zubke, Guggisberg) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1419-1420, adopt amendments as follows, and place HB 1531 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1419 and 1420 of the House Journal and page 1175 of the Senate Journal and that Engrossed House Bill No. 1531 be amended as follows:

Page 1, line 3, after "criteria" insert "; to provide for a legislative management report; and to provide an expiration date"

Page 1, line 21, remove "part-time"

Page 1, line 21, after "education" insert ", special education"

Page 1, line 22, replace "has a" with ":

a. Has a"

Page 1, line 23, replace ", has" with ":

b. Has"

Page 1, line 23, replace ", and:" with an underscored semicolon

Page 2, line 1, replace "a." with "c."

Page 2, line 1, replace "two" with "four"

Page 2, line 1, after "hours" insert "over five years"

Page 2, line 1, remove "in the"

Page 2, line 2, remove "preceding five years"

Page 2, line 2, after the underscored semicolon insert "and"

Page 2, line 3, replace "b." with "(1)"

Page 2, line 4, replace "c." with "(2)"

Page 2, line 5, remove "part-time"

Page 2, after line 13, insert:

"6. The board may adopt rules to administer teaching permits under this section.

7. The board of a school district may terminate the employment of an individual with a teaching permit issued under this section at will.

SECTION 2. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT. The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and during the 2021-22 interim regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether

Insert LC: 19.1055.02005
House Carrier: Owens
Senate Carrier: Rust

the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2023, and after that date is ineffective."

Renumber accordingly

Engrossed HB 1531 was placed on the Seventh order of business on the calendar.

2019 TESTIMONY

HB 1531

HB 1531
1-29-19
1

Testimony
House Bill 1531
House Education Committee
By Frank Schill
Superintendent of Edmore Public School

Chairman Owens, Members of the House Education Committee:

I am Frank Schill, Superintendent of Edmore Public School. I am here to testify in favor of HB 1531 thus expanding the ability of local school districts to hire local experts to teach noncore subjects.

This bill would allow a local school board to hire what they would consider a local expert to teach a noncore subject after they have proven that they have actively sought qualified licensed applicants without success.

The local expert would be placed on the salary schedule and would receive benefits per the districts negotiated agreement but the license would be temporary and could only be renewed three times. The individual would not receive continuing contract rights as the district would still be obligated to seek a licensed applicant each year.

I would ask that the following amendments be made to the present bill:

Line 4 a. – The individual teaches as a community expert ~~in a geographical location~~ in which a teacher shortage or critical need exists, as determined by the board ~~in consultation with the superintendent of public instruction,~~ upon written request by the board of a school district to the board: and

b. The individual **shall complete at least one of the four:**

(4) Demonstrates necessary ~~teaching experience in a field for which there is no license~~ content knowledge in a field for which there is no license.

5. The board of a school district must provide proof of searching for a licensed candidate.

The intent of this bill is not to replace licensed teachers but rather provide the continued offering of classes to students by hiring a local expert when a licensed teacher cannot be found.

In closing I urge you to support HB1531 so that local school boards may continue to provide programs and classes to their students when licensed staff cannot be hired.

Thank you for the opportunity to submit this testimony. If I can respond to any questions, or if I can provide any more information that may be useful to you, I would be most happy to do so.

HB 1531
1-29-19
#2

House Education Committee

Re: HB 1531 Community Expert

Date: January 29, 2019

The Honorable Mark Owens
State Representative
State Capitol Building
600 East Boulevard
Bismarck, ND 58505-0360

Chairman Owens and Members of the House Education Committee:

My name is Dr. Paul Stremick, Superintendent of the North Border School District. I am here to support HB 1531. We know this is the first draft of the bill and you will massage it and make it better in the end.

In November, I attended a conference in Washington DC and was informed there were over 100,000 teaching positions in the country that were filled with individuals who were not highly qualified teachers. This illustrates the teacher shortage problem that exists across the country and in North Dakota. It also tells us that other states are allowing for individuals to be in the classroom without a formal teaching background. HB 1531 provides an opportunity to utilize people from the community on a short term basis, up to four years. Utilizing these individuals is not something we want to do; it is something we have to do. If this option is not available, the students may not have access to some of these programs.

A few years ago, ESPB and DPI formed a Teacher Shortage Retention and Recruitment task force. The task force recommended the approval of a "community expert." However, after working on changing the administrative rules to allow such individuals in the classroom, we were informed state law prohibited individuals without a four year degree to be in the classroom. HB 1531 would rectify that issue and allow them in the classroom. We have heard for years there is a teacher shortage, but there have been no significant measures to assist school districts. Again, HB 1531 would provide some

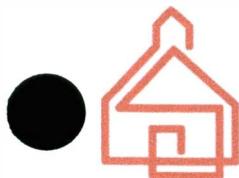
HB 1531
1-29-19
#2

short term assistance while a long-term solution is hopefully produced.

In the past, the North Border School District did not offer FACS classes because we were unable to secure a certified teacher. Then for few years were able to secure a certified teacher. Unfortunately, North Border is again looking a FACS teacher for the 2019-20 school year. If we cannot find a certified teacher and HB 1531 does not pass, we will be forced not to offer the classes again which will have a negative impact on our students.

I do not envy the task that lies in front of you. However, I am confident that you will do what is best for the children of North Dakota. Thank you for the opportunity to submit this testimony. I would be happy to answer any questions or provide more information if you would like.

HB 1531
1-29-19
#3



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

P.O. Box 7128
Bismarck ND 58507-7128
1-800-932-8791 • (701)255-4127
www.ndsba.org

HB 1531
Testimony of Alexis Baxley
House Education
January 29, 2019

Chairman Owens and members of the House Education, 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. I am here today in support of HB 1531.

This bill lays out a process for temporary authorizing a "community expert" to teach noncore subjects. North Dakota is still facing a teacher shortage in many areas. We believe this change would give districts flexibility and increased options in finding teachers and offering electives. My members would greatly appreciate this change.

Additionally, we believe the process and standards laid out in the bill ensure the integrity of the teaching profession will be maintained. Finally, the one-year renewal period ensures districts will continue looking for a licensed teacher or the community expert make significant progress in the coursework necessary to obtain teaching credentials.

For these reasons, NDSBA stands in support of HB 1531 and encourages this committee to give it a do pass recommendation. Thank you for your time, and I will stand for any questions.

Lisa Feldner

HB 1531
1-29-19
#4



HB 1531 – Teacher flexibility in Non-Core Subjects
NDCEL 1/29/19

Good morning – Chairman Owens and members of the House Education Committee, I am here today representing NDCEL which is the organization which encompasses our K12 school superintendents, principals, county superintendents, CTE Directors, Technology Leaders, REA Directors, Business officials, Special Education Directors, Athletic Directors, Instructional Coaches, among others.

The flexibility in this bill is truly meant to help answer to some REAL issues that we are having in our small schools. While the teacher shortage is greatly impacting everyone, in some parts of our state – in rural/remote schools – the problem has entered into a critical mode in some courses. 4 years ago, many concerned individuals came together in a task force to discuss the ability in certain cases to be able to have a stop-gap opportunity in place to ensure that students could still receive instruction in certain specialty areas during the time frame while a school continued to recruit a qualified teacher. Some of the folks at the table were ESPB, NDDPI, NDSBA, NDCEL, NDUnited, Higher Ed, among others. We discussed the teacher shortage and the concept of a stop-gap approach, at the time we were referring to this as the community expert. This is a concept that is alive in law in a similar form in Minnesota (*MN Statute 2016, Section 122A.06*). During that time, our organization supported this concept as having a qualified professional come in and assist a couple hours a week was a better scenario than no class at all. This ability would be limited in the time allowed (*this was a short-term solution*), and the school would be actively recruiting a teacher the whole time.

Here is an example – lets' say that a school lost its business instructor and this semester the courses offered are accounting and wealth management. Unable to find a teacher, the superintendent is able to recruit a local business professional – perhaps a banker or accountant to come to the school 2-4 hours per week to assist. We understand this person does not have the teacher's education courses to be a highly qualified teacher, but the board would be able to determine if the person might have the content knowledge to assist, in this example it seems clear. I could continue to list for you additional examples. On occasion we even have individuals in our schools that can assist in areas that aren't their specialty for a short time – for example in courses like welding, FACS, music, foreign languages, etc.

NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education for all students in North Dakota.



HB 1531
1-29-19
#4

We recognize that this is not the perfect scenario, but on occasion it is the choice between this scenario and no teacher.

One point of clarification that school leaders believe is needed (*possible amendment*) is that in identifying the core courses (*Pg. 1 lines 21-22 of the bill*), that would automatically exclude elementary teachers as well as their instruction is primarily core all day long.

Finally – the clearest piece of justification is this – currently it is allowable and common practice for ESPB to allow a long-term substitute teacher to serve for up to a year in any of these areas. This could be any person that qualifies as a substitute teacher REGARDLESS of their professional experience. We don't see this piece of flexibility to be any different than a long term substitute teacher with the exception that this person – the “community expert” is very likely to be more qualified in the subject matter than the long term substitute that is currently allowed. This provision, however, would allow school districts hire that person and offer them some benefits if they need to be there full time (a recruitment tool) - a piece that is not allowed with a substitute teacher.

We hope that before going down this route, that school districts will have exhausted every option through CTE Virtual Center, the Center for Distance Education, etc. But when all have been exhausted, we believe that this choice is preferred to no instruction at all.

We hope you consider a DO PASS on HB 1531.

HB 1531
1-29-19
#5



Great Public Schools

Great Public Service

**Testimony Before the House Education Committee
HB 1531
Tuesday, January 29, 2019**

Chairman Owens and members of the Committee, I am Nick Archuleta and I am the president of North Dakota United. On behalf of our 11,500 members, I rise today to urge a DO NOT PASS recommendation for HB 1531.

HB 1531 is another, "anyone can teach," bill with its origins in the failed, Community Experts plan that was foisted on the Education Standards and Practices Board a few years ago. That plan allowed anyone with an interest in the subject matter to teach courses in that area. HB 1531 is no better. Our members have many concerns with this proposed legislation, including:

- A "community expert" will be able to teach Special Education;
- The 2000 hour requirement amounts to less than eight hours a week over a five year period and only an hour and a half of "relevant work experience" per work day;
- What constitutes, "relevant work experience" and who decides that it is so;
- There is no requirement for any sort of instruction in classroom management, child or adolescent psychology, or prior classroom experience.
- The community expert has four years -assuming the individual is renewed three times- to meet the requirements. One can earn a teaching degree in that time.
- HB 1531, like all community expert schemes, cheapens the value of the degrees earned, and skills developed, by professional educators across North Dakota.

For these reasons, Mr. Chairman and members of the Committee, I urge you to render a DO NOT PASS recommendation for HB 1531. I am happy to stand for any questions you may have.



HB 1531
1-29-19
#6



January 29, 2019
Education Standards and Practices Board
Dr. Rebecca Pitkin
House Bill 1531
Testimony

Chairman Owens and members of the House Education Committee, my name is Rebecca Pitkin and I am the Executive Director of the Education Standards and Practices Board. I am here representing our board, which has members from various education stakeholder groups. Our board is in opposition to HB 1531, a bill relating to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria. Our board discussed HB 1531 during a special board meeting January 28, 2019. The discussion which ensued garnered the following comments:

- The board recognizes the sentiment of the bill and its desire to improve the teacher shortage, yet the language within this bill does not meet the non-negotiable of ESPB, “what is best for kids”.
- Accepting a bill which permits the suggested practices in a geographical area deemed rural compromises the goal of an equitable education with all students having qualified teachers. Where a student lives should not dictate the quality of their education.
- Having an educator’s license provides to the public reassurance, if not a guarantee, the licensees have met certain standards and coursework in both content and pedagogy. The bill as written does not specify the standards which will determine “relevant work experience” or the minimum training or schooling an individual must complete prior to teaching.
- The required education proposed in the bill could be less than ESPB requires for a substitute teacher. Currently to qualify for a substitute license, an individual must have a minimum of 48 credits on a transcript or a 2-year degree, as well as a background check.

- The bill does not indicate how many of these teachers a district could have. Would it be a percentage of their total staff or a certain number based on student population? In its currently written format the bill makes no mention of this; therefore, it could be possible for an entire staff of teachers to fall under the language used by the bill.
- It is our understanding the bill was modeled after the Tier 1 license in Minnesota. A Tier 1 license in Minnesota requires a bachelor's degree in all subjects except Career and Technical Ed and these candidates must have an AA degree, professional certification, or 5 years of relevant work experience. Five years of relevant work experience is equal to 10,000 hours.
- Lack of clarity regarding how elementary education fits into the language in the bill.

In preparation for this testimony, multiple conversations have taken place to clarify the wording of the bill as well as the fact that ESPB believes Special Education should be added to the core. Conversation has also taken place regarding the definition of the word "board". It is evident a regional shortage exists within our state, yet HB 1531 as written is not the answer to this challenge.

This concludes my testimony and I stand for any questions.

HB 1531
1-29-19
#4

Testimony against HB 1531

Testimony by Dr. Brenda Tufte, Chair of Graduate Education at the University of Mary in Bismarck, ND and member of the ND Educational Standards and Practices Board. I am here today representing the North Dakota Association of Colleges of Teacher Education, which is all of the private and public colleges and universities in North Dakota that offer teacher preparation programs.

Mr. Chairman and Committee,

Thank you for the opportunity to speak today.

The North Dakota Association of Colleges of Teacher Education has many concerns about HB 1531 as written.

- There are no degree requirements or minimum credit requirements
- Unclear definitions of what qualifies as related work experience
- Multiple references to "the board" without clarity about which board is being referenced
- The 2,000 hour work experience requirement is equivalent to only about one year of experience
- There is no requirement for background checks
- No required assessment of the skills or readiness level of the teacher and no required student teaching internship
- No support for helping the teacher build content knowledge and teaching skills
- Lowers the status of teaching as a profession

We prepare teachers in K-12 PE, Art, Special Education, Music, and other areas, we are also working to elevate the profession to attract high quality teachers. When we are no longer concerned with upholding education as a profession, we will stop attracting professionals. A bill that says that anyone can step in and be a teacher, may help temporarily fill a handful of positions in the state, but in the long run could do more damage to ongoing efforts to build the pipeline of high quality teachers for our state. The answer to the rural teacher shortage is to incentivize people in rural communities to go into teaching or incentivize teachers to go to rural areas. Student loan forgiveness, scholarships, and free or reduced housing are some incentive examples. Lowering the standards of our profession is not the answer. In the long run, it creates inequity for students in our state and exacerbates the teacher shortage problem by lowering, rather than elevating, the profession.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1531

Page 1, line 3, after "criteria" insert "; and to provide an expiration date"

Page 1, line 21, remove "An individual may teach any subject without a license issued by the board except"

Page 1, remove lines 22 through 24

Page 2, replace lines 1 through 13 with "An individual may teach part-time in any subject, except elementary education, mathematics, science, language arts, and social studies, if the individual has a permit issued by the board, a high school diploma, and:

- a. Possesses at least two thousand hours of relevant work experience in the preceding five years in the subject area to be taught;
 - b. Possesses a certificate, license, or degree in the subject area to be taught; or
 - c. Achieves a passing score on the Praxis content test.
5. The board of a school district may authorize an individual to teach part-time under subsection 4 for one year if:
- a. The administrator of a school within the district submits a written request to the education standards and practices board which indicates the administrator is unable to locate a qualified applicant and requests the education standards and practices board issue a permit;
 - b. The individual successfully completes a background check conducted by the education standards and practices board; and
 - c. The education standards and practices board issues a permit to the individual.

SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 2021, and after that date is ineffective."

Renumber accordingly

Testimony
House Bill 1531
Senate Education Committee
By Frank Schill

Superintendent of Edmore Public School
Governing Board Member, NDSOS

HTS 1531
3-12-19
AH # 1
p. 1 of 1

Chairman Schaible, Members of the Senate Education Committee: David Rust, Kyle Davidson, Jordan Kannianen, Erin Oban, Shawn Vedaa

I am Frank Schill, Superintendent of Edmore Public School. I also serve as a governing board member of the North Dakota Small Organized Schools organization. I am here to testify in favor of HB 1531, thus expanding the ability of local school districts to hire local experts to teach noncore subjects.

This bill would allow a local school board to hire what they would consider a local expert, to teach a noncore subject, after they have proven that they have actively sought qualified licensed applicants without success.

The local expert would be placed on the salary schedule and would receive benefits per the district's negotiated agreement, but the license would be temporary and could only be renewed three times. The individual would not receive continuing contract rights as the district would still be obligated to seek a licensed applicant each year.

I would ask that the following amendment be made to the present bill:

Line 4 – The individual may teach ~~part-time~~ in any subject, except elementary education, mathematics, science, language arts, and social studies, if the individual has a permit issued by the board, has a high school diploma, and:

The intent of this bill is not to replace licensed teachers, but rather provides the continued offering of classes to students by hiring a local expert when a licensed teacher cannot be found.

In closing I urge you to support HB1531 so that local school boards may continue to provide programs and classes to their students when licensed staff cannot be hired.

Thank you for the opportunity to submit this testimony. If I can respond to any questions, or if I can provide any more information that may be useful to you, I would be most happy to do so.

HB 1531
3-12-19
AH #2
p.1 of 2

Senate Education Committee

Re: HB 1531 Community Expert

Date: March 12, 2019

The Honorable Donald Schaible
State Senator
State Capitol Building
600 East Boulevard
Bismarck, ND 58505-0360

Chairman Shaible and Members of the Senate Education Committee:

My name is Dr. Paul Stremick, Superintendent of the North Border School District. I am here to support HB 1531. This bill addresses the teacher shortage issue that has been around and is not going away any time soon. As mentioned earlier, I would ask that the part-time requirement be removed from the bill.

In November, I attended a conference in Washington DC and was informed there were over 100,000 teaching positions in the country that were filled with individuals who were not highly qualified teachers. This illustrates the teacher shortage problem that exists across the country and in North Dakota. It also tells us that other states are allowing individuals to be in the classroom without a formal teaching background. HB 1531 provides an opportunity to utilize people from the community on a short term basis. Utilizing these individuals is not something we want to do; it is something we have to do. If this option is not available, the students may not have access to some of these programs.

A few years ago, ESPB and DPI formed a Teacher Shortage Retention and Recruitment task force. The task force recommended the approval of a "community expert." However, after working on changing the administrative rules to allow such individuals in the classroom, we were informed state law prohibited individuals without a four year degree to be in the classroom. HB 1531 would rectify that issue and allow them in the classroom. We have heard for years there is a teacher shortage, but there have been

no significant measures to assist school districts. Again, HB 1531 would provide some short term assistance while a long-term solution is hopefully produced.

In the past, the North Border School District did not offer FACS classes because we were unable to secure a certified teacher. Then for few years were able to secure a certified teacher. Unfortunately, North Border is again looking a FACS teacher for the 2019-20 school year. The position has been advertised for over six weeks and we have no applicants. If we cannot find a certified teacher and HB 1531 does not pass, we will be forced not to offer the classes again which will have a negative impact on our students.

I truly believe I could find a local person who could do an adequate job while we continue to search for a fully licensed teacher. The North Border School District has hired teachers working through the transition to teaching program in the past, and we have had good success with them. There is no guarantee that these individuals will be successful, but it has been my experience that there is no guarantee that a highly qualified teacher will be successful.

In the House Education Committee we heard testimony in opposition to this bill. However, no one offered an alternative or viable solution that could assist school districts in the short term.

I do not envy the task that lies in front of you. However, I am confident that you will do what is best for the children of North Dakota. Thank you for the opportunity to submit this testimony. I would be happy to answer any questions or provide more information if you would like.



HB 1531
3-12-19
AH #3
p1 of 2

HB 1531 – Teacher flexibility in Non-Core Subjects
NDCEL 3/12/2019

Good afternoon – Chairman Schaible and members of the Senate Education Committee, I am here today representing NDCEL which is the organization which encompasses our K12 school superintendents, principals, county superintendents, CTE Directors, Technology Leaders, REA Directors, Business officials, Special Education Directors, Athletic Directors, Instructional Coaches, among others.

The flexibility in this bill is truly meant to help answer some REAL issues that we are having in some of our smaller schools. While the teacher shortage is greatly impacting everyone, in some parts of our state – in rural/remote schools – the problem has entered into a critical mode in some courses. Four years ago, many concerned individuals came together in a task force to discuss the ability in certain cases to be able to have a stop-gap opportunity in place to ensure that students could still receive instruction in certain specialty areas during the time frame while a school continued to recruit a qualified teacher. Some of the folks at the table were ESPB, NDDPI, NDSBA, NDCEL, NDUnited, Higher Ed, among others. We discussed the teacher shortage and the concept of a stop-gap approach, at the time we were referring to this as the **community expert**. This is a concept that is alive in law in a similar form in Minnesota (*MN Statute 2016, Section 122A.06*). During that time, our organization supported this concept. As having a qualified professional come in and assist a couple hours a week was a better scenario than no class at all. This ability would be limited in the time allowed (*this is a short-term solution*), and the school would be actively recruiting a teacher the whole time.

Here is an example – lets' say that a school lost its business instructor and this semester the courses offered are accounting and wealth management. Unable to find a teacher, the superintendent is able to recruit a local business professional – perhaps a banker or accountant to come to the school 2-4 hours per week to assist. We understand this person does not have the teacher's education courses to be a highly qualified teacher, but the board would be able to determine if the person might have the content knowledge to assist, in this example it seems clear.

I could continue to list for you additional examples. On occasion we even have individuals in our schools that can assist in areas that aren't their specialty for a short time – for example in courses like welding, FACS, music, foreign languages, etc.



HB 1531
3-12-19
AH #3
p. 2 of 2

We recognize that this is not the perfect scenario, but on occasion it is the choice between this scenario and no teacher.

Finally – the clearest piece of justification is this – currently it is allowable and common practice for ESPB to allow a long-term substitute teacher to serve for up to a year in any of these areas. This could be any person that qualifies as a substitute teacher REGARDLESS of their professional experience. We don't see this piece of flexibility to be any different than a long term substitute teacher with the exception that this person – the “community expert” is very likely to be more qualified in the subject matter than the long term substitute that is currently allowed. This provision, however, would allow school districts hire that person and offer them some benefits if they need to be there full time (a recruitment tool) - a piece that is not allowed with a substitute teacher.

We hope that before going down this route, that school districts will have exhausted every option through CTE Virtual Center, the Center for Distance Education, etc. But when all have been exhausted, we believe that this choice is preferred to no instruction at all.

We hope you consider a DO PASS on HB 1531.

HB 1531
3-12-19
Att #4
p.1 of 1

Senate Education Committee

March 12, 2019

HB 1531

Chairman Schaible and members of the committee, my name is Rod Backman here today representing the State Association of Non-Public Schools (SANS).

The SANS group is supportive of this legislation but believes we may have been inadvertently left out of the language in HB 1531. This chapter of the Century Code deals with teacher qualifications which includes non-public school teachers. However, the amendment language in this bill on page 2 uses the word "district" which typically implies it applies to public schools.

If I am interpreting the language correctly non-public teachers are subject to this chapter of the century code but are excluded from this amended language in HB 1531.

We have attached a proposed amendment to address this issue and ask for your consideration of this amendment.

Chairman Schaible, I am happy to take any questions you may have.

Thank you.

Rod Backman

rbackman@bis.midco.net

400-2076

HB 1531
3-12-19
A# #5
p10f1

PROPOSED AMENDMENT TO SENATE BILL NO. 1531

Page 2, line 5, after "school district" insert "or the administrator of a non-public school"

Page 2, line 7, after "within the district" insert "or the administrator of a non-public school"

Renumber accordingly

HB 1531
3-12-19
AH#6
p.1 of 1

**AGENCY TESTIMONY ON HB 1531
SENATE EDUCATION COMMITTEE**

March 12, 2019

By: Gerry Teevens, Director of Special Education

701-328-2277

North Dakota Department of Public Instruction

Mr. Chairman and Members of the Committee:

My name is Gerry Teevens and I am the Director of Special Education with the Department of Public Instruction (DPI). I am here to provide agency testimony for HB 1531.

We would like to respectfully ask that Special Education be added to the subsection on page 1, lines 21-23 as a subject that cannot be taught under the provisions of this bill. We feel that Special Education is a highly specialized field, and only a person that is fully trained should be teaching it.

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



NORTH
DAKOTA

The voice and vision of special education

H/3/BEJ
3-12-19
AH #J
p.1 of 2

SB 1531- Opposed

Chairman Schaible, Vice Chairman Fors and Members of the Education Committee,
For the record my name is Carly Retterath, I am here representing the North Dakota Council for Exceptional Children in opposition of this bill.

A lack of qualified teachers to fill positions in our rural North Dakota schools leaves many of our district's leaders facing the debate of filling positions with under trained staff or not filling them at all. To address the chronic teacher shortage, requires stakeholders to take a systematic approach that is multifaceted and long-term not just a quick fix. We acknowledge, rural schools need to be given opportunities to fill positions for the time being while as a state we must look seriously at long term solutions or we will continue to face and perpetuate these shortages at increasing rates. However, including special education as an allowable area to teach within Senate Bill 1531 will only continue to perpetuate North Dakota's teacher shortage resulting in students with and without disabilities not receiving the education they deserve and perpetuating staff turnover. The North Dakota Council for Exceptional Children opposes special education being included in Senate Bill 1531 for the following reasons:

I request your opposition to this bill for the following reasons:

- The federal Individuals with Disabilities Education Act section 300.156 (c) stipulates that individuals teaching special education must hold a minimum of a bachelor's degree in addition to their special education licensure for their state. Senate Bill 1531 is only requiring a high school level diploma falling short of the federal minimum requirement and in turn putting our state out of compliance.
- The students within special education require individualized programming and support to meet their unique educational needs. Staffing special education positions with under trained staff that do not have the knowledge of how to remediate instruction and support social emotional needs will impede the ability of students to reach their full developmental and academic potential and hinder the districts goal of having student's college and career ready.
- Special education teachers are tasked many important responsibilities which include assessing and placing students into special education services, safely intervening with

HB 1531
3-12-19
AH #7
p.2 of 2

individuals that are in crisis, provide guidance and direction to support staff, and facilitating collaboration between various stakeholders. Allowing individuals with no formal special education training could result in the failure to identify students in need of special education services or inaccurately labeling students with disabilities, unsafe handling of students in crisis, poor management of support staff, and adversarial relationships with families and outside agencies. This will be a significant detriment to all!

With rapid increase in students and an inadequate supply of preservice special education teachers, this teacher shortage continues to exacerbate at an alarming rate. We propose rather than perpetuating an inadequate system as a state we need to create incentives for individuals to enter the field and provide them with the skills and training they need to be successful, for the sake of students and staff alike.

Carly Retterath
Special Education Programs Coordinator
Morton Sioux Special Education Unit
901 Division St. NW
Mandan, ND 58554
(701)751-6500
(701)751-6683 fax

HB 1531
3-12-19
AH #8
p1 of 2

March 12, 2019

Hello! My name is Dr. Katherine Terras, and I am here today representing the Special Education committee for the North Dakota Association of Colleges for Teacher Education (NDACTE). **We are against HB 1531 with the inclusion of Special Education.**

Special Education is governed by the federal special education law, Individuals with Disability Education Act (IDEA). This ensures that students with disabilities are a protected class.

Teaching students with disabilities requires a unique set of knowledge, skills and dispositions for professional practice. To provide assurance that special educators are prepared to assist students with disabilities in making progress, preparation programs must adhere to established standards set by the Council for Exceptional Children (CEC; see Appendix). In fact, ND's Educational Standards and Practices Board (ESPB) requires alignment to CEC standards in order for teacher education programs to be approved.

Federal special education law (IDEA) allows for provisions of due process as a civil rights law. As such, violations of providing special education services under IDEA can be filed with the Office of Special Education as well as the Office of Civil Rights (OCR). It is the position of the Special Education committee that Office of Civil Rights violations will increase if community experts are simply given a permit to teach our most vulnerable population of students. To illustrate, in 2017 a new landmark case, *Endrew F. v. Douglas County School District*, was heard by the U.S. Supreme Court. This case has raised the bar for special education for the first time in decades (since 1982's *Board of Education v. Rowley*). The U.S. Supreme Court ruled that **students must be making progress, no matter their challenges**. Quality instruction and intervention delivered by licensed/credentialed professionals are paramount for students with disabilities to make this progress as required for a free appropriate public education (FAPE). No longer is 1982's *Board of Education v. Rowley* the court case of reference that cited "some educational benefit."

https://www.supremecourt.gov/opinions/16pdf/15-827_0pm1.pdf

There is a special trust endowed by the community and recognized by professional licensure for educating individuals with disabilities. The reality is, the students who need the most well prepared teachers would now be taught by individuals with as little as a permit. The outcomes for individuals with disabilities will ultimately

be impacted by educators who are ill-prepared to meet their unique educational needs. Consequently, it is highly unlikely **students will make progress, no matter their challenges, as ruled by the U.S. Supreme Court.**

Appendix

Council for Exceptional Children Training Standards

Initial Preparation Standard 1: Learner Development and Individual Learning Differences

1.0 The program requires beginning special education professionals understand how exceptionalities may interact with development and learning and use this knowledge to provide meaningful and challenging learning experiences for individuals with exceptionalities.

Initial Preparation Standard 2: Learning Environments

2.0 The program requires beginning special education professionals create safe, inclusive, culturally responsive learning environments so that individuals with exceptionalities become active and effective learners and develop emotional well-being, positive social interactions, and self-determination.

Initial Preparation Standard 3: Curricular Content Knowledge

3.0 The program requires beginning special education professionals use knowledge of general and specialized curricula to individualize learning for individuals with exceptionalities.

Initial Preparation Standard 4: Assessment

4.0 The program requires beginning special education professionals use multiple methods of assessment and data sources in making educational decisions.

Initial Preparation Standard 5: Instructional Planning and Strategies

5.0 The program requires beginning special education professionals select, adapt, and use a repertoire of evidence-based instructional strategies to advance learning of individuals with exceptionalities.

Initial Preparation Standard 6: Professional Learning and Ethical Practice

6.0 The program requires beginning special education professionals use foundational knowledge of the field and their professional ethical principles and practice standards to inform special education practice, to engage in lifelong learning, and to advance the profession.

Initial Preparation Standard 7: Collaboration

7.0 The program requires beginning special education professionals collaborate with families, other educators, related service providers, individuals with exceptionalities, and personnel from community agencies in culturally responsive ways to address the needs of individuals with exceptionalities across a range of learning experiences. (ESPB, 2017b, p. 67).



Great Public Schools

Great Public Service

**Testimony Before the Senate Education Committee
HB 1531
Tuesday, March 12, 2019**

Chairman Schaible and members of the Committee, I am Nick Archuleta and I am the president of North Dakota United. On behalf of our 11,500 members, I rise today to urge a DO NOT PASS recommendation for HB 1531.

HB 1531 is another, "anyone can teach," bill with its origins in the failed Community Experts plan that was foisted on the Education Standards and Practices Board a few years ago. That plan allowed anyone with an interest in the subject matter to teach courses in that area. HB 1531 is no better. Our members have many concerns with this proposed legislation, including:

- A "community expert" will be able to teach Special Education;
- The 2000 hour requirement amounts to less than eight hours a week over a five year period and only an hour and a half of "relevant work experience" per work day;
- There is no definition of what constitutes "relevant work experience;"
- There is no requirement for any sort of instruction in classroom management, child or adolescent psychology, or prior classroom experience;
- The community expert has four years -assuming the individual is renewed three times- to meet the requirements. One can earn a teaching degree in that time.
- HB 1531, like all community expert schemes, cheapens the value of the degrees earned, and skills developed, by professional educators across North Dakota.

For these reasons, Mr. Chairman and members of the Committee, I urge you to render a DO NOT PASS recommendation for HB 1531. I am happy to stand for any questions you may have.

March 13, 2019
Education Standards and Practices Board
Dr. Rebecca Pitkin
House Bill 1531
Testimony

Chairman Schaible and members of the House Education Committee, my name is Rebecca Pitkin and I am the Executive Director of the Education Standards and Practices Board. I am here representing our board, which has members from various education stakeholder groups. Our board is in opposition to HB 1531, a bill relating to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria.

- The board recognizes the sentiment of the bill and its desire to improve the teacher shortage, yet the language within this bill does not meet the non-negotiable of ESPB, “what is best for kids”. Our board also recognizes the amendments made in the House.
- Having an educator’s license provides to the public reassurance, if not a guarantee, the licensees have met certain standards and coursework in both content and pedagogy. When parents send their students to school, they assume they will be taught by trained teachers in all subjects, not by an individual who has a minimum of a high school diploma.
- The bill does not specify the standards which will determine “relevant work experience” or the minimum training or schooling, other than a high school diploma, an individual must complete prior to teaching. Some states when pressured to “lower the bar” and look at “relevant work experience” define it as: one year of experience credit for every two years of full-time relevant non-teaching work experience completed before the individual earned a bachelor’s degree. The work experience in this bill is far lower.
- The required education proposed in the bill is less than ESPB requires for a substitute teacher. Currently to qualify for a substitute license, an individual must have a minimum of 48 credits on a transcript or a 2-year degree, as well as a background check. This bill requires no training at all, content or pedagogy, no training in classroom management, building positive relationships with students, understanding diverse learners, nor educator ethics. It is no secret boundary violations occur in our profession and the potential of minimizing the age differential is troubling.

- The bill does not indicate how many of these teachers a district could have. Would it be a percentage of their total staff or a certain number based on student population? The bill makes no mention of this; therefore, it could be possible for multiple “teachers” to fall under the language used by the bill.
- It is our understanding the bill was modeled after the Tier 1 license in Minnesota. A Tier 1 license in Minnesota requires a bachelor’s degree in all subjects except Career and Technical Ed and these candidates must have an AA degree, professional certification, or 5 years of relevant work experience. Five years of relevant work experience is equal to 10,000 hours. A recent article in the St. Paul Pioneer Press (March 4, 2019) summarizes the struggles this state now faces because of their “lowering standards for some teachers”-and the ongoing challenge of bringing the standards up.
- One of the tenets of ESSA is a well-rounded education and included in its description of well-rounded are the very areas where teachers would not be required to have a degree, but instead a permit.

There are examples of rural districts which have shortages but have proactively addressed the shortages by describing the benefits of their district in the job ad, have crafted positive narratives about their community, and have a strategic plan with their board to recruit, train, and retain effective teachers. They work hard to keep salaries high enough to be competitive. One rural district has a professional development program which includes a promissory note for tuition, books and fees for advanced degrees. The note is paid back by service. A quick fix is not best for students, even if the core is protected.

Special Education should be added to the core. It was a suggested addition when the bill went before the House. Our most challenged students need the most highly trained teachers.

Numerous studies speak to the power of an effective teacher and document the most important factor affecting students learning: the teacher. The immediate and clear implication is we need to put trained individuals in classrooms for all children in all subjects. This bill does not meet the ESPB non-negotiable of “what is best for kids”.

This concludes my testimony and I stand for any questions.

March 25, 2019

HB 1531
3-27-19
Att #1
p 1 of 1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1531

Page 1, line 3, after "criteria" insert "; to provide for a legislative management report; and to provide an expiration date"

Page 2, line 1, replace "two thousand hours" with "five years"

Page 2, line 1, remove "in the"

Page 2, line 2, remove "preceding five years"

Page 2, after line 13, insert:

"SECTION 2. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT. The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and during the 2021-22 interim regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2023, and after that date is ineffective."

Renumber accordingly

HB 1531
4-12-19
#1

HB 1531

Page 1, line 23 after Social Studies replace , with .

Beginning with Page 1, line 23 delete "If the individual"

Page 1, line 24 delete

Page 1, lines 1 -4 delete

Page 1, line 24 insert, after Social Studies. Insert.

if the individual has:

- a. a permit issued by the board;
- b. has a high school diploma;
- c. Possesses at least 4000 hours over five years of relevant work experience in the subject area to be taught; and,
- d. Possesses a certificate, license, or degree in the subject area to be taught or achieves a passing score on the Praxis content test.

TRADE, INDUSTRY, TECHNICAL AND HEALTH SCIENCES EDUCATION

HB1531
4-12-19
#2

Instructional Staff

Minimum Instructional Staff Qualifications

A. Traditional

EXPERIENCE

- a. Instructors shall have a minimum of four years (8,000 hours) of progressive work experience in the occupation to be taught within the past eight years. Successful passage of an approved competency examination may be substituted for one year (2,000 hours) of work experience. Individuals who have earned two or more semester hours of instruction in an approved specialized secondary program within the last five years could receive credit towards work experience. One hour of instruction could equal one hour of the needed work experience.
- b. Credit for up to two years (4,000 hours) will be given to those completing an approved specialized postsecondary training program within the past five years. In occupations governed by a licensing agency or board, instructors shall hold a current valid license at the time of teacher licensure.

PREPARATION

- a. Trade, Industry, Technical, and Health Sciences Education (T&I) instructors shall hold a high school diploma or its equivalent.
- b. Secondary Health Sciences Education instructors shall be graduates of an accredited school in an appropriate health sciences area acceptable to the Department of Career and Technical Education.
- c. All secondary Trade, Industry, Technical, and Health Sciences Education instructors shall complete a minimum of 15 semester hours of the approved Clinical Practice Program prior to receiving a five-year certificate.

B. No Praxis Test is available for the testing option.

FIVE YEAR RENEWAL

The succeeding renewal of the five-year license/certificate requires verification of a minimum of six (6) semester hours of college or university credit earned within the dates of the license/certificate. All five-year licensed teachers shall participate in sixty-four (64) clock hours of in-service related to the teaching field during the five (5) year teaching period. Those instructors holding a lifetime licensure are exempt from this requirement. Professional Development Conference, licensed workshops, continuing education units (CEU), or licensed factory work sessions related to their field of instruction are accepted. Example: Attending technical sessions of a preapproved professional development conference would count towards the 64 hours needed. Other work sessions may be accepted upon approval by submitting the work session description to the Trade,



OCCUPATIONAL WORK EXPERIENCE VERIFICATION
 Department of Career and Technical Education
 SFN 50986 (11/03)

HB 1531
 4-12-19
 #2

State Capitol 15th Floor
 600 East Boulevard Ave Dept 270
 Bismarck ND 58505-0610
 Phone 701-328-3180
 Fax 701-328-1255

One of the requirements for granting a credential and/or certificate to teach career and technical education classes is the verification of successful paid occupational experience in the specific program area to be taught. This form is to verify your work experience history and must be attached to the Application for Career and Technical Education Certificate/Credential/Endorsement (SFN 5415) and submitted to CTE.

Completed by Applicant

Name	Telephone Number
Home Address (City, State, Zip Code)	

Completed by Employer (Return to Applicant)

Employer	Telephone Number	
Address (City, State, Zip Code)		
The above named applicant was employed as: (job title)	Total hours of employment in job position:	
Description of job duties:		
Above named applicant was employed by us From: _____ To: _____ (Month/Year) (Month/Year)		
Comments (optional):		
Authorized Signature	Title	Date

The State Board for Career and Technical Education does not advocate, permit, nor practice discrimination on the basis of sex, race, color, national origin, religion, age, or disability as required by various state and federal laws.

April 11, 2019

HB 1531
4-12-19
#3

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1531

That the Senate recede from its amendments as printed on pages 1419 and 1420 of the House Journal and page 1175 of the Senate Journal and that Engrossed House Bill No. 1531 be amended as follows:

Page 1, line 3, after "criteria" insert "; to provide for a legislative management report; and to provide an expiration date"

Page 1, line 21, after "education" insert ", special education"

Page 2, line 1, replace "two thousand hours" with "five years"

Page 2, line 1, remove "in the"

Page 2, line 2, remove "preceding five years"

Page 2, after line 13, insert:

"6. The board may adopt rules to administer this section.

7. An individual who receives a permit under this section is subject to sections 15.1-13-25 and 15.1-13-26.

SECTION 2. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT. The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and during the 2021-22 interim regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2023, and after that date is ineffective."

Renumber accordingly