

**2019 SENATE EDUCATION COMMITTEE**

**SB 2199**

# 2019 SENATE STANDING COMMITTEE MINUTES

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

SB 2199  
2/5/2019  
32165

- Subcommittee  
 Conference Committee

Committee Clerk: Lynn Wolf

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

A bill relating to teaching licensing in areas of documented shortages of teachers.

## **Minutes:**

Att. #1 Pitkin; Att. #2-Ziegler

**Chairman Schaible:** We will open the hearing on SB 2199.

**Senator Wardner, Dist. 37:** I bring before you SB 2199, a request of a constituent, someone that is a professor at Dickinson State University (DSU). The situation is there is an individual in the education program at DSU who is very gifted. This young lady had a traumatic injury when she was younger and she can't do math. Everything else, she is fantastic in. It would be a shame if this opportunity would not have an opportunity to be a teacher and work with young people. We need good teachers. What this does, is allow ESPB an alternative access license with a documented disability – that is the first part. It also allows an individual the ability to teach in areas where documented shortages of regularly licensed teachers exist. That is the second area, but the part that pertains to this individual is that “with a documented disability and the individual is unable to meet the requirements of the test – that is what we are talking about in the cause of the individual that I am putting this in for to the content specific test in the content area to be assigned, but who is otherwise qualified to teach. This young lady is – she could teach other areas, it is just because of this accident, and it would be documented that she is unable to function in the area of mathematics. Dr. Pitkin is here, too, she has some ideas that maybe needs to be tweaked – it is alright, I think they are in agreement with this particular concept and I am okay with it as long as this young lady gets to teach.

**Chairman Schaible:** Who is going to define the “documented disability?” Is that one of the problems?

**Senator Wardner:** It might be, you may have to do it or it would have to be the board at ESPB.

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

**Rebecca Pitkin, Exec. Director, ESPB: See Attachment #1.**

**Chairman Schaible:** This licensure is not available now?

**Rebecca Pitkin:** Correct, because all licensees need to pass the Praxis exam – Praxis I is actually for higher ed. because they need that data as a validated measurable outcome for their national accreditation. It is a licensure piece and a higher ed. piece.

**Chairman Schaible:** With the suggested amendments or changes that you have suggested, walk us through how that would work then.

**Rebecca Pitkin:** The AGs office was really busy last night – we were texting and she said “I’ll craft it for you, but you would probably won’t get it until 8:00. So, it would be under initial licensure.

**Chairman Schaible:** What is the difference?

**Rebecca Pitkin:** Initial licensure is someone that just comes out of teacher ed. So they are – say they are on the traditional route and they are doing traditional licensure. Currently if you graduate from a four-year teacher ed. program and you are unable to pass the Praxis we will give you an alternate access and you have one year – your stipulation for that one year is to pass the Praxis. It gives them another year to try a few more times. Generally, that takes care of it. That is not always the case and Praxis has lately given test modifications and walk applicants through that so that they – but this individual and several others – I can think of five in the state right now – for whatever reason are unable to pass the Praxis. I have actually gone to the schools and watch them teach – not that one time – but you get a sense.

**Chairman Schaible:** You would be in favor of this with your amendments?

**Rebecca Pitkin:** Right and we would like to tag on what we have been talking about already which is the part that they don’t have a documented disability, but yet, for whatever reason – and our board has – and this would be in rules already talked about – you would have your one-year alternate access license. Then we would like to see a positive recommendation from a school district, a positive recommendation from higher ed. and truthfully, no one is going to take this if they take it the first time.

**Chairman Schaible:** Can you define or tell us how you would look at documented disability?

**Rebecca Pitkin:** I called the professor at DSU and asked what she was thinking – this could be anything. You can get a diagnosis anywhere – what are we talking about? That is not our expertise. She said she defined it as a disability that prevents an individual from being successful on the Praxis after however many tries. This individual did have excessive documentation. So I asked, what about anxiety? How does that work? Because that is prevalent – that is the word. A lot of people have anxiety, whether you have anxiety with big A or little a, in testing. She said, you need to trust higher ed. that they wouldn’t continue putting someone through a program who would not be successful because of whatever reason. Because it reflects on them also. That is that local control trust piece.

**Chairman Schaible:** So, you would determine-

**Rebecca Pitkin:** We have not worked that out yet. Mental health is not my specialty. But, again, these are individuals that have excessive documentation from therapists and psychologists. They have sent us testing data because people don't want this unless it is a very real thing.

**Chairman Schaible:** I am asking are we creating a loophole that we wished we hadn't opened?

**Rebecca Pitkin:** That is indeed the concern I had with this is that phrase documented disability.

**Senator Davison:** I have a little bit of angst with the two-year thing. It says they need to take it for two years. So what are they going to do while they are waiting? If we already know from the documented disability that they are not going to – I'm just taking Senator Wardner's – using his phrase if this person cannot do math, okay, so let's take that – that is what it is. We know that another year isn't going to help that at all and so, we are procrastinating what needs to be done. It does say may though, right? When Senator Schaible asked you – you know – it says may so the abuse side of it – it is up to you as far as what your level of standards is – is that – I know that doesn't make it easy, but at least there is some leeway to say no.

**Rebecca Pitkin:** I don't see that anyone would want to take it that many times. Most pay and you try hard the first time. I think the two years was something our board had come up with, but in reality I think the criteria they came up with for other people that don't have a disability is too stringent. I feel like it needs to be relaxed, but I couldn't make that call that was their suggestion.

**Senator Davison:** You decide – if you think someone is trying to get around something – as these things come forward, we have to trust - the "may" in there, we have to trust our board members and the people that are – it is their duty to make this because this person is going in with kids and kids need to learn and so at some point in time I think we have to trust your judgement that you doing what is best for schools and kids.

**Rebecca Pitkin:** The other piece of the puzzle is that in our current law right now, if they are on an alternate access license, they are in a classroom teaching and if they don't pass the Praxis in that year, our law says they need to be reduced to a sub license and that is an ethical dilemma for a director to be put in because you may longer have a full time teaching contract because we have to follow the law - that is our guide. I don't make exceptions. We have policy, we have procedure, we have law and we follow it. There have been two individuals in our state who have very positive evaluations and I had to reduce their license to a sub license. That makes an impact on pay and so that is a piece that for the five out there, they have completed a teacher ed. program. We have laws currently out there that propose far less than a four-year degree in teacher education, so this to me, my opinion, is a positive.

**Chairman Schaible:** Other questions. Thank you. Other testimony in favor of the bill.

**Russ Ziegler, Asst. Director for ND Council of School Leaders: See Att. # 2.**

**Chairman Schaible:** Do you have an idea as to what you would classify a documented disability?

**Russ Ziegler:** That would be a difficult one – just thinking out loud – as Senator Wardner had said, traumatic brain injury could be one some learning disabilities might be another. Just looking at it as a principal, I had students that would have As in all their classes, but could not pass or get the 24 on the ACT. That one test eliminates them from a scholarship, which I didn't think right, as well. Whereas this one test is eliminating this person's profession even though they went through the coursework. This part of disabilities I am not sure what all those would entail.

**Chairman Schaible:** But you would be okay with the ESPB making that determination?

**Russ Ziegler:** Yes, we would.

**Chairman Schaible:** Other questions. Thank you. Other testimony in favor of the bill. Agency testimony. Testimony in opposition to the bill. With that, we will close the hearing on SB 2199.

# 2019 SENATE STANDING COMMITTEE MINUTES

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

SB 2199  
2/12/2019  
32556

- Subcommittee  
 Conference Committee

Committee Clerk: Lynn Wolf

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

A bill relating to teaching licensing in areas of documented shortages of teachers.

## **Minutes:**

No Attachments

Chairman Schaible: Committee, we will be looking at SB 2199. Senator Rust.

Senator Rust: I move a Do Not Pass on SB 2199.

Senator Oban: Second

Senator Rust: I have spoken to Dr. Pitkin from ESPB. They are aware of this situation and a few others and are working on an administrative rule to help these individuals.

**Chairman Schaible: Other discussion.**

**Roll Call taken: Yeas: 7, Nays: 0 Absent: 0**

**Senator Rust will carry the bill.**



**REPORT OF STANDING COMMITTEE**

**SB 2199: Education Committee (Sen. Schaible, Chairman) recommends DO NOT PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was placed on the  
Eleventh order on the calendar.

**2019 TESTIMONY**

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February 5, 2019  
Testimony Dr. Rebecca Pitkin  
Education Standards and Practices Board  
Senate Bill 2199

Chairman Schaible and members of the Senate 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 support of the intention of SB 2199 relating to teaching licensing for alternate access licenses. The intent of the bill, to provide exceptions for those with a documented disability, has been a topic of conversation with our board for over a year. We have discussed potential barriers to licensure for those who are unable to pass the Praxis exam due to a documented disability or other challenge. Our board respectfully asks to amend this bill to fit into NDCC 15.1-13-10 regarding initial licenses, instead of alternate access licenses. In addition, we respectfully request to amend the bill to add a subsection under 4, relating to individuals who have attempted the Praxis content test for two years and are unable to pass the test. In a time of teacher shortages, ESPB does not want to create additional barriers for those who have successfully completed 4 years of coursework, a successful pre-service teaching experience, and have positive recommendations from both higher education and a school district. Although this

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situation applies to a small number of prospective teachers, ESPB believes this amendment would benefit individuals who want to teach, yet the Praxis is a barrier for licensure.

This concluded my testimony and I stand for any questions.



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NDCEL

Testimony in Support of SB 2199 – Alternative Access License

Good morning Chairman Schaible, and members of the Senate Education Committee. I am here to support SB 2199 on behalf of the North Dakota Council of Educational Leaders.

NDCEL supports SB 2199 in allowing individuals to obtain an alternative access license if they are unable to pass the Praxis I, Praxis II PLT, or Praxis II content specific tests due to a documented disability. The individuals who this bill be help have met all of the other requirements to obtain a license. It is our opinion that a person, who because of a disability is unable to pass a test, should not be eliminated from the profession of teaching.

NDCEL respectfully requests a Do Pass on SB 2199.