

**2019 SENATE EDUCATION COMMITTEE**

**SCR 4004**

# 2019 SENATE STANDING COMMITTEE MINUTES

Education Committee  
Sheyenne River Room, State Capitol

SCR 4004  
1/15/2019  
30810

- Subcommittee  
 Conference Committee

Committee Clerk: Lynn Wolf

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

A concurrent resolution directing the Legislative Management to consider studying the impact of violent, disruptive, and inappropriate behavior within the educational environment perpetrated by students against other students, teachers, and other school personnel, and the need to implement a uniform reporting system.

## Minutes:

Att. #1, 2-Oban; Att. #3–Archuleta; Att. #4-Ziegler; Att. #5-Baxley; Att. # 6- Gravidahl; Att. #7-Teschendorf; Att. #8-Bakken; Att. #9- Schafer; Att. #10- Hogan

**Chairman Schaible:** Open the Hearing for SCR 4004.

**Senator Oban:** *See Attachments #1, 2.*

**Chairman Schaible:** What do you see as a result of the study?

**Senator Oban:** I would like to see the consistence of collection of the data regarding behavioral issues.

**Chairman Schaible:** Other questions. Thank you.

**Nick Archuleta, President of ND United:** *See Attachment #3.*

**Russ Ziegler:** *See Attachment #4.*

**Senator Davison:** Would the study include the best practices from around the state?

**Russ Ziegler:** I sure hope that is where the study goes – to be able to get the services to the parents that are in need of those services. In the beginning though, it needs to be focused on the data. We need to have uniform definitions using the same language so we can measure what is going on.

**(15:14) Senator Davison:** How do we educate people on the best practices and what are the results?

**Russ Ziegler:** I know it is part of the bill, but it will be byproduct of what happens. Once we get the data, there will be those discussions about what schools are doing that helped alleviate some of this. We need to find out what schools are doing in ND and other states in dealing with issues like this.

**Senator Oban:** I would call Senator Davison's attention to the back side of the resolution that resolution where it does say if there are any findings that result in legislation.

**(17:22) Alexis Baxley, Exec. Dir. NDSBA:** *See attachment #5.*

**Senator Oban:** Alexis, I understand that there are school districts that are, as a part of negotiations, trying to include language that addresses things such as this and it has caused some contention between school boards and teachers. Do you feel this could potentially help?

**Alexis Baxley:** Yes, absolutely. We know that a number of districts have discussed this in their negotiations and I think anytime you discuss putting something new in contractual language, it requires a significant evaluation. It is difficult to put something in contractual language if you don't know exactly what you are addressing and what solution you are writing into contract. The study, data, mutual understanding will go a long way to help districts and teachers finding a place where we are all comfortable in addressing this.

**Chairman Schaible:** Thank you, Alexis. Other testimony.

**(23:00) Theresa Gravdahl:** *See attachment #6.*

**Chairman Schaible: Questions.** Thank you. We appreciate your testimony.

**(27:28) Kari (Larson) Teschendorf:** *See attachment #7.*

**Chairman Schaible:** Questions. Thank you.

**Senator Davison:** Fargo has been trying to track data for the past couple of years. It has not been successful because of the human element. We know a lot of what the problems are already. My hope we don't get the legislator caught up while we wait for the study before we fund something. What have you seen as the challenges of reporting within the system you have tried to put together in Fargo?

**Kari Teschendorf:** A lot of what has been talked about earlier is what is an assault, behavior, where is it at. You and I might have different views on what should be done. I won't be up to individuals – it should be this is how it is done if this happens – you report it. Whereas, we get so backed up on “log entries” on behaviors, they don't get addressed.

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

**Valerie Bakken, Asst. Director of Office of Early Learning:** *See attachment # 8.*

**Luke Schafer, Regional Educational Associations, Statewide Education Visioning Committee:** *See attachment #9.*

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

**Christine Hogan, Attorney with Protection and Advocacy Project:** *See attachment #10.* P & A is an independent state agency. Its mission is to advocate for the human, civil and legal rights of people with disabilities. P & A strives to insure that every individual with a disability is treated with the same dignity and respect as all other ND citizens. We work extensively with students, parents, families and their schools who struggle with educational issues. It is evident that we have great schools. We do ask that the study consider the fact that children with disabilities have rights to certain procedural safeguards under federal law under some circumstances. Under IDEA, a child with disabilities who commits and act of misconduct at school has the right to a ministration determination, before serious discipline – that **is** expulsion of more than 10 consecutive days can be imposed. This means the school must evaluate whether the misconduct in question was caused by a direct and substantial relationship to the child’s disability. There is a large body of evidence that has been talked about best practices here this morning that misconduct and disruptive violent behavior can be prevented with evidence based solutions, such as positive behavioral supports and behavioral intervention plans for each student – based according to their needs. We have also seen that ready access to a wide array if wrap around behavioral health services can produce very positive outcomes for children. I believe that maybe implied in the resolution that these things be looked at, but, I ask that these things be included in the study.

**Vice-Chairman Fors:** How do the parents get involved in this?

**Christine Hogan:** Our agency works with parents that come to P & A for help with behavior health problems with their children. We are working with parents all the time as well as the students. I think this is a problem of lack of behavioral health services in our state. Our behavior health system is in crises, wrap around behavioral services can produce amazing outcomes for children. These violent behaviors you have heard about this morning can be prevented. The school staff needs training on behavioral health services and the IEP plans often can contain behavioral health interventions.

**Chairman Schaible:** Thank you. Other agency testimony. Testimony in opposition. Seeing none we will close the hearing on SCR 4004.

# 2019 SENATE STANDING COMMITTEE MINUTES

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

SCR # 4004  
1/16/2019  
Job # 30913

- Subcommittee  
 Conference Committee

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

A concurrent resolution directing the Legislative Management to consider studying the impact of violent, disruptive, and inappropriate behavior within the educational environment perpetrated by students against other students, teachers, and other school personnel, and the need to implement a uniform reporting system.

## **Minutes:**

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**Senator Davison: Moved a DO PASS**

**Senator Rust: Seconded.**

**Chairman Schaible:** Just to let you know how studies work. At the end of the year, a group of 17 legislators, called Legislative Management, picks the studies and decide which committees they go to.

**A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.**

**Motion Carried.**

**Senator Davison will carry the bill.**

Date: 1-16-19  
Roll Call Vote #: 5

2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 4004

Senate Education Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

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

Motion Made By Davison Seconded By Rust

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

Total (Yes) 7 No 0

Absent 0

Floor Assignment Davison

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

**REPORT OF STANDING COMMITTEE**

**SCR 4004: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4004 was placed on the  
Eleventh order on the calendar.

**2019 HOUSE EDUCATION**

**SCR 4004**

# 2019 HOUSE STANDING COMMITTEE MINUTES

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

SCR 4004  
3/4/2019  
33134

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe

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

A concurrent resolution directing Legislative Management to consider studying impact of violent, disruptive & inappropriate behavior within educational environment perpetrated by students against other students, teachers and other school personnel and the need to implement a uniform reporting system

## **Minutes:**

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

**Vice Chairman Cynthia Schreiber-Beck:** Opened the hearing on SCR 4004.

**Sen. Erin Oban: (Attachment 1)**

**Vice Chairman Cynthia Schreiber-Beck:** Any questions? Continue in support.

**Nick Archuleta, ND United: (Attachment 2)**

**Vice Chairman Cynthia Schreiber-Beck:** Any questions? Continue with those in support.

**Kirsten Dvorak, Executive Director, The ARC of North Dakota: (Attachment 3)**

**Vice Chairman Cynthia Schreiber-Beck:** I don't know if you have seen this amendment.

**Kirsten Dvorak:** I haven't seen the wording. I know that we support it as it stands. I just haven't seen the wording.

**Carlotta McCleary, Executive Director, Mental Health America of ND and ND Federation of Families for Children's Mental Health: (Attachment 4)**

**Vice Chairman Cynthia Schreiber-Beck:** Any questions? We're looking at a uniform reporting system so your testimony was far different than that. I take into consideration the language describing the children, but I don't know that we're describing the children, we're describing actions. I haven't studied intensely the amendment offered, but the committee will look at it.

**Carlotta McCleary:** The language that's in there is describing actions, but it does sound criminalizing in nature. I do think a lot of families' reaction to that language is not one they would consider supporting because of the language used to describe challenging behaviors.

**Vice Chairman Cynthia Schreiber-Beck:** Any questions? Further support of the bill.

**Roxane Romanick, Executive Director, Designer Genes: (Attachment 5)** The issue around communication was important to get across in this language, that we really consider that what's happening with behavior is truly communication. It's doesn't have to be a student with a disability that is indicated by them being enrolled in our special education; all behavior that is unwanted or undesirable often is a form of communication. The language bears that section and I am not sure if Sen. Oban included this, but to really define that. That is a whole new piece to this.

In the section where it talks about what kinds of things we are going to gather we have to know what happens before these behaviors and what happens after. What are the supports that are available?

I'm not sure what she brought in for the amendment, but this is what we had some discussion on.

**Vice Chairman Cynthia Schreiber-Beck:** Any questions and others in support? Any opposition. Neutral testimony?

**Christine Hogan, Attorney for Protection and Advocacy Project (P & A): (Attachment 6)**

**Vice Chairman Cynthia Schreiber-Beck:** Any questions. Further neutral testimony? We'll close the hearing.

# 2019 HOUSE STANDING COMMITTEE MINUTES

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

SCR 4004  
3/13/2019  
33647

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe

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

A concurrent resolution directing Legislative Management to consider studying impact of violent, disruptive and inappropriate behavior within educational environment perpetrated by students against other students, teachers and other school personnel and the need to implement a uniform reporting system

## **Minutes:**

**Vice Chairman Cynthia Schreiber-Beck:** The amendment was offered by the concurrent resolution sponsor. There were concerns about the language utilized in the resolution that it might be offensive to some of the students who have behavior issues and they did not want to use negative words. This amendment is offered to replace some of the verbiage and I believe some people have looked at it and mentioned it in their testimony. This is totally up to the committee how they would like to handle that as it does not change the total intent of the bill which was to implement a uniform reporting system.

**Rep. Michelle Strinden:** I **move** to accept the amendment.

**Rep. Hoverson:** I'll **second** it.

**Chairman Owens:** Any discussion from the committee?

A Voice Vote was taken. Motion carried.

**Vice Chairman Cynthia Schreiber-Beck:** I would like to hold this till after the discussion with Human Services to see if something should be added.

**Chairman Owens:** Yes, we can do that.

# 2019 HOUSE STANDING COMMITTEE MINUTES

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

SCR 4004  
3/19/2019  
33934  
33954

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe

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

A concurrent resolution directing Legislative Management to consider studying impact of violent, disruptive and inappropriate behavior within educational environment perpetrated by students against other students, teachers and other school personnel and the need to implement a uniform reporting system

## **Minutes:**

**Chairman Owens:** We have an amended bill in front of us. What is the committee's wishes?

**Rep. Hoverson:** I'll move a **Do Pass as Amended** on SCR 4004.

**Rep. Ron Guggisberg:** **Seconded.**

**Chairman Owens:** Any discussion?

A **Roll Call Vote** was taken: **Yes 14, No 0, Absent 0**. A Do Pass as Amended carries.  
Rep. Longmuir will carry SCR 4004. Job No. 33934

**Chairman Owens:** I'd like to entertain a motion to place SCR 4004 on the consent calendar.

**Rep. Brandy Pyle:** I'll make the **motion**.

**Rep. Daniel Johnston:** **Seconded.**

A **Voice Vote** was taken – **Motion carried.** Job No. 33954

March 4, 2019

DE 3/13/19

PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4004

Page 1, remove line 2

Page 1, line 3, replace "by students against" with "students who experience behavioral health crisis or who engage in intense and aggressive behavior for communication purposes, both of which result in behaviors that make learning environments unsafe for"

Page 1, line 10, after the first comma insert "behavioral health crisis or engagement in intense and aggressive behavior for communication purposes can result in"

Page 1, after line 13, insert:

**"WHEREAS**, students who experience behavioral health crisis or engagement in intense and aggressive behavior for communication purposes deserve effective and up-to-date screening, assessment, and treatment strategies to address their needs; and"

Page 1, line 16, after the second comma insert "antecedents, resolutions,"

Page 1, line 17, replace "perpetrator" with "student"

Page 1, line 17, after "circumstances" insert a comma

Page 1, line 18, after "event" insert ", eligibility for special education"

Page 1, line 22, remove "violent, disruptive, and"

Page 1, replace line 23 with "students who experience behavioral health crisis or who engage in intense and aggressive behavior for communication purposes, both of which result in behaviors that make learning environments unsafe for"

Renumber accordingly

Date: 3-13-19  
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 4004

House Education Committee

Subcommittee

Amendment LC# or Description: 19.3078.01001

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

Motion Made By Rep. Strinden Seconded By Rep. Hoverson

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 - MOTION CARRIED

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

HOLD FOR DISCUSSION

Date: 3-19-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SCR 4004**

House Education Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

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

Motion Made By Rep. Hoverson Seconded By Rep. Guggisberg

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) 14 No 0

Absent 0

Floor Assignment Rep. Longmuir

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

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

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SCR 4004

House Education Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

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

Motion Made By Rep. Pyle Seconded By Rep. Johnston

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 - MOTION CARRIED

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

**REPORT OF STANDING COMMITTEE**

**SCR 4004: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4004 was placed on the Sixth order on the calendar.

Page 1, remove line 2

Page 1, line 3, replace "by students against" with "students who experience behavioral health crisis or who engage in intense and aggressive behavior for communication purposes, both of which result in behaviors that make learning environments unsafe for"

Page 1, line 10, after the first comma insert "behavioral health crisis or engagement in intense and aggressive behavior for communication purposes can result in"

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Page 1, line 18, after "event" insert ", eligibility for special education"

Page 1, line 22, remove "violent, disruptive, and"

Page 1, replace line 23 with "students who experience behavioral health crisis or who engage in intense and aggressive behavior for communication purposes, both of which result in behaviors that make learning environments unsafe for"

Renumber accordingly

**2019 TESTIMONY**

**SCR 4004**

SCR 4004  
1-15-19  
Att. #1  
p. 1 of 2

## SCR 4004

Senate Education Committee  
Hearing: January 15, 2019 | 9:00 am  
Testimony provided by Sen. Erin Oban

Mr. Chairman, members of the Committee, for the record, I'm Erin Oban, Senator for Bismarck's District 35. I'm here to introduce and discuss SCR 4004, a resolution requesting Legislative Management to consider studying the impact of student behavior in our K-12 school settings across our state.

To be frank, anyone not living under rock recognizes that education personnel - whether that be superintendents or principals, teachers and para-professionals, or maintenance staff and bus drivers - are facing more and more challenges in education with younger and younger students. And that's because our students, at younger and younger ages, are faced with greater and growing challenges of their own. That statement is not one casting stones at those students coming in to our schools. That statement is just a fact, and it's becoming increasingly difficult for educational personnel to do their jobs effectively and to serve the very students they care so much about. The causes are undoubtedly many, and the ways in which we best approach solutions are likely many as well.

To help provide a little context, I want to refer to attached data that was collected from June to October 2017 by Greenway Strategy Group as part of a larger project they were contracted to perform with the ND Department of Public Instruction. These slides come from a report entitled, "Organizational Assessment and Environmental Scan Findings," where 230 administrators were surveyed from a range of school and district sizes with near equal representation from the western and eastern halves of the state.

When given a list of 10 challenges they face, "behavioral health issues among students" clearly rose above all others, especially in districts with 300-999 students and 1,000 or more students. Though it was not the top identified issue in our smallest districts (fewer than 300 students), it was still in the top 5, not far behind the 3 priorities that ranked higher.

When those surveyed were asked where they felt increased supports would improve student achievement, again, a vast majority strongly agreed that "in-school supports for behavioral health issues" was the number one response.

Please note that this survey was given only to administrators. I'm not much of a betting woman, but I'd be willing to bet that a survey of teachers, paraprofessionals, and other education personnel would produce similar results.

Though most of us already understand, I think it is important to say aloud as a reminder to this committee that words and descriptions and diagnoses mean very different things. It's important we understand and distinguish the differences in these discussions when it comes to behavioral health, student behavior, learning disabilities, and other special education services. These challenges do not all present themselves in the same ways, and they do not all arise in the same child, nor to the same degree.

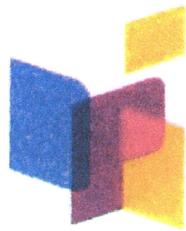
SCR 4004  
1-15-19  
Att. #1  
p 2 of 2

For example, a child who has dyslexia may very well never have any behavioral health or behavior issues in the classroom. Likewise, a child who has suffered childhood trauma or is suffering from depression or anxiety may never have a learning disability. Sure, sometimes a child with a learning disability may also struggle with mental illness, but those diagnoses are not interchangeable nor present themselves in the same ways.

Perhaps the most immediate concern, the one that garners the greatest attention, whether that's in a classroom or in the press, is when those challenges present themselves in violence and disruptive behavior. When I see communities considering options like separate learning environments or facilities for some kids, when I hear individuals say things like, "At what point do parents of "well-behaved" students file a lawsuit demanding an equal education for THEIR children that isn't disrupted by one or two other kids," I grow increasingly concerned about how our communities and this state will wrap its arms around these issues and also the students and families being impacted. My hope is that an extended, thoughtful conversation throughout an interim using data collected through a uniform reporting system will help us achieve that and, as legislators, determine our roles or responsibilities in addressing them.

Mr. Chairman, I don't believe for one second that every parent, every educator, and every one of us doesn't want what's best for all kids. I fully believe this issue does not and should not have to become a false choice between all kids having access to an equal education in the least restrictive environment while guaranteeing that all education personnel are coming to and returning home from a safe work environment each day. In order to prevent that false choice from becoming a reality, everyone involved in K-12 education has a responsibility to fully understand the issues and be at the table to address the challenges. Passing SCR 4004 requesting an interim study of these issues would help us as legislators better understand the issues and determine how we best support kids, parents and families, educators, and communities.

Thank you, and I would stand for any questions.

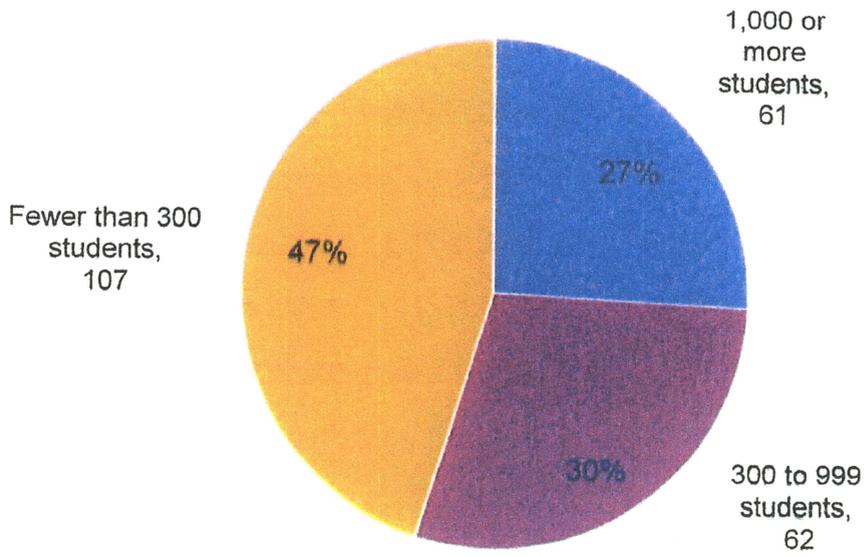


# NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION

## Organizational Assessment and Environmental Scan Findings



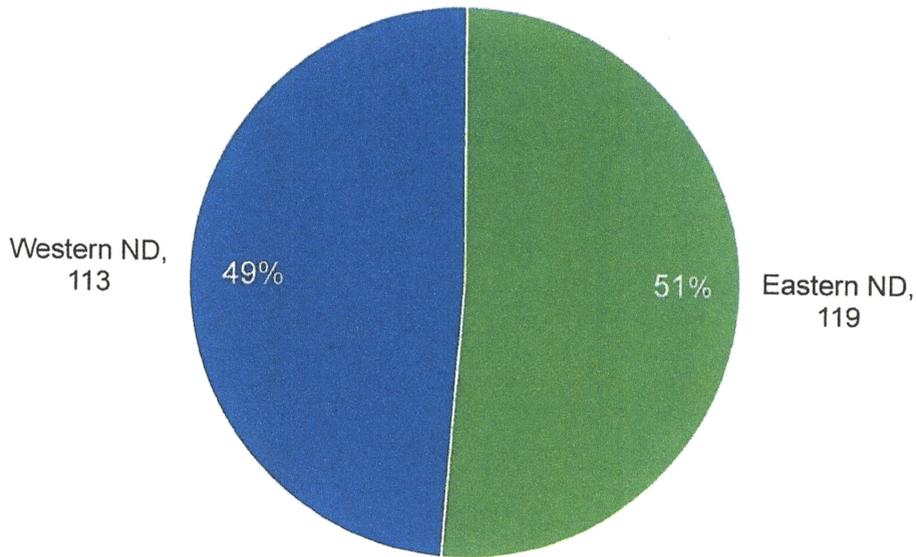
### North Dakota District and School Administrators Survey Respondents by number of Students in School District



SCR 4504  
1-15-19  
AH.#2  
p2 of 4

## Survey Respondents

Location of School District

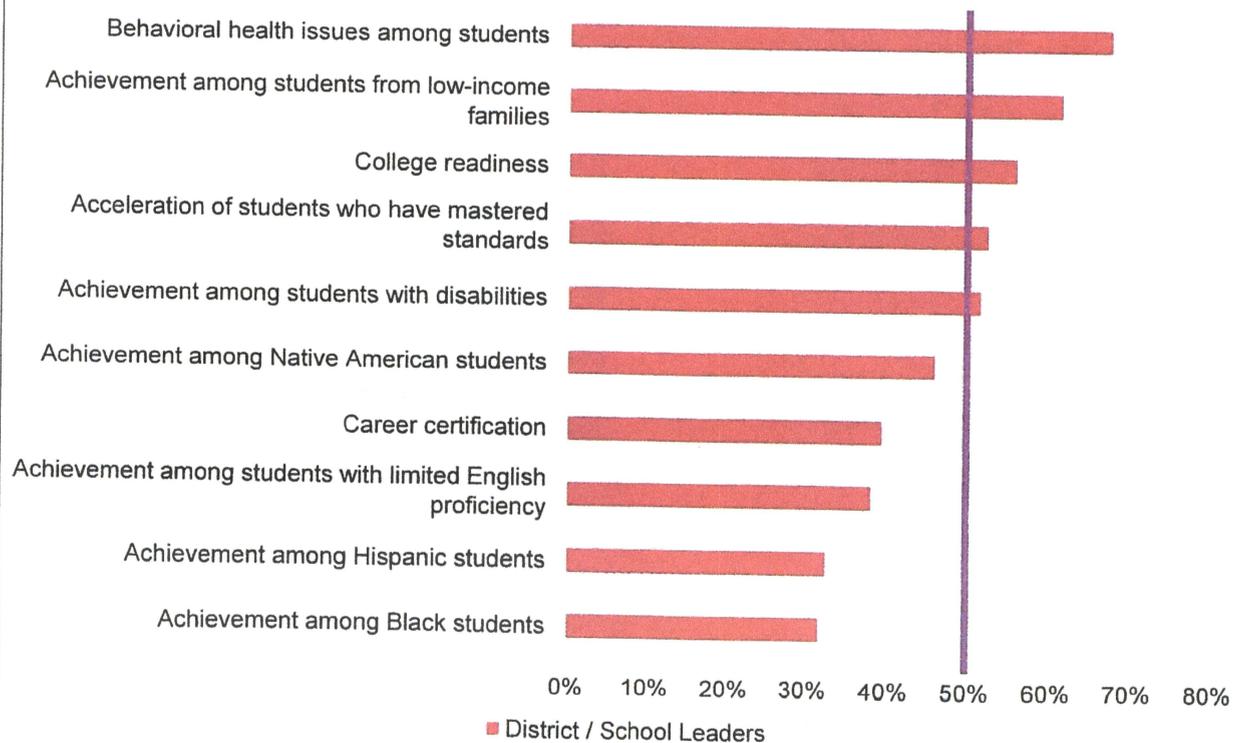


Greenway  
Strategy  
Group

25

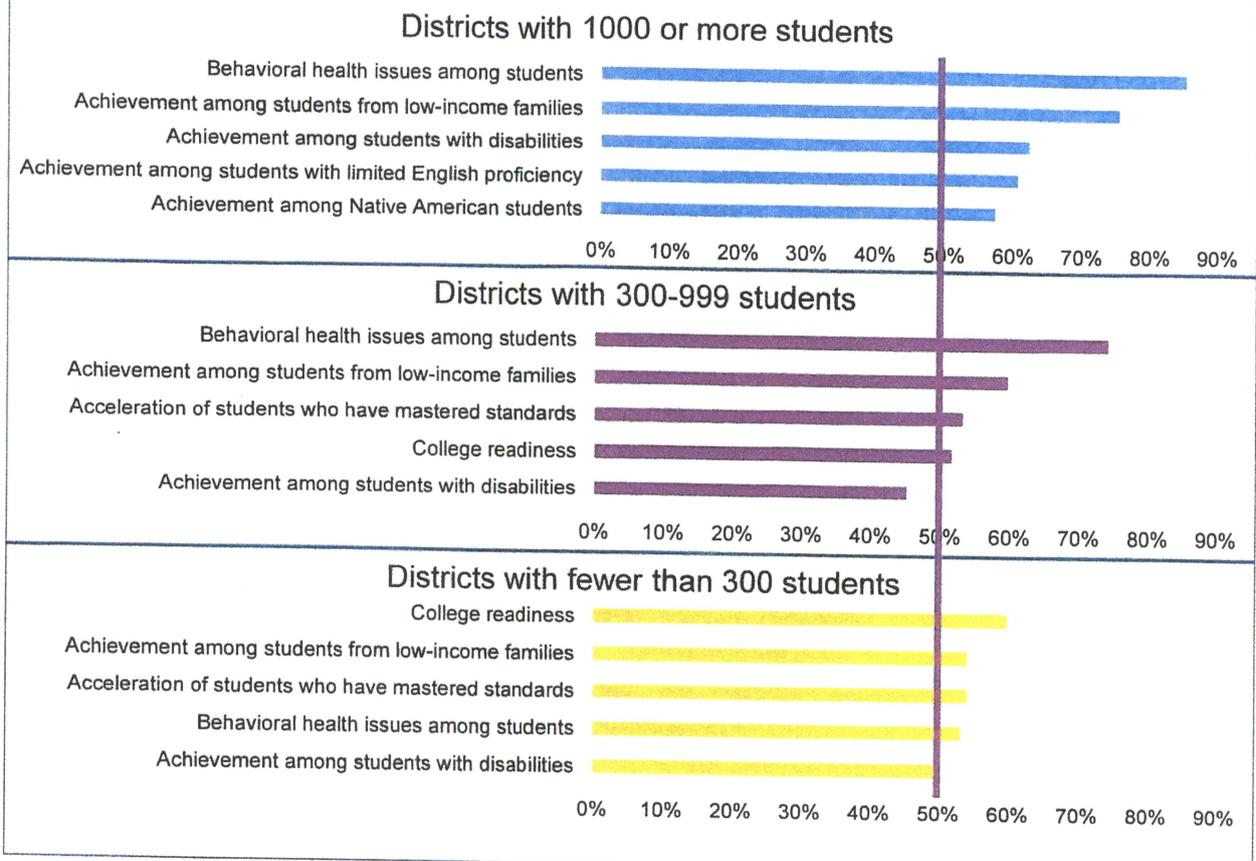
## High Priority Ratings

Percentage of Respondents

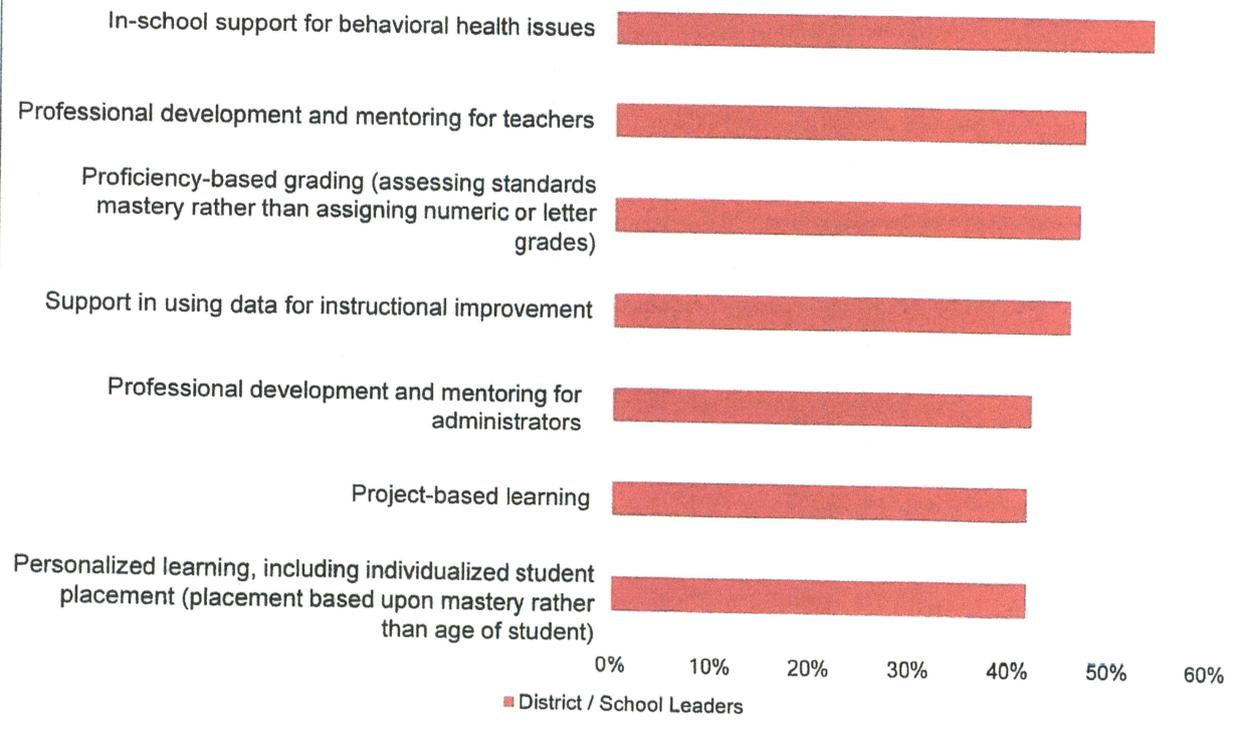


SCR 4004  
 1-15-19  
 AH. #2  
 p.3. of 4

## Top 5 Areas Rated High Priority by District / School Leaders

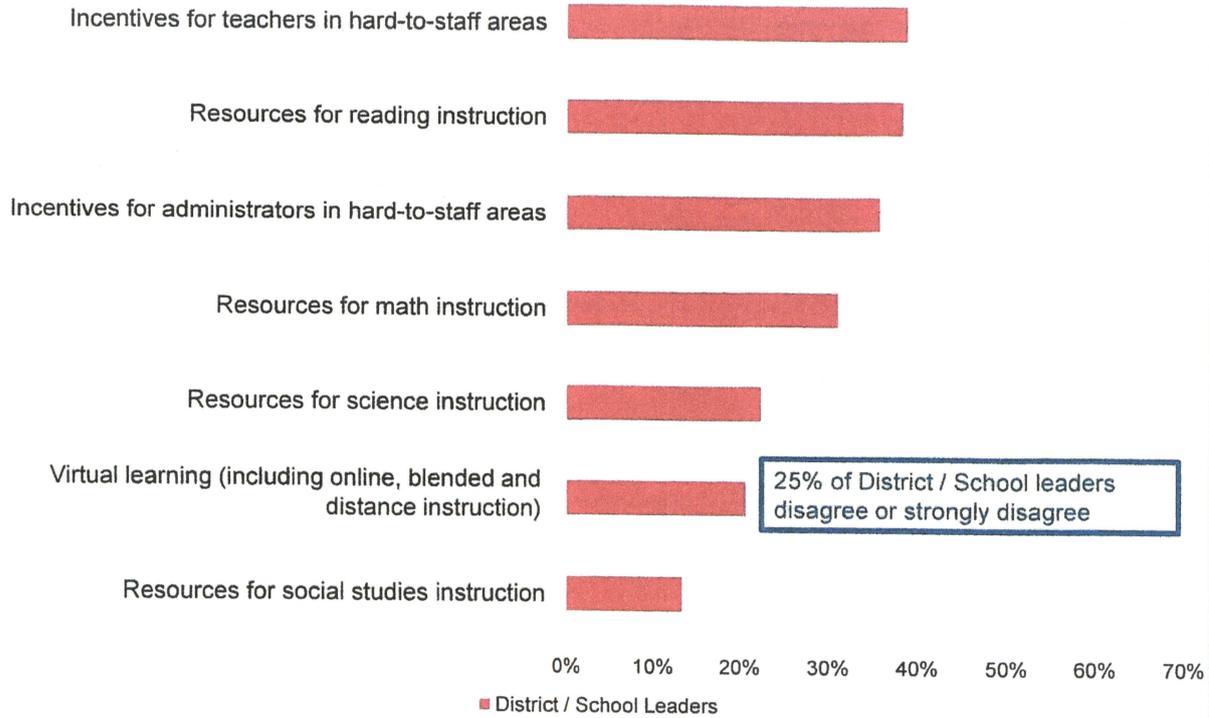


## Increased Support Would Improve Achievement Percentage Strongly Agree

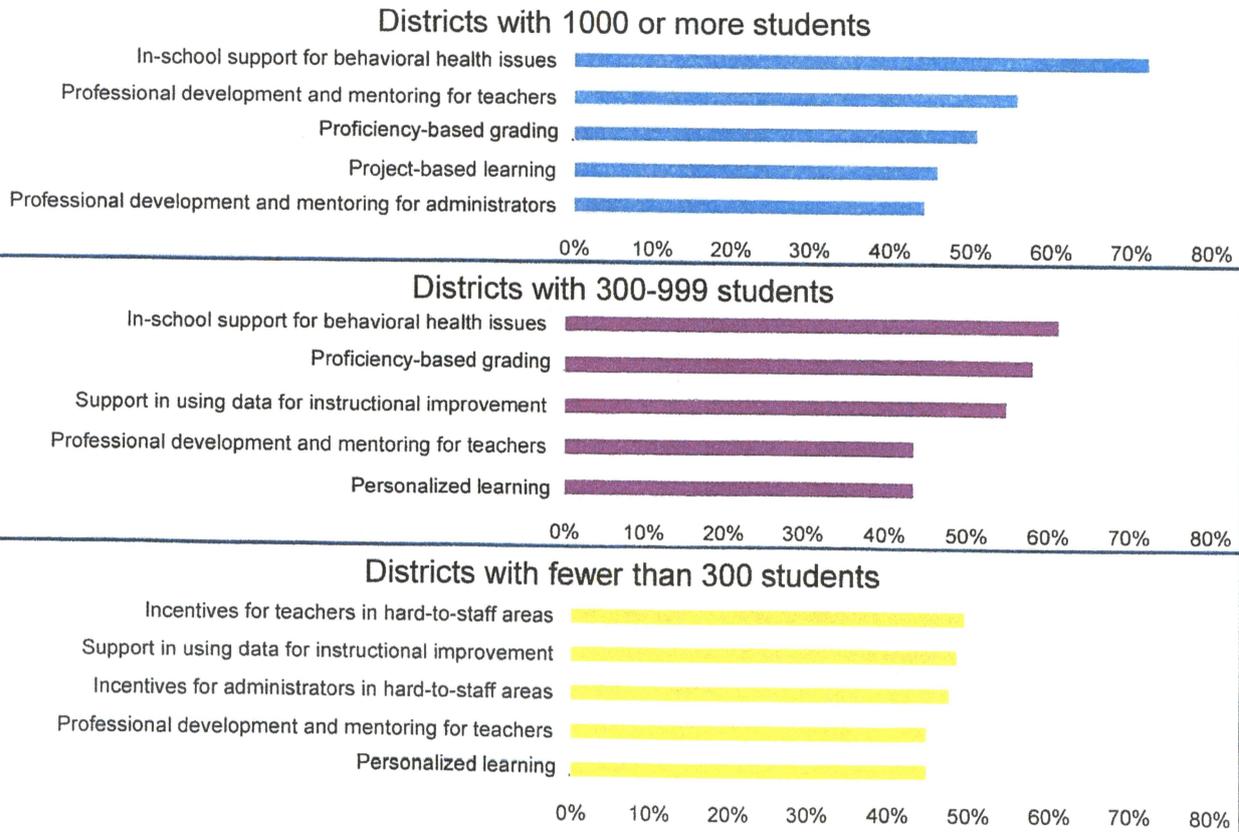


## Increased Support Would Improve Achievement

### Percentage Strongly Agree



## Top 5 Areas Rated Strongly Agree by District / School Leaders



SCR 4004  
1-15-19  
Att #3  
p.1 of 2



*Great Public Schools*

*Great Public Service*

**Testimony Before the Senate Education Committee  
SCR 4004  
January 15, 2018**

Good morning Chairman Schaible and members of the Committee. For the record, my name is Nick Archuleta and I rise before you today on behalf of ND United's 11,500 members to urge a DO PASS recommendation for Senate Concurrent Resolution 4004.

Mr. Chairman, Section I of Article VIII of the North Dakota State Constitution says, in part that, "...: the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota."

The Constitution is unambiguous in its intent that the state of North Dakota is obligated to provide all children with a quality public school education. The Constitution deems that public education in our state is vital if North Dakota is to remain prosperous and her people are to remain happy.

That is a charge that North Dakota's education community takes very seriously. Mr. Chairman, we endeavor to educate every student that walks, runs, wheels, or is carried through our schoolhouse doors. It is an awesome responsibility and despite tremendous challenges, we meet our obligations.

But Mr. Chairman, the job of educating North Dakota's students has become increasingly difficult. We are seeing more kids coming to our school with more trauma, more behavioral challenges and less support at home and in their communities.

Last August, a series of School Safety Community Listening Forums were held across the state. I attended five of the six Forums. In my view, the most profound takeaway was in

how attendees perceived "school safety." Of those coming from outside the school setting, it was clear that they thought of school safety as stopping or preventing an active shooter. Those that work in our schools, thought of school safety in terms of what happens when a student with behavioral health limitations acts out causing injury to students and/or staff.

At the meeting here in Bismarck, some preliminary data gathered by the district was addressed by a member of the district's safety committee. They break down safety concern incidents into these categories: verbal/physical aggression; verbal/physical threat; destruction of property; and risk/potential risk to self. Of the 343 incidents reported, approximately 70% of them involved physical aggression toward a peer or staff.

Attacks on teachers and education support staff are unacceptable. The primary responsibility of any school district is to provide a safe learning environment for the students in their charge, and a safe work environment for the teachers and education support professionals they employ. You cannot have one without the other as they are the very same space.

Until we can receive and compile reliable data through a comprehensive and uniform reporting system, we will make little headway in resolving the issue of violence aimed at teachers and staff and that denies the right to a public education to all students mandated by the North Dakota Constitution.

Finally, Mr. Chairman and members of the Committee, I do not want anyone here to think that SCR 4004 represents anything more than an opportunity to collect the data necessary to inform policy makers as they strive to develop a solution for a concern that plagues many, if not all, school districts in ND. Nothing in SCR 4004 serves to deny services or an equal education to any student. It only allows for the gathering of much needed information.

Chairman Schaible, I urge a DO PASS recommendation for SCR 4004, and I am happy to respond to any questions.



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SCR 4004 - Testimony in Support

Good Morning Senate Education Committee, my name is Russ Ziegler – I serve as the Assistant Director for the North Dakota Council of Educational Leaders which is the organization that serves our school Superintendents, Principals, CTE Directors, Technology Directors, AD's, County Superintendents, Business Officials and truly every school leader with the exception of teachers and school board members. We stand before you today in support of SCR 4004.

We believe that Senate Concurrent Resolution 4004 would create a much needed study over the interim. As the study states; studying the impact of violent, disruptive, and inappropriate behavior within the educational environment perpetrated by students against other students, teacher, and other school personnel, and the need to implement a uniform reporting system could help us get on the right track with dealing with these students. As with any study, the first step would be to establish clear and uniform definitions of the variables being studied. Currently in North Dakota, schools utilizing different definitions, and doing so makes it very difficult to measure the effects or lack there of for any program. Having a study that utilized consistent definitions that can start to measure the impact of these kiddos have is very important.

The issue of school safety for all individuals in the school is very important. Issues that cause a disruption in the educational setting of a school need to be addressed for all parties involved. For example, when a student is having behavior issues and the rest of the class is required to leave the room, that disrupts the educational environment for: the student having the behaviors, the rest of the students in the class, the students in the hallway, the teacher, administrators, etc. We believe that this study will give us the data needed to make knowledgeable decisions in the future.

One caveat that we have is that the study cannot add another reporting requirement of schools outside of what is currently being done. Schools are already inundated with reporting requirements on student behavior and disciplinary actions. We feel that the current reports need to be adjusted with this bill instead of adding a new reporting requirement.

With the testimony given we respectfully request a Do Pass on SCR 4004, and I will stand for any questions at this time.



**NDSBA**

**NORTH DAKOTA SCHOOL  
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**SCR 4004**

**Testimony of Alexis Baxley  
Senate Education Committee  
January 15, 2019**

Chairman Schaible and members of the Senate Education Committee, my name is Alexis Baxley. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. I am here today testifying in support of SCR 4004.

The overarching goal of schools is to create a safe, supportive environment where students can thrive, learn, and be themselves. Unfortunately, it is becoming increasingly clear that that environment is being threatened by significant behavioral issues.

Our districts are reporting violent and disruptive behavior from students over and over – and not just in our larger districts, but all districts. Not only does this behavior put students, teachers, and other staff at risk, but it disrupts the learning taking place for all students. Anecdotally, we hear about all of the lost class time for the students who must be evacuated when this behavior takes place. We hear about injury to dedicated teachers and staff. We hear about the frustration of parents. This issue is affecting everyone in our school system.

Unfortunately, finding a solution has proven challenging. A large part of the challenge has been understanding the problem. Without a standard reporting system and the data it produces, we are limited to the anecdotal. Without real numbers on how many, what types, and the severity of incidences that are occurring, districts are taking a shot in the dark in attempts to address the problem.

Recently, the Fargo and West Fargo Public School Districts have faced significant backlash from their communities for considering expanding a “Level D Setting” pilot project for students with severe behavioral needs at Fargo’s Agassiz school. While this type of solution may not be the answer for every district, NDSBA believes the type of data that would be gathered by the study proposed in SCR 4004 would go a long way in identifying solutions and communicating their necessity to patrons and parents.

For these reasons, the North Dakota School Boards Association supports SCR 4004 and would urge a do-pass, and I would be happy to answer any questions. Thank you.

Senator Schaible and members of the Senate Education Committee. My name is Theresa Gravdahl, and I am in a profession where it helps to have “eyes in the back of your head.” It’s supposed to be something you develop as a talent in managing students. The past few years it has become a necessity to be on alert for students and personal safety.

I have been a physical education teacher at Fargo for the past 21-1/2 years. Prior to that I taught five years of English, health, and physical education in Colorado and East Grand Forks, MN. Closing in on 27 years of teaching, I find myself questioning my career and how much longer I can take the abuse, trauma, and stress.

On October 29, 2018, a student, my colleague, Kari Teschendorf, and I were assaulted by an 8<sup>th</sup> grade student. This was not the first time. His first attack on me came during his 6<sup>th</sup> grade year after he misunderstood praise for a serve in a volleyball game. He hit me in the back with a closed fist and fought me as I tried to remove him to the nearby principal’s office.

This same 8<sup>th</sup> grade male student was arguing with a classmate this past October about cheating in a volleyball game and proceeded to put his hands around his classmate’s neck. I intervened to separate the two, but he continued his attack on his classmate by hitting him several times in the middle of his back. Another student and I tried to restrain his arms to get him to stop. My colleague, Ms. Teschendorf, came into the gym to witness him hitting my arm to try to get me to let him go. His attack wasn’t only physical but verbal as well as he yelled obscenities while still trying to get at his classmate.

Ms. Teschendorf approached him only to have him start kicking her in her lower abdomen and legs, yelling obscenities at her, displaying his middle fingers, and ultimately spitting in her face and hair.

The two classes of 6<sup>th</sup> and 8<sup>th</sup> grade students who had come into the gym along with this student were moved into an adjoining weight room. The student’s male paraprofessional told his student that if he didn’t stop, he would be restrained. That is what transpired until three administrators and our School Resource Officer arrived. The paraprofessional was asked by our Dean of Students to release the student. He instantly ran into the weight room where we had moved the rest of the students to safety.

Again, the students had to be diverted to safety out of the weight room and even though the boy was circled by administration and our SRO, he managed to exit the school building followed by his paraprofessional. The obscenities continued outside. He threw mud chunks at the para, and then physically attacked our principal as he tried to enter the building on the opposite side of the school.

North Dakota has struggled with teacher shortages. That day this past October I had a student teacher who was months away from graduation along with a student from NDSU observing classes to decide if the teaching profession was right for her. Do you think both shared with their peers the attack they saw?

This has become a day-to-day occurrence in schools. Students of all ages destroy classrooms and attack other students, paraprofessionals, teachers, and administrators. The learning and working environment must be safe, and learning must be protected and facilitated.

Students have never been so diverse in their cultural backgrounds, and then we add to that mental and social difficulties. Teachers and students in North Dakota deserve better. We need to collect the data we need in order to make thoughtful and effective decisions about how to best educate and nurture all of our students, including those with behavioral challenges.

Thank-you for your consideration.

Senator Schaible and members of the Senate Education Committee, my name is Kari (Larson) Teschendorf, I am a lifelong Fargo resident and proud FPS employee. It is with careful consideration that I speak before you today. I appreciate the opportunity. Before I was blessed with my current teaching position I was, as described by others, “a successful business person for 14 years, with an eye for efficiency, fiscal responsibility and a talented negotiator.” I felt called to the teaching profession and became an educator at age 42. I have taught in the middle school that I attended for the last 15 years.

As my colleague, Ms. Gravidahl has related, we were physically assaulted in our classroom. The events are documented with incident and police reports. I have too much respect for this chamber to repeat the profanity and describe the assaults, but I will tell you it was the second attack for each of us and it has undoubtedly impacted us tremendously. We are among hundreds of North Dakota educators with similar stories. I would ask you to think of your favorite teacher--we all had one. Now imagine watching them being kicked, punched, called horrible names and seeing someone clear their nostrils and spit it in the teacher's face and hair. Is there another profession where this would even happen? How can this happen? I am here to tell you it's happening in your hometown, to your friends in education and the repercussions to our educational system are devastating. How can I encourage our young people to pursue the teaching profession? I am saddened to see quality instructors leaving the profession and I question my own future in the classroom.

Our schools need funding to enhance our mental health services, and to offer behavior modification services and family counseling to help the young people in need. We must intervene at young ages and allow our highly trained teachers to teach, coach and guide, instead of swamping them with paperwork and meetings. Elementary students who do not receive appropriate services will not change their behavior when they get to middle school or beyond when they will just be bigger and stronger and faster. We need to start thinking about how our students will be able to function as adults.

I also fear for the students who witness these attacks and become desensitized to the violence. Do we really want our children to believe that this is normal? And yet, that is what is happening. We need to address the needs of all students—those with behavioral challenges and those who witness those behaviors.

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Att. # 7  
p. 2 of 2

As in my business career, I am successful as an educator. I not only instruct my kids about the benefit of physical fitness, sportsmanship and teamwork, I sincerely love each of them, and I believe they know it. We talk to colleagues who also genuinely care about all of their students, but they also do not feel they are being supported to address the needs of many of their students.

I am here to ask you to form a management team to study the impact these behaviors are creating and assist educators in a uniform reporting system. Help us make sure that all of our students are successful learners and eventually productive members of our communities.

Thank you for your time and any attention to this matter.

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AH #8  
p.1 of 1

**TESTIMONY ON SCR 4004  
SENATE EDUCATION COMMITTEE**

**January 15, 2019**

**By: Valerie Bakken, Assistant Director of Office of Early Learning  
701-328-2720**

**North Dakota Department of Public Instruction**

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Mr. Chairman and Members of the Committee:

My name is Valerie Bakken and I am the Assistant Director in the Office of Early Learning within the Department of Public Instruction. I am here to speak in support of SCR 4004 directing the Legislative Management to consider studying the impact of violent, disruptive, and inappropriate behavior within the educational environment perpetrated by students against other students, teachers, and other school personnel, and the need to implement a uniform reporting system.

On behalf of Superintendent Baesler and the Department of Public Instruction, I offer a statement of support for SCR 4004.

Chairman Schaible and Members of the Committee, that concludes my prepared testimony. I would be glad to stand for any questions if the Committee may have any.

SCR 4004  
1-15-19  
Att. # 9  
#1 of 4

A Summit for Safe and Healthy Behaviors was sponsored by multiple ND educational agencies on December 17. Attendance consisted of representatives from schools recognized for being innovative in their behavioral health practices for students and representatives from multiple state agencies. It was an opportunity to discuss road-blocks that schools have faced as well as possible solutions and innovations that have been discovered along the way.

A protocol was utilized to allow for individual and group ideation and prioritization. This allowed for input from each school representative surrounding barriers to student success and possible solutions to the highest prioritized barriers.

The intent of this summit was to learn from schools regarding their perceived barriers and possible solutions. State agencies, including but not limited to NDDPI, ND Legislature, ND Governor's Office, NDREA, NDCTE, ND Universities, NDCEL, NDU, NDSOS, and NDCTE.

Notes from the session are listed below. This document is not formatted for public release or official minutes, but as collective notes of the discussion. Please feel free to utilize this document as a summit attendee to review discussions and discuss with any of your stakeholders.

### NOTES from Summit

#### Prioritized Barriers

1. Understanding BH/MH, roles, responsibilities, language and available supports
2. Interconnected Systems Framework
  - a. Better align existing resources
  - b. Target gaps in resources
  - c. Clear expectations of roles for all agencies
3. Connections-based system rather than our current model which is focused on high-stakes academic testing and focuses on individual/personalized learning

#### All Barriers

1. Understanding definitions & key language
2. Lack of staffing resources support
3. Under-resourced staff (time)
4. Tiered supports to match tiered needs (common language to support)
5. Limited providers (long wait)
6. Lack of knowledge of resources for families
7. Confidentiality between school & agency re: communication
8. Sluggish response for juveniles
9. Lack of policy surrounding teacher safety
10. Record-keeping requirements of clinicians (understanding of ethical guidelines)
11. Caregiver understanding of trauma, culture & resistance or fear of response
12. Response & referral follow through (parental following crisis)
13. Lack of protocol following crisis & re-entry
14. Internal policies/protocols that are prohibitive
15. Inadequate community supports & students sent back to early
16. Seat time requirements (receiving time/credit for working on themselves)

17. Time for families to address needs
18. Too much punitive, not enough skill-based
19. Keeper of MH information
20. Silo effect - limited communication & collaboration between agencies
21. Availability of day treatment at elementary level
22. Funding (school, family & legal policies)
23. Interconnected Systems Framework
  - a. Duties (as outlined in MoU & MoA)
  - b. Referral system
  - c. Wrap-around supports
  - d. Transitioning
  - e. Access points
  - f. Lack of collaboration
24. Time, resources, funding for new staff training
25. Aligning supports w/feeder systems
26. Teaching students self-awareness & self-advocacy
27. Measuring SEL w/academics
28. Access to SEL curriculum/instruction w/fidelity
29. Early identification/screening
30. Connections-based system under-utilized (adult wellness - parent & educator)
31. Staff understanding of trauma
32. Staff training & skill set

#### **Prioritized Solutions**

- 1. Increased collaborative approach between schools, as well as between schools & agencies**
- 2. Research partnerships to defray staffing costs while expanding student supports without adding to school counselor duties (social workers, addiction counselors, school psychologists, etc.)**
- 3. Research ISF models nationwide including cross agency professional development and marketing**
- 4. Increase quality and extent of delivery of Tier 1 instruction provided by general education teachers**

#### **All Possible Solutions**

1. Are we measuring the wrong things? Do we have the right reporting requirements?
2. Telehealth
3. Case management
4. Communication plans that address confidentiality
5. Willingness to "think outside the box"
6. Measure student understanding of SEL
7. Personnel to coordinate, communicate between agency
8. School health professionals instead of SROs
9. State convening to develop common language
10. Prioritize facilities, providers, agencies across ND
11. Increase collaborative approach between schools & between schools & agencies
12. Satellite locations for access to services
13. Higher ed focus on MH & training

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A# # 9  
p 3 of 4

14. School personnel (all), parent, student teaming process to be consistent throughout (educate staff)
15. Build understanding Higher ed, High School, Business/Industry
16. Incorporate MTSS-B (attendance committees, absences reviewed MD/BH)
17. Higher Ed, DPI, student loan repayment for rural access to services
18. Media outreach re: student issues & possible damage to individuals & school
19. Work with staff to ensure seat work vs. life work
20. Combine work across districts to create better access/time for providers
21. State-supported grow-your-own both educators & service provider
22. County, city, school shared personnel
23. Creating personalized path to graduate re: competencies
24. Staff training & adult SEL
25. Study liability issues schools assume when hiring/providing services directly
26. Consider leave policies for educators re: MH & EAP (sick days) access
27. Study no-cost, high-benefit options to build powerful relationships w/families w/kids (positive relationship strategies)
28. Increase community partnerships to avoid placement changes for students

#### School-based Initiatives

1. **Jamestown** - relationship mapping & planning
2. **Northern Cass** - co-location behavioral health services (partnership with The Village Family Service Center with United Way seed funding) and NDSU counseling program providing small groups, individual counseling during school time, family counseling during evening hours)
3. **Beulah** - universal health screening tool & progress monitoring and IMPACT program in collaboration with Federally Qualified Health Center
4. **West Fargo** - Second Step teacher-initiated curriculum implementation and building-level assessment to target skill development
5. **Grand Forks** - Adult social-emotional learning (reflection of 5 competencies) and Ross Greene's collaborative & proactive solutions
6. **Oakes** - Behavior Pathway built (Review 360 universal screener) & teacher behavior change adaptations
7. **Wilton** - Continual commitment to Tier 1 & teacher leaders (investment in capacity building)
8. **Bismarck Public - Simle Middle School** - Implementation of MTSS has decreased discipline referrals drop 80% & School w/in school to address promotion & prevention
9. **Kindred** - Village Family Service Center partnership to provide behavioral/mental health services during school
10. **Rugby** - partnering with County to hire a mental health counselor providing services in school
11. **Bismarck Public - Dorthy Moses Elementary** - Focus on resilience, executive functioning & core curriculum and has partnered with service agency to provide a place for services in school at no charge. Therapist spends one full day in school (and could spend more time) and utilizes 5 therapeutic pieces. Has created a school within a school staffing 1, ½ time teacher and an instructional aid.

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RH054

Listening Agency Thoughts

1. Where are the behavior specialists within schools? Why are they not here?
2. Schools have a variety of support systems.
3. Lack of resources in schools
4. Time to implement interventions
5. Identification of evidence-based intervention
6. Training for staff
7. Consistent approach to behavior
8. Collaboration
9. Need an understanding of what outside providers can do & how they may overlap with special education services
10. Schools have a variety of systems & protocols that require training/understanding
11. More room within licensure requirements to prepare students (particular secondary students)
12. Teachers NOT hosting a practicum or student teacher because they "have a hard class."
13. Access
14. Funding
15. The roles & responsibilities of the school is unclear
16. Clear framework definitions & roles from policies & structures covering the continuum of care

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Senate Education Committee  
Sixty-sixth Legislative Assembly of North Dakota  
Senate Concurrent Resolution No. 4004

January 15, 2019

Good Morning, Chairman Schaible and Members of the Senate Education Committee: I am Christine Hogan, an attorney for the Protection & Advocacy Project (P&A).

P&A is an independent state agency. Its mission is to advocate for the human, civil, and legal rights of people with disabilities. P&A strives to ensure that every individual with a disability is treated with the same dignity and respect as all other ND citizens.

As a disability rights agency, P&A works extensively with students and their families that struggle with educational issues. Through our work with students and schools it is evident that we have great schools.

I am not testifying in support or against the resolution. I would however like to ask that the study also consider the fact that children with disabilities have rights to certain procedural safeguards under federal law under some circumstances.

As you may know, under the IDEA, a child with a disability who commits an act of misconduct at school has the right to a manifestation determination before serious discipline ( i.e., expulsion of more than 10

consecutive days) can be imposed. This means the school must evaluate whether the misconduct in question was caused by or had a direct and substantial relationship to the child's disability.

There is a large body of evidence that misconduct and disruptive behavior can be prevented with evidence-based solutions such as positive behavioral supports and behavioral intervention plans. We have also seen that ready access to a wide array behavioral health services can produce very positive outcomes for children.

Mr. Chairman, thank you for your time. I'd be happy to answer any questions the committee may have.



# NORTH DAKOTA SENATE

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



SCR 4004  
3/4/19  
#1

## Senator Erin Oban

District 35  
1319 Apache Street  
Bismarck, ND 58501-2632

C: 701-955-3188  
[eoban@nd.gov](mailto:eoban@nd.gov)

## COMMITTEES:

Education  
Government and Veterans Affairs

## SCR 4004

### House Education Committee

Hearing: March 4, 2019 | 2:00 pm

Testimony provided by Sen. Erin Oban

Mr. Chairman, members of the Committee, for the record, I'm Erin Oban, Senator for Bismarck's District 35. I'm here to introduce and discuss SCR 4004, a resolution requesting Legislative Management to consider studying the impact of student behavior in our K-12 school settings across our state.

To be frank, anyone not living under rock recognizes that education personnel - whether that be superintendents or principals, teachers and para-professionals, or maintenance staff and bus drivers - are facing more and more challenges in education with younger and younger students. And that's because our students, at younger and younger ages, are faced with greater and growing challenges of their own. That statement is not one casting stones at those students coming in to our schools. That statement is just a fact, and it's becoming increasingly difficult for educational personnel to do their jobs effectively and to serve the very students they care so much about. The causes are undoubtedly many, and the ways in which we best approach solutions are likely many as well.

To help provide a little context, I want to refer to attached data that was collected from June to October 2017 by Greenway Strategy Group as part of a larger project they were contracted to perform with the ND Department of Public Instruction. These slides come from a report entitled, "Organizational Assessment and Environmental Scan Findings," where 230 administrators were surveyed from a range of school and district sizes with near equal representation from the western and eastern halves of the state.

When given a list of 10 challenges they face, "behavioral health issues among students" clearly rose above all others, especially in districts with 300-999 students and 1,000 or more students. Though it was not the top identified issue in our smallest districts (fewer than 300 students), it was still in the top 5, not far behind the 3 priorities that ranked higher.

When those surveyed were asked where they felt increased supports would improve student achievement, again, a vast majority strongly agreed that "in-school supports for behavioral health issues" was the number one response.

Please note that this survey was given only to administrators. I'm not much of a betting woman, but I'd be willing to bet that a survey of teachers, paraprofessionals, and other education personnel would produce similar results.

Though most of us already understand, I think it is important to say aloud as a reminder to this committee that words and descriptions and diagnoses mean very different things. It's important we understand and distinguish the differences in these discussions when it comes to behavioral health, student behavior, learning disabilities, and other special education services. These challenges do not all present themselves in the same ways, and they do not all arise in the same child, nor to the same degree.

For example, a child who has dyslexia may very well never have any behavioral health or behavior issues in the classroom. Likewise, a child who has suffered childhood trauma or is suffering from depression or anxiety may never have a learning disability. Sure, sometimes a child with a learning disability may also struggle with mental illness, but those diagnoses are not interchangeable nor present themselves in the same ways.

Perhaps the most immediate concern, the one that garners the greatest attention, whether that's in a classroom or in the press, is when those challenges present themselves in violence and disruptive behavior. When I see communities considering options like separate learning environments or facilities for some kids, when I hear individuals say things like, "At what point do parents of "well-behaved" students file a lawsuit demanding an equal education for THEIR children that isn't disrupted by one or two other kids," I grow increasingly concerned about how our communities and this state will wrap its arms around these issues and also the students and families being impacted. My hope is that an extended, thoughtful conversation throughout an interim using data collected through a uniform reporting system will help us achieve that and, as legislators, determine our roles or responsibilities in addressing them.

Mr. Chairman, I don't believe for one second that every parent, every educator, and every one of us doesn't want what's best for all kids. I fully believe this issue does not and should not have to become a false choice between all kids having access to an equal education in the least restrictive environment while guaranteeing that all education personnel are coming to and returning home from a safe work environment each day. In order to prevent that false choice from becoming a reality, everyone involved in K-12 education has a responsibility to fully understand the issues and be at the table to address the challenges. Passing SCR 4004 requesting an interim study of these issues would help us as legislators better understand the issues and determine how we best support kids, parents and families, educators, and communities.

Thank you, and I would stand for any questions.

# Completion Rate within 6 Years

Students Starting at 2-Year Public Institutions

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#1

ND students who began at a 2-year, public ND state college were more likely to complete a degree or certificate in 6 years than the U.S. overall. ND students beginning at 2-year ND state colleges outperformed students in all other states.

State	Completion Rate
<b>North Dakota</b>	<b>58.34</b>
Minnesota	54.72
Iowa	54.17
Florida	52.41
Illinois	46.15
Mississippi	44.37
New York	42.74
New Hampshire	42.52
Arkansas	41.50
Maine	40.42
Kentucky	40.04
Missouri	39.98
North Carolina	39.87
Nebraska	39.56
Hawaii	39.47
<b>U.S. Overall</b>	<b>39.29</b>

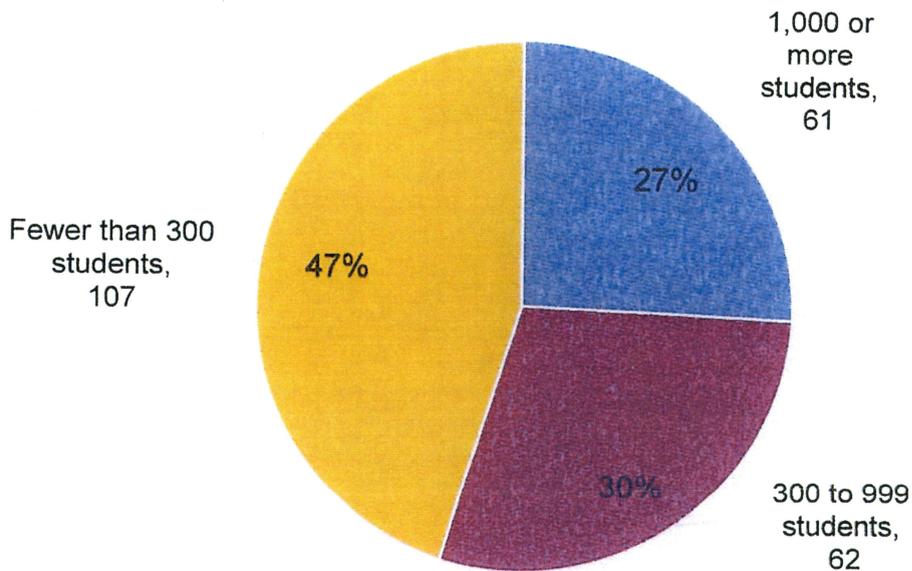
Source: National Student Clearinghouse Research Center  
Signature Report 12 State Supplement



SCR 4004 - Attachment

## North Dakota District and School Administrators Survey

Respondents by number of Students in School District

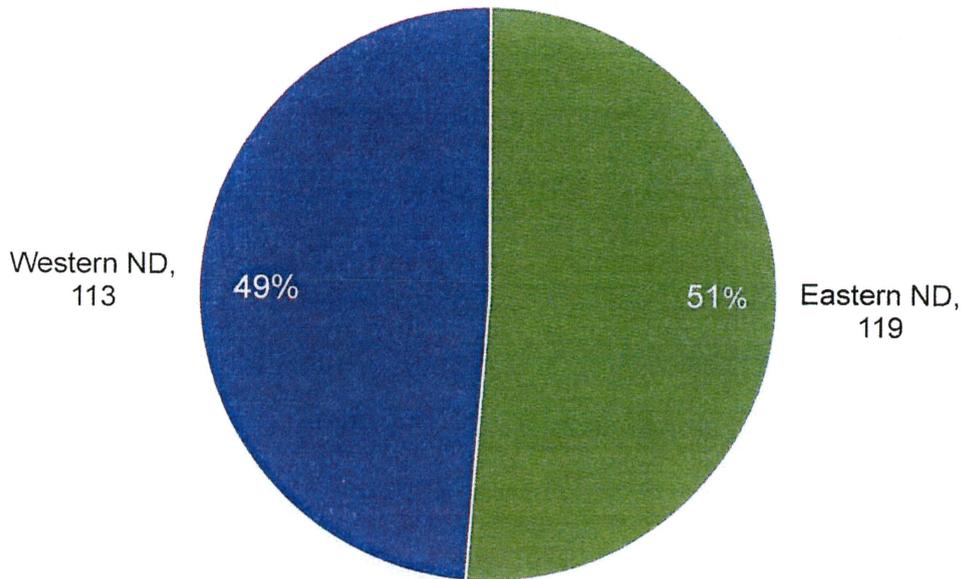


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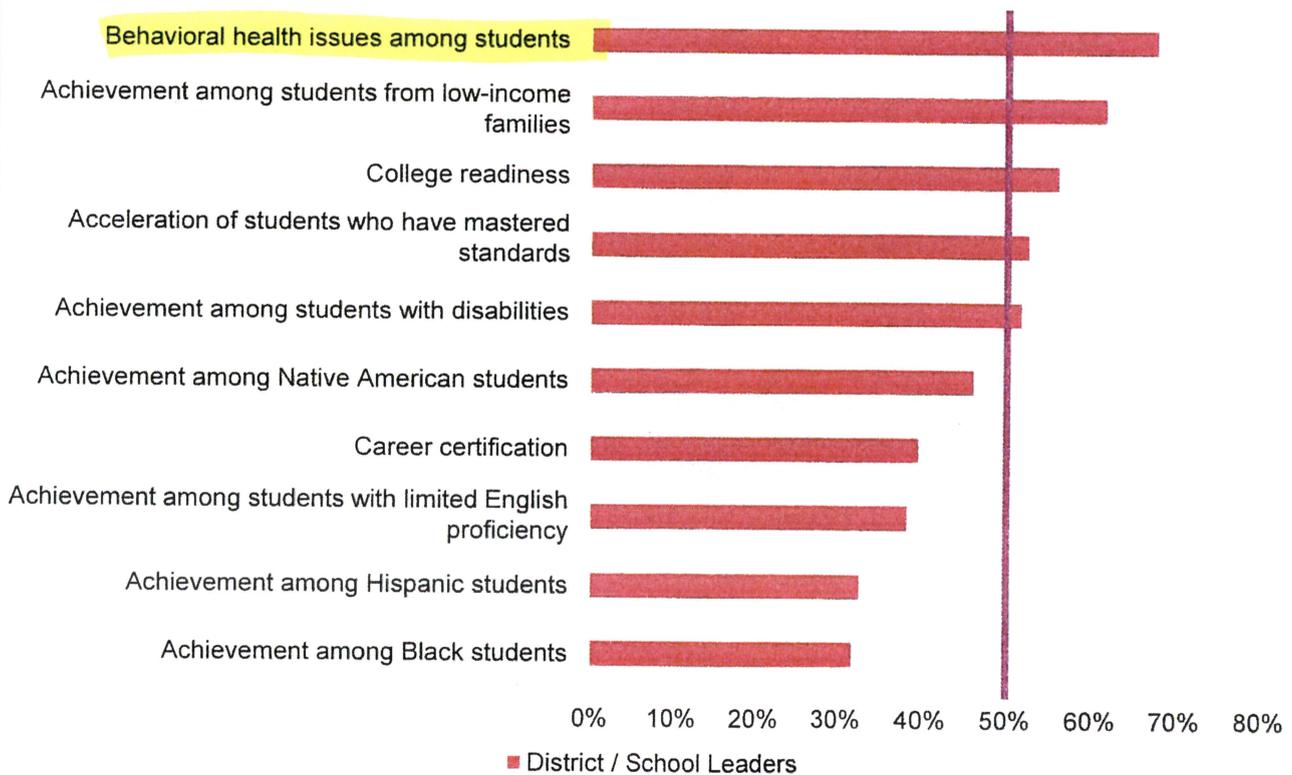
# Survey Respondents

Location of School District



# High Priority Ratings

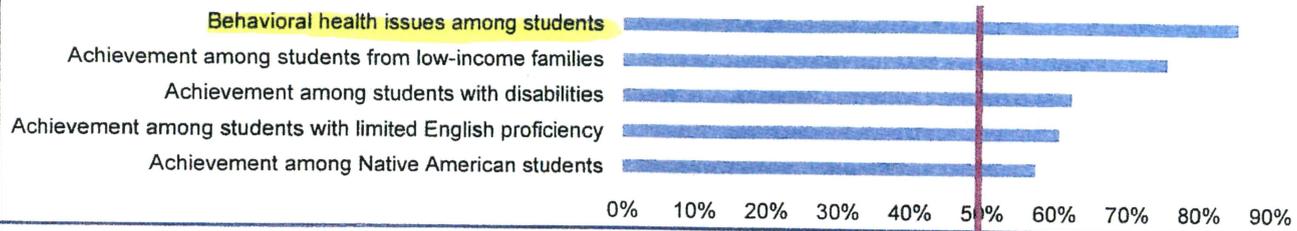
Percentage of Respondents



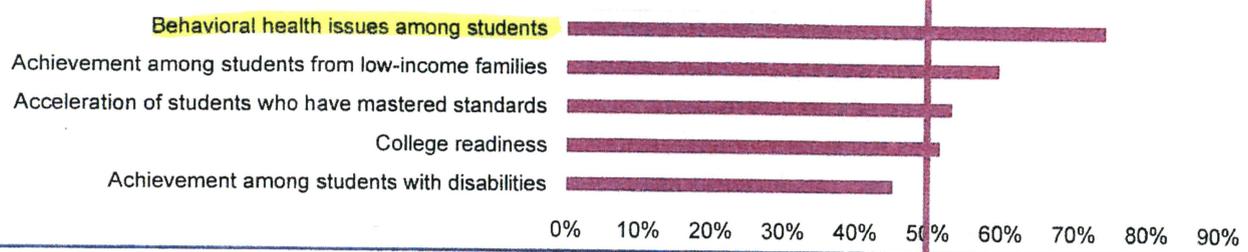
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# Top 5 Areas Rated High Priority by District / School Leaders

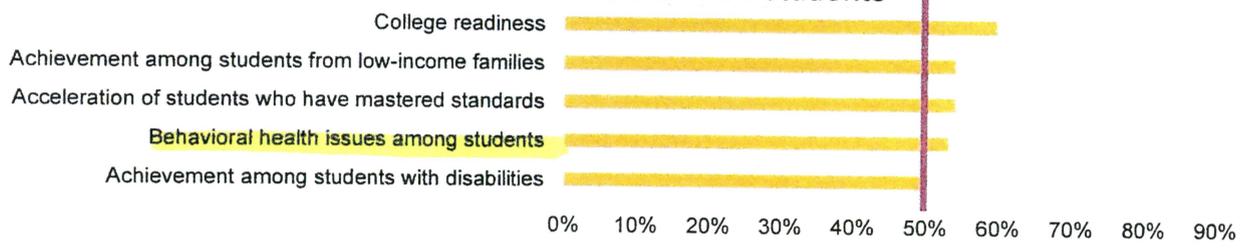
## Districts with 1000 or more students



## Districts with 300-999 students

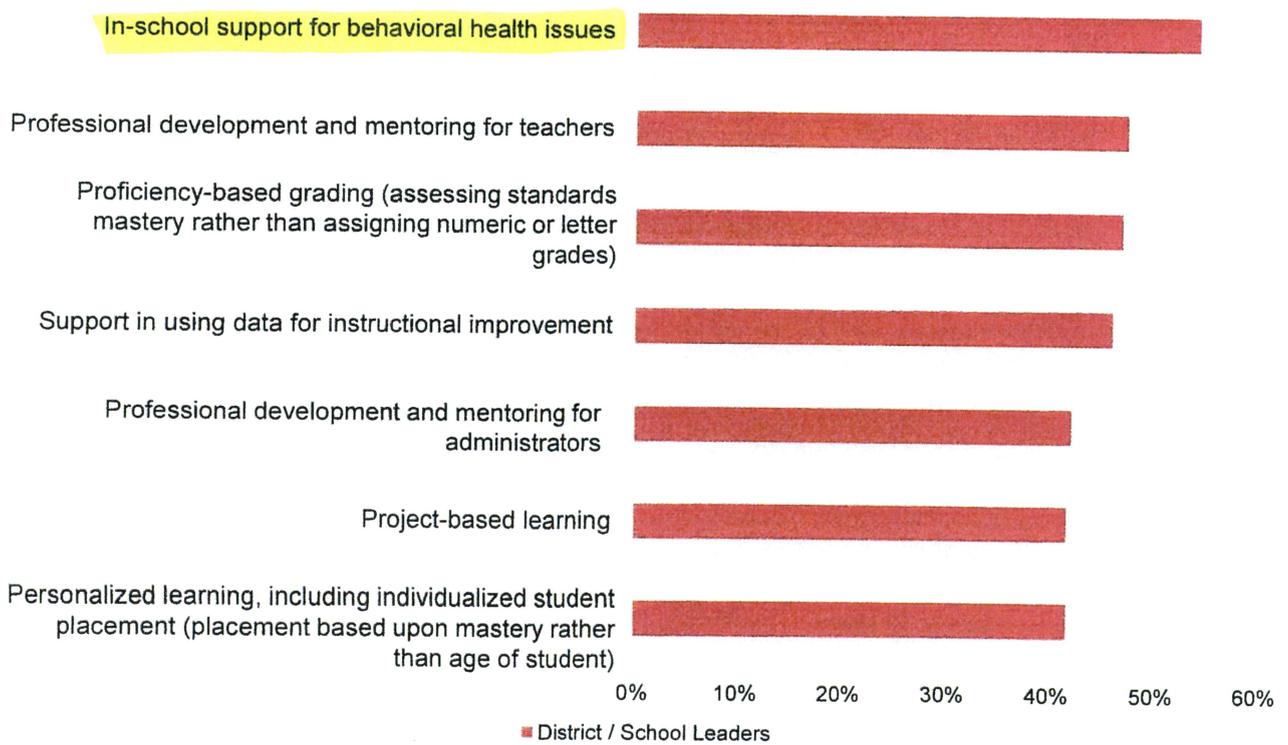


## Districts with fewer than 300 students



# Increased Support Would Improve Achievement

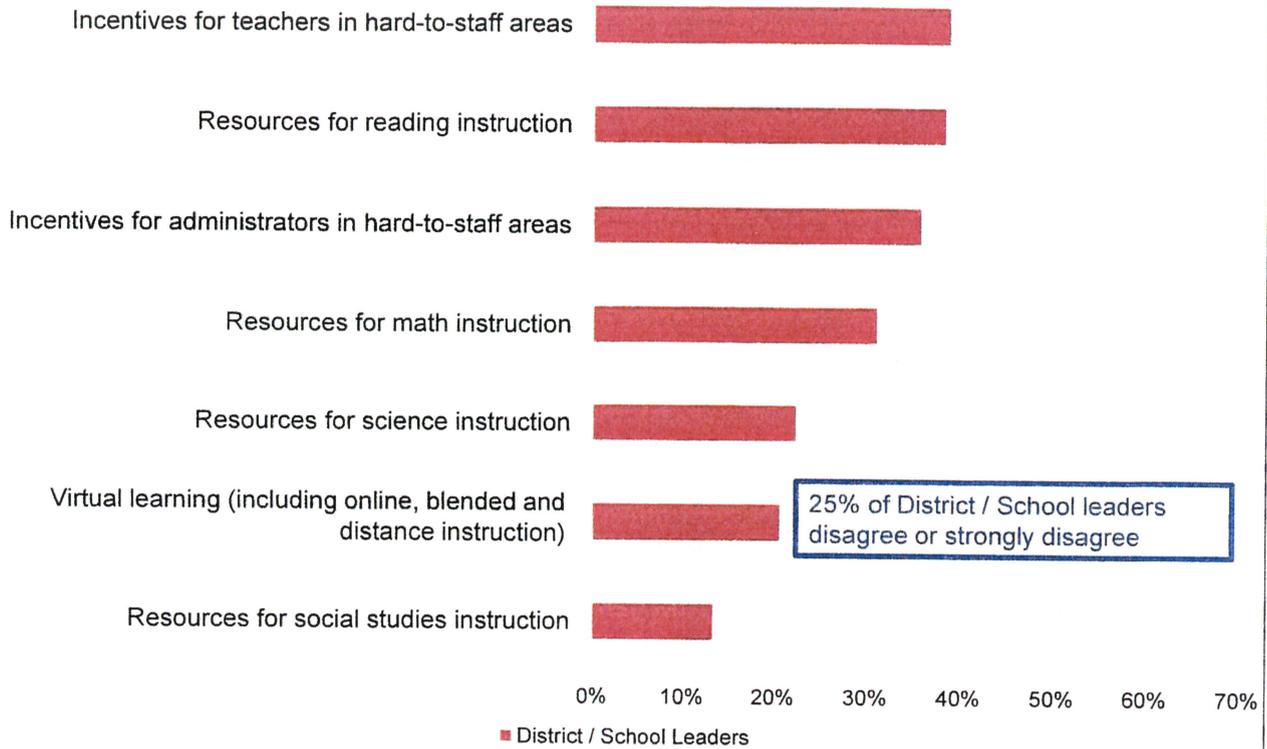
## Percentage Strongly Agree



# Increased Support Would Improve Achievement

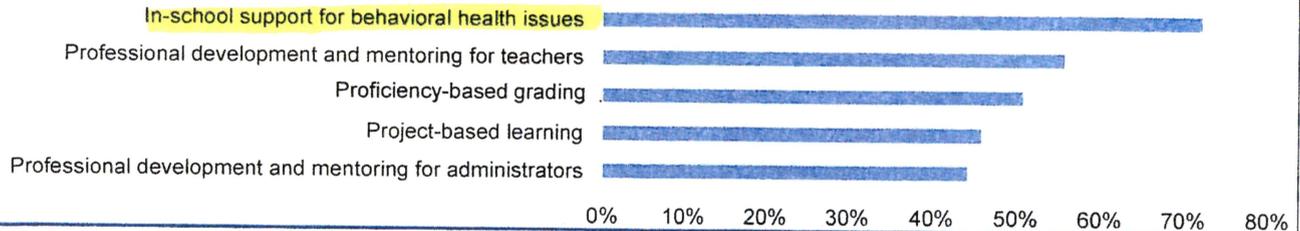
## Percentage Strongly Agree

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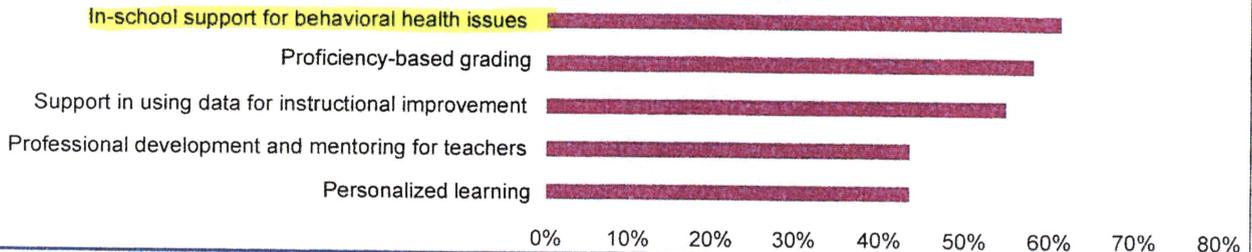


## Top 5 Areas Rated Strongly Agree by District / School Leaders

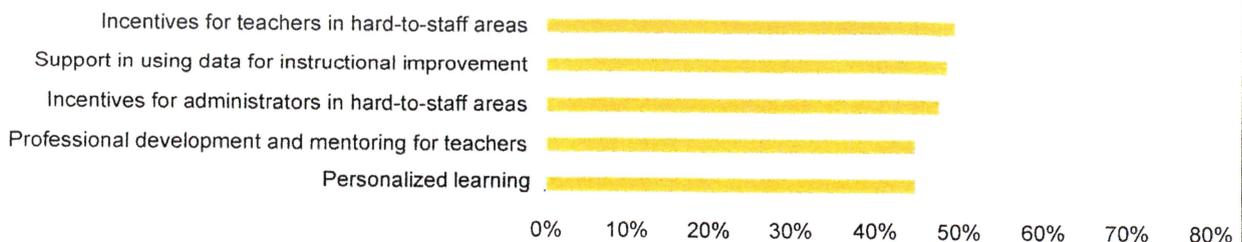
### Districts with 1000 or more students



### Districts with 300-999 students



### Districts with fewer than 300 students



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*Great Public Schools*

*Great Public Service*

**Testimony Before the House Education Committee  
SCR 4004  
March 4, 2019**

Good afternoon, Chairman Owens and members of the Committee. For the record, my name is Nick Archuleta and I stand before you today on behalf of ND United's 11,500 members to urge a DO PASS recommendation for Senate Concurrent Resolution 4004.

Mr. Chairman, Section I of Article VIII of the North Dakota State Constitution says, in part that, "...: the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota."

The Constitution is unambiguous in its intent that the state of North Dakota is obligated to provide all children with a quality education. The Constitution deems that public education in our state is vital if North Dakota is to remain prosperous and her people are to remain happy.

That is a charge that North Dakota's education community takes very seriously. Mr. Chairman, we endeavor to educate every student that walks, runs, rolls, or is carried through our schoolhouse doors. It is an awesome responsibility and despite tremendous challenges, we meet our obligations.

But Mr. Chairman, the job of educating North Dakota's students has become increasingly difficult. We are seeing more young people coming to our schools with more trauma, more behavioral challenges and less support at home and in their communities.

Last August, a series of School Safety Community Listening Forums were held across the state. I attended five of the six Forums. In my view, the most profound takeaway was in

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how attendees perceived “school safety.” Of those coming from outside the school setting, it was clear that they thought of school safety as stopping or preventing an active shooter. Those that work in our schools thought of school safety in terms of what happens when a student with behavioral health limitations acts out, causing injury to students and/or staff.

At the meeting here in Bismarck, some preliminary data gathered by the district was addressed by a member of the district’s safety committee. They break down safety concern incidents into these categories: verbal/physical aggression; verbal/physical threat; destruction of property; and risk/potential risk to self. Of the 343 incidents reported, approximately 70% of them involved physical aggression toward a peer or staff.

Attacks on fellow students, teachers, and education support professionals are unacceptable. The primary responsibility of any school district is to provide a safe learning environment for the students in their charge, and a safe work environment for their teachers and education support professionals. You cannot have one without the other as they are the very same space.

Until we can receive and compile reliable data through a comprehensive and uniform reporting system, we will make little headway in resolving the issue of violence directed by troubled youth toward their peers, their teachers, and staff. If that is the case, we will further delay the education to both the aggressor and his or her peers as mandated by the North Dakota Constitution.

Finally, Mr. Chairman and members of the Committee, I do not want anyone here to think that SCR 4004 represents anything more than an opportunity to collect the data necessary to inform policy makers as they strive to develop a solution for a concern that plagues many, if not all, school districts in ND. Nothing in SCR 4004 serves to deny services or an equal education to any student. It only allows for the gathering of much needed information.

Chairman Owens, I urge a DO PASS recommendation for SCR 4004, and I am happy to respond to any questions.



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Chairman Owens and members of the committee, my name is Kirsten Dvorak, Executive Director of The Arc of North Dakota, which includes all six Arc chapters in North Dakota: Bismarck, Bowman, Dickinson, Fargo, Grand Forks, and Valley City. Our mission is to improve the quality of life of people with intellectual and developmental disabilities and actively support their full inclusion and participation in the community.

Schools are required by law to provide a free and appropriate education to all its students, which includes all children with disabilities. Many students with disabilities do not have access to quality supports or services necessary to participate as full members of their school communities. Administrators, educators, and support staff too often lack sufficient training and knowledge about the needs and abilities of students with disabilities. Paraprofessionals that support students are underpaid and do not always receive the necessary training to support students' needs in inclusive classrooms. Outdated, inaccurate beliefs about students with disabilities persist, leading to low expectations, segregated classrooms and a diminished sense of accountability for these students.

We fully support this bill but ask that you add language to the bill that would include an analysis of evidence-based practices used to deescalate disruptive behaviors in the classroom, behavior intervention and supports. This would help schools in developing a multi-tiered behavioral framework for their school. This would help schools provide instruction and clear behavioral expectations for all children.

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Lifelong education is essential for all individuals with I/DD to achieve the goals of the Individuals with Disabilities Education Act (IDEA) and to be able to pursue opportunities for rich lives where they contribute to the public good. "Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities." (IDEA, Individuals with Disabilities Education Act).



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**SCR 4004 Testimony  
Education Committee  
Representative Mark Owens, Chairman  
March 4, 2019**

Chairman Owens and members of the committee, my name is Carlotta McCleary. I am the Executive Director for both North Dakota Federation of Families for Children's Mental Health (NDFFCMH) and Mental Health America of North Dakota (MHAND). NDFFCMH is a parent run organization focused on the needs of children and youth with emotional, behavioral, or mental disorders and their families. MHAND's mission is to promote mental health through education, advocacy, understanding and access to quality care for all individuals.

While NDFFCMH and MHAND support this study, we have serious concerns with the language in which the children are described in the study. Will this study take into consideration whether the child has a disability? Is there an understanding that we need to determine if the behavior is a manifestation of a child's disability? Will the study look at what the antecedents were? Will the study collect data on whether positive behavior supports, an evidence-based practice, are being utilized in the schools in which the incident occurs?

Today I would like to share with you a little bit more about the students you may be referencing in this study.

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The North Dakota Legislature began studying the Behavioral Health System in 2013 with the forming of the Behavioral Health Stakeholders Group, followed by the ND Legislature commissioning a study which resulted in the release of the ND Behavioral Health Stakeholders Report and the Schulte Report in 2014. The Schulte Report concluded that the state's mental health and substance use system "is in crisis"-a self-imposed crisis caused by a lack of funding, a lack of diversified funding, as well as ineffective administrative policies.

The Schulte Report painted a very dark picture. "The number one concern across the state is that there are not enough services." North Dakota, just like other states, has a legal responsibility to ensure that its citizens are receiving community-based mental health services. Schulte said North Dakota is incurring significant risks if it does not act to end this crisis, because "lawsuits are happening across the country in which states are not offering a choice of services to individuals or requiring that they seek only institutional care." The recently released Human Service Research Institute (HSRI) report only underscored the depths of the crisis and the need for action. These issues have been compounded by a historically timid response from the state of North Dakota to ensure the quality of its mental health system. There are numerous alarming statistics and survey results about the state of the North Dakota's mental health system for children.

- In 2016, North Dakota served less than 4% (1,033) of children with serious emotional disorders
- From 2011 to 2017, the number of youth in juvenile corrections with a serious emotional disorder (SED) grew from 49% to 79%.

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- According to a Mental Health Advocacy Network Survey (MHAN), 79% of mental health service consumers report that there are not sufficient services for persons who are suicidal.
- The MHAN Survey identified that well over 70% of consumers and professionals agree that there are not sufficient choices in obtaining mental health services in their local community.
- The MHAN survey uncovered that 95% of professionals said families are waiting 1 to 6 months to receive any mental health services; 49% of consumers and families are reporting that while they were experiencing those wait times, they were in crisis.
- Suicide is the 2<sup>nd</sup> leading cause of death in North Dakota for those between the ages of 15 and 24.

North Dakota has a legal obligation to provide children's behavioral health services under the

- **Americans with Disabilities Act (ADA) / Rehabilitation Act / Olmstead**
- **Individuals with Disabilities Education Act (IDEA)**
- **Medicaid / EPSDT**
- **Mental Health Parity**

**The ADA and Olmstead applies to kids too!** The failure to provide intensive home-based services violates the Medicaid Act and ADA/Olmstead.

Recently, in a hearing on SB 2266, Senators heard 2½ hours of heart wrenching testimony from families whose children with disabilities have been injured and traumatized as a result of the use of seclusion and restraint in our schools.

The words I use to describe the children is underserved. We clearly aren't meeting their needs. We must figure out how to get these needed services to children with behavioral health needs. We want our schools to be safe for both students and the staff. We believe this can be done not by demonizing teachers or students but by providing needed services and

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needed training. We need to fully implement evidence-based practice such as positive behavior supports in our schools.

We ask you to support SCR 4004, and urge you to amend the language describing the children.

Mr. Chairman thank you for your time. I would be happy to answer any question the committee may have.

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**SCR 4004**  
**House Education Committee**  
**Monday, March 4, 2019, 2019**

Chairman Owens and Members of the House Education Committee:

My name is Roxane Romanick and I'm representing Designer Genes of ND, Inc., as their Executive Director. Designer Genes' membership represents 220 individuals with Down syndrome that either live in our state or are represented by family members in North Dakota. Designer Genes' mission is to strengthen opportunities for individuals with Down syndrome and those who support them to earn, learn, and belong.

We disagree with the wording used in the bill and are requesting edits that more adequately consider and respect the needs of the students who are facing challenges due to behaviors that are undesirable and unsafe for themselves and others. We are requesting the following edits to the language of this bill:

A concurrent resolution directing the Legislative Management to consider studying the impact of students experiencing behavioral health crisis and/or who engage in intense and aggressive behavior for communication purposes, both which result in behaviors that make learning environments unsafe for other students, teachers, and other school personnel, violent, disruptive, and inappropriate behavior within the educational environment perpetrated by students against other students, teachers, and other school personnel, and the need to implement a uniform reporting system

WHEREAS, behavioral health crisis and/or engagement in intense and aggressive behavior for communication purposes can cause incidences of assault, simple assault, aggravated assault, serious bodily injury, other violent behavior, and altercations such as hitting, kicking, biting, spitting, throwing objects, destruction of classroom furniture or materials, extreme profane vocal outbursts, and threats of violence which occur in schools across the state; and

New Section: WHEREAS, students who experience behavioral health crisis and/or engagement in intense and aggressive behavior for communication purposes deserve effective and up-to-date screening, assessment, and treatment strategies to address their needs

WHEREAS, accurate and reliable data such as the types of incidences, antecedents, resolutions, frequency, demographic data about the perpetrator student, circumstances including if the incident occurred during a regulated or nonregulated event, eligibility for special education, and other pertinent data generally is not available, not accurately reported, and not consistently reported from school to school

I will answer any questions and thank you for your time.

Roxane Romanick, Executive Director  
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House Education Committee

Honorable Mark Owens, Chair

Sixty-sixth Legislative Assembly of North Dakota

Senate Concurrent Resolution No. 4004

March 4, 2019

Good Morning, Chairman Owens and Members of the House Education Committee: I am Christine Hogan, an attorney for the Protection & Advocacy Project (P&A).

P&A is an independent state agency. Its mission is to advocate for the human, civil, and legal rights of people with disabilities. P&A strives to ensure that every individual with a disability is treated with the same dignity and respect as all other ND citizens.

As a disability rights agency, P&A works extensively with students and their families that struggle with educational issues. Through our work with students and schools it is evident that we have great schools.

I am not testifying in support or against the resolution. I would however like to ask that the study also consider the fact that children with disabilities have rights to certain procedural safeguards under federal law under some circumstances.

As you may know, under the IDEA, a child with a disability who commits an act of misconduct at school has the right to a manifestation determination before serious discipline (i.e., expulsion of more than 10 consecutive days) can be imposed. This means the school must evaluate whether the misconduct in question was caused by or had a direct and substantial relationship to the child's disability.

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There is a large body of evidence that misconduct and disruptive behavior can be prevented with evidence-based solutions such as positive behavioral supports and behavioral intervention plans. For example, the Crisis Prevention Institute (CPI) Crisis Development Model represents a series of recognizable behavior levels that an individual may experience during a crisis moment and the corresponding staff attitudes/ approaches used to prevent, reduce, or de-escalate challenging behaviors. In addition to CPI, staff can receive training on behavior management, de-escalation techniques, conducting functional behavioral assessments, and writing behavior plans.

We also know from research and our own work with families that providing access to wraparound mental health services and providing positive behavior interventions and supports that focus on preventing the problem behaviors in the first place can produce very positive outcomes for those children.

Mr. Chairman, thank you for your time. I'd be happy to answer any questions the committee may have.