

2023 SENATE EDUCATION

SB 2145

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2145
1/16/2023

Relating to exceptions for postsecondary career school accreditation; to provide for a legislative management study; to provide an expiration date; and to declare an emergency.
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11:00 AM Chairman Elkin opened the hearing.

Present: Chairman Elkin, Vice Chairman Beard, Senator Axtman, Senator Conley, Senator Lemm, and Senator Wobbema.

Discussion Topics:

- Coding school
- Workforce training
- EDA
- CTE
- Provisional license

11:00 AM Senator Davison, District 41, testified in support #13405.

11:03 AM Levi Andrest, GA Group, introduced Blaine Booher program director.

11:04 AM Blaine Booher, Program Director of Emerging Digital Academy (EDA), testified in support bill. #13548

11:21 AM Wayde Sick, ND Director of Career Technical Education, testified in support #13448.

11:30 AM Chairman Elkin closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2145
1/18/2023

Relating to exceptions for postsecondary career school accreditation; to provide for a legislative management study; to provide an expiration date; and to declare an emergency.
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2:05 PM Chairman Elkin opened the hearing. Present: Chairman Elkin, Vice Chairman Beard, Senator Axtman, Senator Conley, Senator Lemm, and Senator Wobbema.

Discussion Topics:

- Study
- Expiration date
- Emergency clause

2:08 PM Levi Andrist, GA Group and on behalf of Emerging Prairie Emerging Digital Company, answered questions.

Senator Axtman moved a DO PASS on Amendment 23.0551.01001.
Senator Wobbema seconded.

	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

Motion passed. 6-0-0

Senator Axtman moved a DO PASS as AMENDED.
Senator Wobbema seconded.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

Motion passed. 6-0-0
Sen Axtman will carry the bill.

2:15 PM Chairman Elkin adjourned the meeting.

Pam Dever, Committee Clerk

January 18, 2023

AG
1-18-23
(1-1)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2145

Page 1, line 2, after "accreditation" insert "; to provide for a legislative management study; to provide an expiration date; and to declare an emergency"

Page 2, after line 3, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - POSTSECONDARY CAREER SCHOOL AUTHORIZATION. During the 2023-24 interim, the legislative management shall consider studying the statute for the authorization to operate postsecondary career schools. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 3. EXPIRATION DATE. This Act is effective through January 1, 2026, and after that date is ineffective.

SECTION 4. EMERGENCY. Section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2145: Education Committee (Sen. Elkin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2145 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, after "accreditation" insert "; to provide for a legislative management study; to provide an expiration date; and to declare an emergency"

Page 2, after line 3, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - POSTSECONDARY CAREER SCHOOL AUTHORIZATION. During the 2023-24 interim, the legislative management shall consider studying the statute for the authorization to operate postsecondary career schools. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.

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SECTION 4. EMERGENCY. Section 1 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

2023 HOUSE EDUCATION

SB 2145

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

SB 2145
3/1/2023

Relating to exceptions for postsecondary career school accreditation; to provide for a legislative management study; to provide an expiration date; and to declare an emergency.

2:50 PM

Chairman Heinert opened the hearing. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Innovation workforce program
- Exemption
- 20-week immersive program
- Licensure for operation
- Accreditation

Sen Davison, District 41, introduced SB 2145, oral testimony
Wayde Sick, State Director, CTE, Testimony 21337
Blaine Booher, Program Director, Emerging Digital Academy, Testimony 21543

3:25 PM Chairman Heinert closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

SB 2145
3/7/2023

Relating to exceptions for postsecondary career school accreditation; to provide for a legislative management study; to provide an expiration date; and to declare an emergency.
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3:39 PM

Chairman Heinert opened the meeting. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, and Timmons. Absent: Representative Novak.

Discussion Topics:

- Committee action

Rep Schreiber-Beck moved to amend SB 2145, to change the date on Page 2 Line to August 1, 2025, seconded by Rep Heilman. Voice vote. Motion carried.

3:46 PM Meeting adjourned.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2145
3/20/2023

Relating to exceptions for postsecondary career school accreditation; to provide for a legislative management study; to provide an expiration date; and to declare an emergency.

3:36 PM

Chairman Heinert opened the meeting. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Committee action
- Amendment 02001

Rep Murphy moved to adopt Amendment 23.0551.02001 (Testimony #26050), seconded by Rep Hauck. Voice vote, motion carried.

Rep Murphy moved a Do Pass as Amended, seconded by Rep Dyk.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	Y
Representative LaurieBeth Hager	N
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	Y
Representative Anna S. Novak	Y
Representative Kelby Timmons	Y

13-1-0 Motion carried. Rep Jonas is carrier.

3:43 PM Meeting adjourned.

Kathleen Davis, Committee Clerk

23.0551.02001
Title.03000

Prepared by the Legislative Council staff for
Representative Murphy
March 14, 2023

DR
171
3-20-23

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2145

Page 2, line 3, remove "that was in operation before 2020"

Page 2, line 9, replace "January 1, 2026" with "August 1, 2025"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2145, as engrossed: Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2145 was placed on the Sixth order on the calendar.

Page 2, line 3, remove "that was in operation before 2020"

Page 2, line 9, replace "January 1, 2026" with "August 1, 2025"

Renumber accordingly

TESTIMONY

SB 2145

Senate Bill 2145 Testimony
Senator Kyle Davison
January 16th, 2023

Good Morning, I'm Senator Kyle Davison from District 41 representing south Fargo. I'm here today to support an innovative workforce training program that doesn't quite fit into the normal structure of CTE in ND.

The Emerging Digital Academy (EDA) started in 2019 and it operates a 20-week software development program that teaches not only the concepts of coding and software design, but how to build modern apps.

Because EDA offers workforce training, it's regulated under the umbrella of the CTE board of North Dakota. The CTE board's rules don't mesh with a coding school bootcamp like EDA because the rules requiring accreditation. Accreditation of coding schools doesn't make sense because the standards of what is being taught changes so rapidly.

That is why SB 2145 seeks to exempt the coding school from having to get accredited. EDA will still need to get licensed by CTE, which has a lot of benefits—including access to student financial aid—but they won't need to be accredited.

The leaders of EDA are here today to offer any detailed information you may find useful. Additionally, in working with CTE leadership, they will be offering a friendly amendment that I support and I know EDA supports. Thank you to them for making this bill better.

I'd ask for your support of SB 2145, which will help modernize the regulation of workforce training for coding bootcamps.

**Senate Education
SB2145**

January 16, 2022

Chairman Elkin and members of the Senate Education Committee, my name is Wayde Sick, State Director for the Department of Career and Technical Education. I am here to testify in support of SB2145, with proposed amendments.

The State Board for Career and Technical Education has the authority to approve the operations of Postsecondary Career Schools. The reason for this authority is to provide oversight over the operations and to ensure the students enrolling in these programs are protected. They are assured the training they receive is high quality, they have the option to receive refunds, if not satisfied with the training, and there is a process for complaints. Examples of approved Postsecondary Career Schools include Lynnes Welding and Emerging Digital Academy. A requirement, as defined in century code, is to be nationally or regionally credentialed. The reason for this is to assure the content is of high quality and that the program is legitimate and reputable.

SB2145 is an attempt to allow the State Board for Career and Technical Education the ability to exempt an organization that is offering a full-stack software engineering course that was in operation before 2020. This is specifically Emerging Digital Academy (EDA). EDA has been provisionally approved to operate in the state as they have been working with a national accreditor. Statute allows EDA to operate provisionally, as long as they are in good-faith, making progress towards national accreditation.

According to EDA, due to its unique content, they are having difficulty becoming nationally accredited. SB2145, as written, would exempt them from needing to be nationally accredited to operate in the state, but would not allow a similar organization the same exemption.

The Department proposes the following amendments.

Page 1, line 2, remove the period and insert immediately after “to provide for a legislative management study; to provide an expiration date; and to declare an emergency.”

Page 2, line 4, insert the following:

“SECTION 2. LEGISLATIVE MANAGEMENT STUDY - (POSTSECONDARY CAREER SCHOOL AUTHORIZATION). *During the 2023-24 interim, the legislative management shall consider studying the statute for the authorization to operate postsecondary career schools. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.*

This study would allow the state to study the current statute, to determine if there are necessary changes, that will provide schools flexibility, while ensuring student confidence.

SECTION 3. EXPIRATION DATE. *This Act is effective through January 1, 2026, and after that date is ineffective.*

The expiration date would end EDA's authority to operate under current statute, requiring all providers, current and future, to follow new statute, however, allowing the Board time to draft any administrative rules necessary after the 69th legislative session.

SECTION 4. EMERGENCY. *Section 1 of this Act is declared to be an emergency measure."*

This allows EDA to operate in the upcoming year, as all Postsecondary Career School are required to request reapproval to operate every year. EDA's approval expires June 30, 2023. This law, without an emergency clause, will not take effect until August 1, 2023, so EDA would have to go through the reapproval process with the Board again.

Renumber accordingly

This concludes my testimony, and I am happy to stand for any questions.



Mr. Chair and members of the committee. Thank you for allowing me to speak in front of the committee today on SB 2145. My name is Blaine Booher and I am the Program Director of Emerging Digital Academy (“EDA”), which is an immersive 20-week career training program that teaches students the skills necessary to gain access to entry level software engineering jobs in North Dakota. I’m joined today by my colleague Matt Wendel.

Since beginning operation in late 2019, EDA has graduated 55 students over 8 cohorts. Our students have achieved a successful outcome rate of over 90% within 6 months of graduation. The median starting salary for full-time jobs after graduation is \$52k which is an average increase of over 200% compared to income prior to enrolling.

Our students by and large find opportunity in North Dakota, working for local technology teams at companies such as Scheels, Bushel, Perficient, Microsoft, Signum, Project Phoenix, Codelation, Cota Logistics, Heat Transfer Warehouse, 701x, and more.

I am here today to testify in support of SB 2145 which seeks to fix a constraint in current law relating to the requirements needed to achieve a licensure for authorized operation as a private career school in North Dakota.

Under current statute, software coding bootcamps, such as EDA, are overseen by the North Dakota Department of Career and Technical Education (“CTE”). In order for these programs to graduate from a temporary provisional license to a full license to operate, a program needs to meet all requirements set by CTE including accreditation.

Accreditation is extremely difficult and unclear for this type of program. Out of the dozens of software coding bootcamps in the country only one similar program has achieved accreditation. It is unclear if most coding software bootcamps would even qualify for this type of accreditation due to the non-traditional structure and continually updating curriculum

Accreditation, if possible, will take significant time and resources, and would require the freezing of curriculum development during the process. The ability to tailor curriculum quickly to industry needs is one of the main benefits of such programs. The nature of this program is hands-on technical training with direct feedback from industry and as such the curriculum is not based around progress towards a specific degree or college credits.

We have been working in cooperation with the CTE board since the first Authorization to Operate A Private Career School application was submitted by our team in January 2020. Over the past 3 years, we have successfully gained provisional licensure status each year, and worked in good faith with the CTE board to understand the constraints and exemptions from the



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BUILDING OUR**TECHNOLOGY****COMMUNITY**

Why Choose Emerging Digital Academy?

We benchmark our students against industry standards and craft personalized experiences that sharpen or build new skills. Our graduates know how to build web apps from the ground up, but learning to code is just the beginning. They also have knowledge of databases, source control, backend servers, frontend frameworks, task prioritization, and public speaking.

With the growing workforce needs in Fargo, EDA has been a tremendous asset in training talent for our business needs. The instructors and staff are incredible to work with, and the caliber of students they produce is fantastic!

- Teri Winkelman // Talent Acquisition Manager, Bushel

Upon graduation from this 20 week program, each student has spent over 800 hours studying, coding, presenting, communicating, and working alongside teammates. Major portfolio pieces include a solo project and a real world team-built client project.

Because Emerging Digital Academy graduates three cohorts a year, organizations can build a diverse team of skilled candidates by leveraging our talent pipeline.

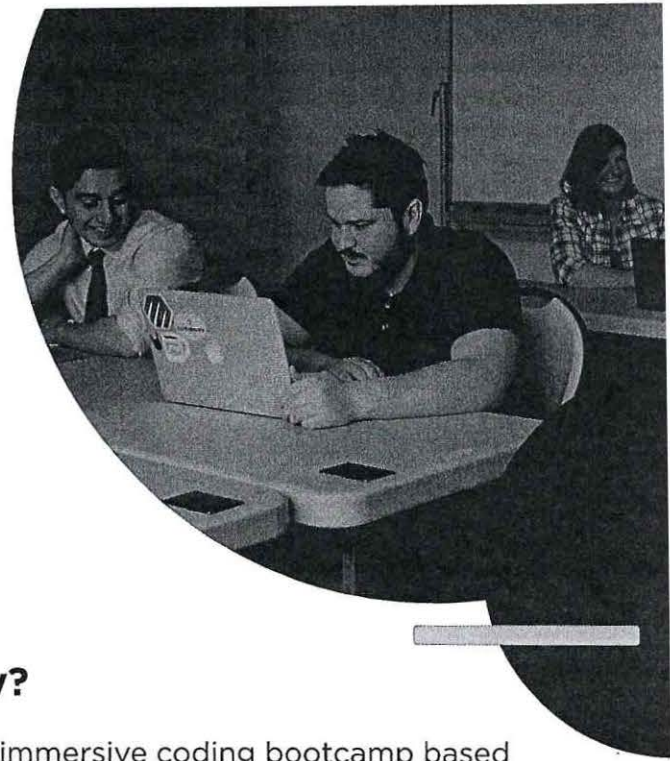
Emerging Digital Academy thrives when the regional technology community supports it. There are many ways for your business to get involved with EDA.

- 1 Hire our graduates for full-time employment.
- 2 Create internship opportunities for graduates.
- 3 Become a guest speaker in our classroom.
- 4 Become a mentor to our current students.
- 5 Provide scholarships to future students.
- 6 Join our employer network to participate in career days or mock interviews.

(701) 484-0003

info@emergingacademy.org

www.emergingacademy.org



BUILD A

NEW CAREER

What is Emerging Digital Academy?

Emerging Digital Academy (EDA) is a 20-week immersive coding bootcamp based in Fargo, ND. This program prepares students for entry level software development positions. We teach a Full Stack course where students learn to understand, design, and work with software at all layers of the modern web “stack”, including both frontend and backend. Students learn modern technologies like HTML5, CSS, JavaScript, git, React, and Node.js and are able to grasp foundational web concepts and techniques.

Why Choose Emerging Digital Academy?

Software is changing the world. Individuals with the skills to create and build technologies are now essential in every industry but there aren’t enough of these professionals to go around. EDA is here to change that by graduating students for entry level positions in just 20 weeks.

90%
of students graduate the program.

90%
of graduates secure a career within 6 months.

\$50,000
is the average salary for our graduates.

“Prior to EDA, I had no coding experience at all. I loved technology; however, I had not written a single line of code. Now I’m able to create gizmos and gadgets from nothing. To go from no coding experience to joining the Agtech community in 20 weeks has been amazing.”

*Dustin Cote
Babbage Cohort Graduate
Full Stack Developer, 701x*

This program empowers students from diverse backgrounds to begin their new careers in months, not years. Working directly with local tech employers, we’ve created a program that equips emerging engineers with the skills they need to make immediate contributions to the industry. Contact us to learn more about the program, explore your financing options, and apply to be part of our next cohort.



**House Education
SB2145**

March 1, 2023

Chairman Heinert and members of the House Education Committee, my name is Wayde Sick, State Director for the Department of Career and Technical Education. I am here to testify in support of SB2145, as amended by the Senate.

The State Board for Career and Technical Education has the authority to approve the operations of Postsecondary Career Schools. The reason for this authority is to provide oversight over the operations and to ensure the students enrolling in these programs are protected. They are assured the training they receive is high quality, they have the option to receive refunds, if not satisfied with the training, and there is a process for complaints. Examples of approved Postsecondary Career Schools include Lynnes Welding and Emerging Digital Academy. A requirement, as defined in century code, is to be nationally or regionally accredited. The reason for this is to assure the content is of high quality and that the program is legitimate and reputable.

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According to EDA, due to its unique content, they are having difficulty becoming nationally accredited. SB2145, as written, would exempt them from needing to be

nationally accredited to operate in the state. This exemption would expire on January 1, 2026.

The reason for the expiration date, is also in SB2145 is the request for a study of the statute that governs the approval process for Postsecondary Career Schools. This study would allow the state to study the current statute, to determine if there are necessary changes, that will provide schools flexibility, while ensuring student confidence. This study would advise the State Board for Career and Technical Education and the 69th Legislative Assembly of any necessary changes to statute. EDA would then need to follow any changes to the approval process.

SB2145 also includes an emergency clause. This allows EDA to operate in the upcoming year, as all Postsecondary Career Schools are required to request reapproval to operate every year. EDA's approval expires June 30, 2023. This bill if passed, without an emergency clause, will not take effect until August 1, 2023, so EDA would have to go through the reapproval process with the Board again.

This concludes my testimony, and I am happy to stand for any questions.



March 1 2023

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We have been working in cooperation with the CTE board since the first Authorization to Operate A Private Career School application was submitted by our team in January 2020. Over



the past 3 years, we have successfully gained provisional licensure status each year, and worked in good faith with the CTE board to understand the constraints and exemptions from the accreditation requirement in the NDCC.

While we have had ongoing discussion during each annual renewal cycle with the CTE board about this requirement, we began looking to implement a fix in the North Dakota Century Code in fall 2021. In Spring 2022 we explored the current law to understand if the existing language allowed for accreditation exemptions but after working with the CTE board it was determined that an update to NDCC was the best course of action.

EDA currently operates with a provisional license to operate which is authorized by CTE, which is intended as a temporary approval for new programs. Obtaining a full license to operate will provide clarity and certainty for the program. Achieving a full license to operate is the ultimate goal of career training programs licensed by CTE to operate in the State of North Dakota.

There are several state systems that require licensure to operate such as the Bank of North Dakota, Career Builders, and Job Services as well as several federal programs such as veteran skill training opportunities. Achieving full licensure beyond provisional status is the ultimate goal to ensure that EDA is maintaining the highest standards of quality and can continue to work with these various systems and programs at the state and federal level long term.

SB 2145 adds an additional condition for exemption to the section that requires accreditation to move from provisional to full operating license. This exemption will allow EDA to operate under a full license as authorized by the CTE board.

We would like to extend gratitude to Senator Davison and Wayde Sick and the entire CTE Board for their work on the bill, the updated amendment, and the collaboration with Emerging Digital Academy. We support the bill and amendment and look forward to our continued work together.



23.0551.02001
Title.

Prepared by the Legislative Council staff for
Representative Murphy
March 14, 2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2145

Page 2, line 3, remove "that was in operation before 2020"

Page 2, line 9, replace "January 1, 2026" with "August 1, 2025"

Renumber accordingly