

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

EDUCATION COMMITTEE

Thursday, September 4, 2008
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative RaeAnn G. Kelsch, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives RaeAnn G. Kelsch, C. B. Haas, Lyle Hanson, Gil Herbel, Bob Hunsakor, Lisa Meier, David Monson, Phillip Mueller, Gary Sukut, John D. Wall; Senators Tim Flakoll, Layton W. Freborg, Gary A. Lee, Carolyn Nelson

Members absent: Representatives Karen Karls, Francis J. Wald; Senator John M. Andrist

Others present: See [Appendix A](#)

It was moved by Senator Nelson, seconded by Senator Flakoll, and carried on a voice vote that the minutes of the previous meeting be approved as distributed.

It was moved by Representative Meier, seconded by Representative Haas, and carried on a voice vote that the minutes of the previous joint meeting of the Workforce, Education, and Higher Education Committees be approved as distributed.

COMMISSION ON EDUCATION IMPROVEMENT - UPDATE

At the request of Chairman Kelsch, Dr. Lawrence O. Picus and Dr. Allan Odden, Lawrence O. Picus and Associates, presented testimony regarding the adequate funding of schools in North Dakota. They distributed a document entitled *Funding Schools Adequately in North Dakota: Resources to Double Student Performance* (Final Report prepared for the Commission on Education Improvement). The document is on file in the Legislative Council office. They also distributed a document containing the PowerPoint slides ([Appendix B](#)) used in their presentation.

Dr. Odden said for 2007-08, the per student payment is \$3,250. He said the equity guarantee is \$3,774 for a total of \$7,024. He said the study concluded that, based on North Dakota cost factors, an adequate level of funding would require a per student payment of \$7,293.

Dr. Odden said North Dakota students do quite well on North Dakota state tests. He said approximately 80 percent to 90 percent of North Dakota students test at or above proficiency. However, he said, only 30 percent to 40 percent of North Dakota students achieved proficiency in the national assessment of educational progress test. He said this means there is substantial room for

improvement. He said North Dakota needs to aim for proficiency at the more rigorous national level. He said that is where North Dakota students need to be in order to compete globally.

Dr. Odden said in the study, he and Dr. Picus are trying to link programmatic strategy in schools to double student performance.

Dr. Odden said the study contained a number of recommendations. He said it recommends that core class sizes be at 15 students on average for kindergarten through grade 3 and 25 students on average for grades 4 through 12. He said the core classes include English/language arts, mathematics, science, social studies, and world languages.

Dr. Odden said the report recommends that specialists and elective teachers, e.g., art, music, physical education, health, etc., represent 20 percent of the number of core teachers for kindergarten through grade 8 and 33 percent of the number of core teachers for grades 9 through 12.

Dr. Odden said the study recommends instructional coaches at the rate of one full-time equivalent for every 200 students. He said North Dakota teachers require a more powerful battery of instructional strategies. He said they need time to work together and they need time for instructional coaching.

Dr. Odden said the report recommends a series of strategies to provide extra help to struggling students. He said this includes one full-time equivalent tutor for every prototypical school plus one additional full-time equivalent position for every 125 at-risk students.

In response to a question from Representative Kelsch, Dr. Odden said instructional coaches and tutors need to be highly qualified teachers.

In response to a question from Representative Haas, Dr. Odden said schools and school districts that evidence large improvements in student learning are those that have set high goals for themselves. He said these goals go well beyond adequate yearly progress. He said the schools and school districts generally adopt a new and better curriculum and they rely heavily on data for decisionmaking purposes. He said successful schools and school districts tend to use benchmark tests much more frequently, they tend to have a greater number of professional development days, they tend to utilize tutors, and they utilize extended-day programs that focus on academic assistance. He said successful schools and school districts also have summer school programs, strong

principled leadership, and both teacher leaders, who are often the instructional coaches, and collaborative teacher teams.

Dr. Odden said the report also recommends increases in the weight given to English language learners, the funding of extended-day programs at 1 full-time equivalent teacher for every 15 eligible students, a continuation of summer school activities, a continuation of the payment calculations for summer school and for alternative schools, and the retention of the census approach to funding special education, with an increase in those resources to 1 teacher position and 1 aid for every 150 students in average daily membership.

Dr. Odden said the report recommends \$25 per student in average daily membership for services to gifted and talented students and it makes no recommendation with respect to career and vocational education.

Dr. Odden said, the report recommends 1 guidance counselor for each prototypical elementary school and 1 guidance counselor for every 250 students in prototypical middle schools and high schools. In addition, he said, the report recommends 1 full-time equivalent student support position for every 125 at-risk students. He said this position may be allocated for social workers, nurses, psychologists, family outreach persons, caseworkers, and guidance counselors.

Dr. Odden said, with respect to professional development, the study recommends an increase in teacher professional development days to 10 from the present 2. He said the report also recommends that \$100 per student be set aside for the cost of professional development training and related expenses. He said a lot of poor quality professional development is taking place. He said good professional development requires free time for teachers. He said that often has to occur in the summer.

In response to a question from Representative Mueller, Dr. Odden said the schools and school districts that evidence increased student performance all increased the number of their professional development days. He said teachers need more than two professional development days and they need more than two hours at a clip. He said four occurrences of two-hour professional development activities do not equal a good day of professional development. He said schools and school districts have seen the greatest gain in student performance when professional development is offered as a two-week summer institute, not two hours here and two hours there.

In response to a question from Representative Hunsaker, Dr. Odden said North Dakota students are doing well but they are not doing well enough for the 21st century. He said North Dakota state tests are currently giving a false sense of security. He said people have to realize that North Dakota students must achieve at a much higher level. He said while

teachers are working hard, they are working on a variety of goals. He said energy needs to be focused on achieving high student performance in the core subjects.

Dr. Odden said there are good things happening at some schools. He said we need to say to ourselves if "they" can do it, "why can't we?" He said teacher leaders and administrative leaders have to bring in and utilize powerful instructional strategies. He said success with respect to raising student performance will take state leadership as well. He said more money alone will not make a system great. He said the system needs educational and political leadership. He said adding more money will not help at all unless the money is used appropriately. He said if it is not used appropriately, the only thing we will have is our same system at a more expensive price.

Dr. Odden said those teachers who are already working hard need to realize that these recommendations do not require that they work harder. He said the recommendations require that they work differently. He said they need to use different instructional strategies to achieve greater student performance.

In response to a question from Senator O'Connell, Dr. Odden said providing appropriate strategies for gifted and talented students is more difficult in a small school district. He said the best strategy for assisting gifted and talented students involves removing them from the regular classroom and giving them accelerated instruction. He said gifted and talented students can also have their grade levels accelerated at very little to no cost. He said enrichment programs are much more expensive and have the least positive effect for gifted and talented students.

Dr. Odden said the report recommends \$250 per student in average daily membership for technology. He said that includes purchases of computers, software, hardware, and supplies.

Dr. Odden said the report recommends funds for formative and benchmark assessments at the rate of \$170 for each elementary school and middle school student and \$205 for each high school student. He said the report also suggests funding student activities at the rate of \$200 per elementary school and middle school students and \$250 for each high school student.

Dr. Odden said transportation is not included in the net educational costs. He said if a state does not pick up 100 percent of the transportation costs, it would be necessary to allow districts to raise the dollars needed to pay their transportation costs.

Dr. Picus said the cost recommendation in the report is based on the use of all dollars and resources available to schools. He said the recommendations in the report allow for the use of all those dollars in the most effective and efficient manner possible.

In response to a question from Senator Lee, Dr. Picus said the numbers used in the report are based on 2006-07 school year data.

In response to a question from Representative Wall, Dr. Odden said North Dakota should examine its career and technical education system and especially its structure for delivery and funding.

In response to a question from Representative Mueller, Dr. Odden said when schools and school districts use some or most of the recommendations for increasing adequacy, their students tend to exceed adequate yearly progress goals. He said most North Dakota schools set a goal of merely meeting adequate yearly progress. He said that is simply not a high enough goal. He said successful schools set their goals higher and therefore they meet adequate yearly progress.

In response to a question from Representative Sukut, Dr. Odden said instructional coaches tend to be exceptional teachers who have the ability to work well with adults. He said instructional coaches also have to be familiar with powerful instructional strategies.

In response to a question from Senator Lee, Dr. Odden said restructuring and reallocation are the first steps to be taken in implementing the recommendations. He said the recommendations involving professional development are the next most important thing that could be done with respect to increasing student performance. He said tutors, summer school programs, and extended-day programs with academic orientations follow thereafter.

In response to a question from Representative Mueller, Dr. Odden said most states and most legislators are reluctant to put strings on the increased dollars. He said they find it easier to simply block grant the dollars and let schools and school districts use the dollars flexibly. However, he said, when allowed to use dollars flexibly, most districts tend not to use the dollars in the ways that would effectively and efficiently enhance student performance. He said when dollars are given on a block grant basis, there is local pressure to increase salaries and lower class sizes. He said there is generally not the same pressure to follow the recommendations made in this report.

In response to a question from Representative Herbel, Dr. Odden said given the large number of small districts in this state, it may be a challenge for many districts to obtain instructional coaches and tutors. He said schools might need to look at obtaining such services through the use of regional education associations.

In response to a question from Representative Meier, Dr. Odden said it is quite possible to double student performance without lengthening the school year. He said in comparing the United States with other countries, we see that our curriculum is a mile wide and an inch deep. He said we do not engage in a lot of critical thinking and problem-solving.

In response to a question from Representative Haas, Dr. Odden said a lot of changes need to be made in teacher and administrator training. He said even the best teacher training programs graduate

novice teachers. He said our students are so far behind in mathematics and science and English language arts that we need more than a few days of professional development each year. He said we need continued mentoring and instructional assistance to promote greater levels of student learning.

In response to a question from Representative Haas, Dr. Picus said isolated schools are a different creature than small school districts that could be consolidated. He said when discussions turn to consolidation, the focus goes off students. He said Arkansas made a policy decision that it would not fund small school districts and prolong their inefficiencies.

Representative Kelsch said some states are giving consideration to increasing the length of their teacher training programs to five years so that prospective teachers can receive more "hands on" time. She said others are looking at ways to recruit the best and the brightest students for entry into teacher training programs.

In response to a question from Representative Hunsdor, Dr. Odden said internationally tracking is much less prevalent than it used to be. He said where it exists it is generally limited to the last two years or three years of high school. He said some believe that the United States does not score as high as other countries in international comparisons because United States students cover a wider gamut of abilities than those allowed to test from other countries. He said the reality is, even if we examine only the performance of the top 20 percent of United States students, as a country, we would still score significantly lower than students from other countries.

At the request of Chairman Kelsch, Lt. Governor Jack Dalrymple presented testimony regarding the work of the Commission on Education Improvement. He said the final draft of the adequacy study was presented to the commission on Wednesday, September 3, 2008. He said even so, the commission is already well on its way to developing recommendations.

Lt. Governor Dalrymple said the state is within \$270 per student of meeting the amount recommended by Drs. Odden and Picus. He said if the Legislative Assembly required school districts to make the shift from what they were currently doing to what is recommended in the report, some school districts would have to reallocate current resources.

Lt. Governor Dalrymple said the goal of the Commission on Education Improvement is to ensure that North Dakota students are ready for college and ready for the workplace. He said the commission has received anecdotal information indicating that our students are ready for neither. He said the commission is interested in receiving more data regarding what North Dakota students are taking and what they need to take in order to achieve progress.

HIGH-RISK BEHAVIORS

At the request of Chairman Kelsch, Ms. Renae Hoffmann Walker, Community Relations Director, Bismarck Public School District, said she was asked to discuss ways in which schools and school districts can train staff members to better identify high-risk students and to discuss programs that can reduce the instances of high-risk behaviors leading to suicide.

Ms. Walker said she asked Ms. Mary Hill, Assistant Principal, Bismarck High School, to provide the committee with some background regarding issues with which current students deal.

Ms. Hill said high-risk behaviors are evidence that students are hurting in some way. She said school officials see alcohol use, drug use, sexual activity, bullying, and depression. She said all those behaviors can lead to suicide. She said schools are seeing those behaviors earlier.

Ms. Hill said parents do not take alcohol use seriously. She said most adults do not want to acknowledge that inhalant use is rampant. She said it is so because it is cheap and it is accessible. She said most adults also do not want to acknowledge that sexual activity is taking place as early as the seventh grade.

Ms. Hill said economics plays a huge role in choices that the students make. She said many families are under stress because of financial issues. She said many students work full-time to help their families.

Ms. Hill said transportation is an issue for many low-income students. She said students who lack transportation opportunities often self-medicate.

Ms. Hill said homelessness is also a condition of economics. She said the homeless population in Bismarck is much larger than most would like to acknowledge. She said sometimes families are evicted from their apartments because landlords believe they can obtain higher rent from others. She said there are instances where two families--14 people--were living in a two-bedroom apartment. She said 17- and 18-year-olds have been kicked out of their homes. She said they move from friend to friend.

Ms. Hill said there is no magic tool to address all of the needs that exist. She said counselors are the most important tool we have. She said they have to work with psychologists and social workers. She said the reality is often assistance needs to be obtained not just for the student but as well as for the student's family.

Ms. Hill said counselors often run support groups for students. She said support groups exist for social skills, anger control, grief, victims of violence, and children of incarcerated parents. She said counselors have recognized that success in school is so important for students who often evidence low self-esteem, partly because they do not receive help or support from their parents.

Ms. Hill said school resource officers are a tremendous help to teachers as well. She said they

are often not in uniform. She said they are generally among the students. She said they play a major role in helping teachers help students. She said programs to help teachers identify dangerous and self-destructive behavior through writing assignments are equally important. She said teachers need to know what to do and who to call in order to help students.

Ms. Hill said Bismarck even has a family resource liaison. She said this individual helps parents sign up their children for services such as health care and hot lunches. She said in Bismarck there are students who do not eat over the weekend. She said the schools send children home on Fridays with backpacks containing food. She said they eat the food over the weekend and bring the backpacks to school on Monday.

Ms. Hill said Bismarck has a homeless liaison. She said that the primary goal of this individual is to get students into school. She said this person works with families and social agencies to arrange housing for families. She said the person also helps students. She said around prom time the person helps students with little things like getting their hair done so that they too can feel they are a part of normal high school activities.

Ms. Hill said health education is truly a hit or miss situation. She said Bismarck has wonderful classroom programs at the elementary level. She said there is a health class requirement for eighth graders in Bismarck. She said in Bismarck, students have to take physical education for four years. She said a quarter unit of health is incorporated.

Ms. Hill said Bismarck schools have access to numerous community resources and community professionals. She said this is the case in larger centers. She said rural areas have significant problems accessing services.

Ms. Hill said teachers are the frontline with respect to helping students. However, she said, teachers are not counselors and they are not psychologists. She said those professionals are needed as well. She said students hurt everywhere--not just in the largest of our communities.

Ms. Hill said as academic demands have increased, districts have put a great deal of time and many resources into academics. She said there is a concern that teachers may not be able to spend as much time focusing on social issues.

In response to a question from Representative Kelsch, Ms. Hill said the Bismarck Public School District refers families to Burleigh County Social Services. She said more attention is paid to younger children than those who are in high school. She said because of caseloads, a student needs to miss 20 days of school before social services steps in.

In response to a question from Representative Hanson, Ms. Hill said at Bismarck High School non-Caucasians make up approximately 10 percent of the student population.

Ms. Walker said the crisis team came into being approximately 20 years ago. She said a student at

the local middle school committed suicide. She said the school had no resources to help its students deal with the situation. She said four years later, in 1992, a young man killed several of his family members. She said between the time when the murders became public and when the young man was apprehended, students and staff members felt a great deal of fear. She said it was realized that the district and the area needed a more structured approach to dealing with such situations.

Ms. Walker said the crisis team has responded to approximately five crises a year. She said not all are suicide. She said the team used to serve Mandan as well. She said Mandan now has its own team. She said the crisis team is called out to deal with suicides and accidental deaths of students, parents, teachers, and coaches. She said the crisis team members will soon receive training from the National Guard with respect to how schools can deal with students having parents deployed in combat zones.

In response to a question from Representative Kelsch, Ms. Walker said the crisis team focuses on training professionals rather than training teachers. She said guidance counselors and career advisors are needed. She said guidance counselors have too many other things that are already expected of them.

Ms. Hill distributed a document entitled *Crisis Resource Manual*. The document is on file in the Legislative Council office.

HEALTHY LIFESTYLES

At the request of Chairman Kelsch, Ms. Valerie Fischer, Director, Coordinated School Health, Department of Public Instruction, presented testimony regarding health education. She said people think of Bismarck as a wholesome community. She said there are a lot of things going on behind closed doors. She said Bismarck is doing a great deal to help high-risk students. Nevertheless, she said, high-risk students continue to appear in our school systems.

Ms. Fischer distributed the *2007 North Dakota Youth Risk Behavior Survey Results*. The document is on file in the Legislative Council office. She said North Dakota still leads the nation in youth alcohol use, youth alcohol use while driving, and binge drinking. She said risk behaviors occur for many reasons, one of which is that students do not understand the consequences of their behavior. She said health education is an attempt at keeping our students healthy and safe. She said good health and learning go hand-in-hand.

Ms. Fischer said health education is a graduation requirement in only half of North Dakota high schools. She said in many of those schools, only one-quarter credit is required.

Ms. Fischer said school districts are often fast to say the provision of health education will cost them significant dollars particularly with respect to finding an individual qualified to teach health education. She said a science teacher, a physical education teacher, and a family and consumer science teacher can all

teach health. She said health education is a key factor in reducing risky behaviors among teenagers.

Ms. Fischer said more counselors and professionals are needed in schools and communities. She said some school districts have very limited access to counselors and professionals such as psychologists and social workers. She said this is particularly problematic in small rural schools.

In response to a question from Representative Hunsaker, Ms. Fischer said, just like athletes, students who engage in risk behaviors tend to find other students who also engage in risk behaviors.

In response to a question from Representative Kelsch, Ms. Fischer said the Bismarck Public School District tries very hard to get students involved and connected. She said they encourage participation in extracurricular activities, including athletics, choir, band, debate groups, etc.

REGIONAL EDUCATION ASSOCIATIONS

At the request of Chairman Kelsch, Mr. Jon Martinson, Executive Director, North Dakota School Boards Association, presented testimony regarding regional education associations. He distributed a document ([Appendix C](#)) entitled *Preliminary Report to the North Dakota School Boards Association*. He said in the summer of 2008 the North Dakota School Boards Association contracted with PKR, Inc., Bozeman, Montana, to conduct a study of regional education associations and to make recommendations for strengthening the associations. He said the report found that North Dakota has many extremely small school districts. He said such districts are extremely vulnerable to variations in teacher quality and teacher availability. He said regional education associations can help school districts provide much of what we expect them to provide to students.

Mr. Martinson said the report also indicates that the current financial support for regional education associations in North Dakota is not reconcilable with the expectations for the programs and products that the associations are to deliver. He said the report found that there is little or no strategic guidance to increase the effectiveness and efficiency of the projects that the regional education associations undertake.

At the request of Chairman Kelsch, Mr. Kyle Davison, Coordinator, South East Education Cooperative, presented testimony regarding regional education associations. He presented a document ([Appendix D](#)) entitled *Legislative Issues Committee - NDREA Pre-Legislative Positions for 2009-11*. He said the document includes a diagram showing the organizational structure of the South East Education Cooperative.

Mr. Davison said North Dakota regional education associations support an appropriation of \$3,000,000 for the 2009-11 biennium. He said this would allow the associations to establish and deliver the

administrative and student services that the participating districts want.

STATUTORY REPORTS

Chairman Kelsch said the committee is in receipt of statutorily required reports from the Superintendent of Public Instruction regarding the financial condition of schools districts, school district employee compensation, waivers of accreditation rules, waivers of instructional time requirements, state assessments, regional education associations, and teacher compensation notices filed by school boards.

Chairman Kelsch said the committee is in receipt of a statutorily required report from the Statewide Longitudinal Data System Committee regarding the state plan for a longitudinal data system and that the committee is in receipt of a statutorily required report from the Education Standards and Practices Board regarding payments to individuals who hold national board certification. She said because of recent staff changes at the Department of Public Instruction, the report pertaining to electronic course delivery is not yet available. She said all of the reports are on file in the Legislative Council office.

It was moved by Senator Nelson, seconded by Representative Mueller, and carried on a voice vote that the statutory reports have been received and accepted by the committee.

OTHER MATTERS

Chairman Kelsch said at the last meeting, committee members had expressed an interest in exploring privatization of the Prairie Rose State Games. She said Mr. Arik Spencer, Manager, Recreation Division, Parks and Recreation Department, was unable to appear before the committee. However, she said, in his capacity as the liaison to the Prairie Rose State Games, he prepared a document ([Appendix E](#)), which has been distributed to committee members, detailing the history of the games and the private nonprofit association that operates the games.

COMMENTS BY OTHERS

With the permission of Chairman Kelsch, Mr. Greg Burns, Executive Director, North Dakota Education Association, said the North Dakota Education

Association supports regional education associations. However, he said, he has seen regional education associations in Minnesota become rogue empires. He said he does not want regional education associations to be in control of the funds for education and merely send funds back to the districts. He said on another note, teachers should be involved in all discussions regarding professional development.

COMMITTEE DIRECTIVES

Representative Monson said he would like to request that the Legislative Council staff prepare, for the committee's consideration, a bill draft that would amend North Dakota Century Code Section 15.1-21-02.2 by increasing the graduation requirements to include one-half unit of health and one unit of physical education.

He said it is imperative that we do what we can to assist our schools and school districts in addressing and combating high-risk behaviors.

Chairman Kelsch said the committee is very supportive of all efforts to address high-risk behaviors in our adolescent population. She said the crisis teams must be commended for all they do to assist our young people. She said, from the various testifiers this committee has heard, it is quite apparent that guidance counselors already have their hands full with a myriad of social and behavioral issues and challenges. She said it is clear that the committee's studies regarding healthy lifestyles and risk behaviors are inextricably linked.

Representative Hunsakor said issues like those we have heard about today and at previous meetings can occur in schools of any size and in any location. He said addressing the issues within a health education curriculum will be a tremendous help to our students, teachers, and school officials.

No further business appearing, Chairman Kelsch adjourned the meeting at 4:30 p.m.

L. Anita Thomas
Committee Counsel

ATTACH:5