

EDUCATION POLICY COMMITTEE

The Education Policy Committee was assigned four studies.

- Section 21 of Senate Bill No. 2013 (2019) directed a study of dual-credit, advanced placement, and distance education courses. The study directive included a review of early enrollment placement testing and the qualifications for dual-credit and advanced placement courses. The study directive also included a review of the costs and amounts of funding necessary to provide all students access to dual-credit, advanced placement, and distance education courses, as well as the types of courses available and the delivery methods necessary to provide all students with access.
- Section 1 of Senate Bill No. 2217 (2019) directed a study of the feasibility and desirability of creating a teacher incentive for leadership program. The study directive included an evaluation of whether a program would improve student learning through improved instruction; reward effective teachers by providing increased leadership opportunities; attract new teachers to the state by offering competitive starting salaries and professional development; promote collaboration and new career pathways for teachers through mentoring, coaching, and project-based learning; and retain effective teachers through new career opportunities and advancement. The study directive also included a review of the types of data to be tracked to determine the success of the program; the correlation and effectiveness of the program in relation to other teacher development programs; and how the program operates in relation to the statewide education strategic vision.
- House Concurrent Resolution No. 3011 (2019) directed a study of provisions of the North Dakota Century Code which relate to the provision of elementary and secondary education to recommend changes to any laws found to be irrelevant, duplicative, inconsistent, or unclear.
- Senate Concurrent Resolution No. 4004 (2019) directed a study of the impact of 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 other students, teachers, and other school personnel, and the need to implement a uniform reporting system.

The committee was directed to receive the following reports from the Superintendent of Public Instruction:

- A report regarding requests from a school or school district for a waiver of any rule governing the accreditation of schools.
- A report regarding waivers applications under Section 15.1-06-08.1.
- An annual report regarding the innovative education program, including the status of the implementation plan, a summary of any waived statutes or rules, and a review of evaluation date results.
- A report regarding the compilation of test scores of a test aligned to the state content standards in reading and mathematics given annually to students in three grades statewide.
- Before July 1, 2021, a report with a recommendation whether to continue the dyslexia screening pilot program beyond the 2022-23 school year.
- A report regarding updates and the collaborative report on the statewide prekindergarten through grade twelve education strategic vision.
- A report regarding proposed changes to the state accountability plan under the Every Student Succeeds Act of 2015 [Pub. L. 114-95; 114 Stat. 1177; 20 U.S.C. 28 et seq.] (Section 15.1-02-17).

The committee also was directed to receive the following reports from the Education Standards and Practices Board (ESPB):

- A report regarding electronic satisfaction survey results of all interactions with individuals seeking information or services from the board.
- A report regarding the status of the alternative teacher certification program.
- A report regarding the number of teacher permits issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report was required to include a recommendation regarding continuation of the program.

The committee also was directed to receive an annual report from the Kindergarten Through Grade Twelve Education Coordination Council regarding the activities of the council.

Committee members were Representatives David Monson (Chairman), Ron Guggisberg, Pat D. Heinert, Daniel Johnston, Donald W. Longmuir, Andrew Marschall, Mitch Ostlie, Mark Owens, Brandy Pyle, David Richter, Cynthia Schreiber-Beck, and Michelle Strinden and Senators Kyle Davison, Robert O. Fors, Richard Marcellais, Erin Oban, David S. Rust, and Donald Schaible.

DUAL-CREDIT, ADVANCED PLACEMENT, AND DISTANCE EDUCATION COURSES

Section 21 of Senate Bill No. 2013 (2019) directed a study of dual-credit, advanced placement, and distance education courses. The study directive included a review of early enrollment placement testing and the qualifications for dual-credit and advanced placement courses. The study directive also included a review of the costs and amounts of funding necessary to provide all students access to dual-credit, advanced placement, and distance education courses, as well as the types of courses available and the delivery methods necessary to provide all students with access.

Background

An advanced placement (AP) course is a college-level course in which a student takes an examination at the end of the school year or semester. The results of the test determine whether the high school student will receive college credit or "advanced placement." Whether a postsecondary institution chooses to award college credit to a student based on AP examination scores is up to the individual institution. The AP program was created in 1955 by the College Board, a nonprofit organization to expand access to higher education. For a high school course to be designated as an AP course, the course is audited by the College Board to determine if it satisfies the requisite curriculum and expectations.

A dual-credit course also is a college-level course taught at a high school through collaboration with a participating college but counts for both college and high school credit. A student does not need to take an examination at the end of the semester or school year to earn college credit, but generally the student must receive a certain grade level in the class, typically a "C." A high school student who desires to take a dual-credit course generally must meet and apply for admission to the participating institution under the control of the State Board of Higher Education as a dual-credit student.

Distance education courses are courses offered to students who usually are not physically present. Distance education courses usually are offered to students through correspondence or digital resources. Distance education courses may be dual-credit or AP courses.

The Center for Distance Education (CDE) primarily offers online high school and middle school distance education courses. The center also partners with Mayville State University to provide online dual-credit courses under the subject areas of general education, mathematics, and science. A student enrolled in a dual-credit course through the center may earn between 2 and 4 units of college credit, and 0.5 units of high school credit, depending on the course taken. The center provides AP online courses under the subject areas of computer education, English, science, and social studies; however, the center does not administer AP examinations. Depending on the type of course and whether the student is an in-state or out-of-state resident, the price per course ranges from \$100 to \$550. To be eligible to take dual-credit courses through the center a student must be in grade 10, 11, or 12; Have the permission of the local school administrator to enroll; have at least a 3.0 cumulative grade point average; and if the student is planning to enroll in college algebra, have an ACT Aspire subtest score of 21 or higher.

State Law

"Dual-credit" and "advanced placement" are referenced in Section 15.1-21-02 regarding required high school units to be offered to students, and Section 15.1-21-02.5 regarding the North Dakota academic scholarship. "Distance education" is referenced primarily in Chapter 15-19 regarding the CDE. Additionally, the term is referenced in Section 15.1-21-02.1 regarding minimum units required for high school diplomas, Section 15.1-21-27 regarding requiring students enrolled in CDE to pass the required civics test to receive a high school diploma, and Section 15.1-23-17 allowing CDE to issue a high school diploma to a student who is homeschooled, meets the center's requirements for high school graduation, and meets other required criteria. Chapter 15.1-25 addresses postsecondary enrollment. While the chapter does not specifically address dual-credit, AP, or distance education courses, the chapter allows North Dakota high school students to complete and receive postsecondary credit.

Testimony and Committee Considerations

North Dakota University System

The committee received testimony and information from representatives of the North Dakota University System regarding credentialing and criteria required to become a dual-credit teacher, online masters-level courses being developed for teacher credentialing, the cost to provide dual-credit and career and technical education courses to all students in the state, how enrollments are determined, and eligibility.

According to the testimony, AP courses typically are taught in-person in the high school setting, and while formal instructor preparation for AP courses is required by the College Board, instructors do not need to meet Higher Learning Commission (HLC) requirements. Dual-credit courses may be taught in person or remotely. Dual-credit students account

for approximately 10 percent of the undergraduate students in the University System. Approximately 20 percent of high school students took dual-credit courses in the 2018-19 school year. Students in the state who want to take core dual-credit courses have access through online courses offered by University System institutions and by CDE. Sixty percent of dual-credit courses are taught by high school instructors who have met the credential requirements, and 40 percent are taught by university faculty members.

The HLC accredits degree-granting, postsecondary, educational institutions in the North Central region, including North Dakota. The HLC expects accredited institutions to use credentials as the primary mechanism to ascertain minimal faculty qualifications; however, the HLC recognizes experience also may be considered in determining faculty qualifications in some situations. Common expectations for faculty credentials in higher education include completion of a program of study in the discipline in which the faculty member teaches, and for which the faculty member develops curricula, with coursework at least one level above that of the courses being taught or developed. Pursuant to 2018 survey results, the testimony indicated 21 percent of instructors currently teaching dual-credit courses in North Dakota, and an additional 28 percent of instructors plan to teach dual-credit in the future. The testimony indicated 61 percent of survey respondents do not currently meet the HLC's requirements, with an additional 9 percent of respondents indicating uncertainty as to whether they meet the requirements, and 8 percent of respondents leaving the question blank. The testimony indicated 56 percent of respondents would be interested in taking master's level, online courses through a North Dakota university, if available.

Senate Bill No. 2244 (2017), which was passed in response to the HLC's credentialing requirements, created a 4-year pilot program offering a credit-for-credit incentive to instructors teaching dual-credit courses in core subject matter areas at public and private high schools in the state, which could be used toward graduate level courses at postsecondary education institutions in the state. The bill also allowed an individual eligible for the credit coupon to transfer the coupon to a family member or student being taught by the individual if the individual has already met accreditation. The testimony indicated approximately 20 percent of the vouchers are being used by individuals who earned the vouchers to earn credits to become compliant with the HLC requirements, and the other 80 percent of the vouchers are being redesignated to others in need of the credits. The University System applied for and received an extension, through September 1, 2022, from the HLC to meet HLC instructional credentialing requirements to allow instructors to become compliant with the requirements.

Nine online master's level graduate courses are being offered in the core subject matter areas of English, communications, computer science, history, and mathematics at three institutions of higher education under the control of the State Board of Higher Education in the state. An additional 11 courses are being developed or planned to be developed in the core subject matter areas of biology, physical education/health, chemistry, physics, psychology, and sociology to help instructors meet the HLC's requirements to become dual-credit instructors. Master's level courses only may be taught by 4-year universities and research institutions. Fifteen percent of course enrollments through the University System in 2018 were delivered online, 14 percent were delivered through an asynchronous method, and 1 percent were delivered through a synchronous method.

According to the testimony, the cost of developing an online dual-credit course varies by the type of course or the technology used. The University System received Coronavirus Aid, Relief, and Economic Security (CARES) Act funds to help faculty transition to and develop online coursework. The University System received approximately \$44.5 million in CARES Act funding, and requested \$500,000 of the available funds to help develop transitional online coursework. For the 2020-21 school year, the cost to enroll a student in a dual-credit course is \$77.56 per semester hour at the subsidized rate, and \$137.22 per semester hour at the unsubsidized rate. A "subsidized rate" means the rate is partially paid by the high school providing the instructor for the course, while an "unsubsidized rate" means the colleges and universities are covering the cost of instruction for the course. Students may receive financial assistance through the Bank of North Dakota's dual-credit assistance program if they are eligible. The cost to enroll a student in an AP course is \$85 per examination. The Department of Public Instruction (DPI) provides some assistance towards the cost of the AP examinations in certain circumstances.

To be eligible to enroll in a dual-credit course a student must be a sophomore, junior, or senior high school student in good standing, with a minimum GPA of 2.00 unless set higher by the institution, and have a recommendation from a K-12 administrator. Each high school determines the criteria for the participation of juniors and seniors to be eligible to enroll in an AP course. In the 2018-19 school year, AP courses served 43 high schools in the state, and dual-credit courses were taught in 146 high schools in the state. There were 4,603 student enrollments in AP courses, and 8,852 enrollments in dual-credit courses. Of the enrollments, 1,840 students passed the AP examination with a score of 3 or higher, and 8,586 students passed the dual-credit course. Not all students who take AP courses take the test to receive college credit. Financial assistance served 239 AP students, and 749 dual-credit students. There were 38 AP courses offered in the state, and 153 dual-credit courses. The average cost of an AP course was \$85 per test. The average cost of a dual-credit course was \$322.

Bank of North Dakota

The committee received testimony and information from a representative of the Bank of North Dakota regarding the dual-credit assistance program. In 2010, the Bank of North Dakota was appointed by the governor to administer the College Access Challenge Grant program. Under the program, funds were provided by the U.S. Department of Education to foster partnerships among federal, state, and local government entities and philanthropic organizations with the intent of significantly increasing the number of underrepresented students who enter and remain in postsecondary education. The program provided grants to states to identify and design programs to meet these needs. The Bank utilized part of the grant to implement a dual-credit assistance program. Through the program, low-income students who are eligible for free or reduced-price lunch receive assistance to pay for up to two dual-credit courses per academic school year starting their sophomore year of high school. When the grant was discontinued in 2016, The Bank decided to continue the funding for dual-credit using proceeds the Bank had generated from administering the North Dakota Guaranty Student Loan Program. The Bank committed to continue funding the program for up to 5 years from 2017 through 2021. In the 2018-19 school year the program funded 749 dual-credit courses and cost \$306,791 to administer.

Department of Public Instruction

The committee received testimony and information from a representative of DPI regarding dual-credit and AP opportunities. As a result of 2015 legislation relating to leveraging the senior year, the Superintendent of Public Instruction was able to partner with outside sources to provide training for teachers with mathematics, science, and English backgrounds, and to train teachers in methods for teaching AP subject areas. The goal was to get more students into the courses and to pass the AP examinations. Section 32 of Senate Bill No. 2031 (2015) allowed students to take one AP test at no cost, and up to four AP tests at no cost if the student was from a low-income household. Since the legislation passed, the number of AP examinations taken by students has risen from 2,378 AP examinations in 2016 to 4,208 AP examinations in 2018. The passing scores on AP examinations increased from 1,520 in 2016 to 2,352 in 2018. It was reported North Dakota is first in the nation in the percentage of student AP examinations passed. Testimony indicated increasing the number of master's level courses available online would help promote dual-credit in the state.

Other Stakeholder Testimony

The committee received testimony and information from a representative of the Department of Career and Technical Education regarding dual-credit and advanced placement opportunities. The testimony indicated in 2018, the Department of Career and Technical Education provided over 40 dual-credit courses to more than 800 students.

According to a representative of CDE, which offers dual-credit and advanced placement opportunities, schools are requesting the center provide more dual-credit opportunities. As of October 2019, the center offers six dual-credit courses.

Conclusion

The committee expressed concerns regarding the difficulty in locating and encouraging instructors to teach dual-credit and AP courses throughout the state. A major concern is locating instructors who hold the requisite credentials and qualifications to teach dual-credit courses. Committee members stated online high-level courses are needed in the state for individuals to receive the necessary credits required for dual-credit credentialing.

Recommendation

The committee makes no recommendation regarding its study of dual-credit, advanced placement, and distance education courses.

TEACHER INCENTIVE FOR LEADERSHIP PROGRAM

Background

Senate Bill No. 2217 (2019), as introduced, would have created a new section to Chapter 15.1-07 relating to a teacher incentive for leadership in education program. The bill would have created a new program, administered by the Superintendent of Public Instruction, to provide professional development to teachers and to offer project-based incentives to teachers working on academic initiatives in their respective school districts. The program would have provided \$10 million in funding to school districts in the state. The Senate amended the bill to provide for the study. According to the legislative history, there was a need for an in-depth study of whether a teacher incentive for leadership program is needed, a long-term vision of the program, and how best to implement the program before creating the program and allocating resources. The goals of the program would be to use funding to move the strategic plan of the district forward and to incentivize great teachers to remain in the classroom. It was noted more than 50 percent of teachers in the state do not reach the 5-year mark. Testimony indicated the bill and the study were based upon work conducted by the governor's innovative education task force.

Relevant Legislation

Senate Bill No. 2186 (2017) created Section 15.1-06-08.2 which provides for an innovative education pilot program under which the Superintendent of Public Instruction may accept proposals from public and nonpublic schools to

participate in an innovative education program and which requires the Superintendent to adopt rules and administer the program. Senate Bill No. 2025 (2019) required the Superintendent of Public Instruction to facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision.

Governor's Innovative Education Task Force

In September 2017, the governor established a 15-member innovative education task force which was intended to investigate and identify the conditions necessary to unleash the potential of teachers and students; create a system of identification and support for schools and districts implementing innovative practices; Highlight practices providing an effective and equitable 21st century education; and identify changes to state education policies that will promote the strategic adoption of student-centered learning experiences. One recommendation of the task force was the state should invest in district educational initiatives aligned with student-centric instruction, and funds should be set aside to support the initiatives and supplement the traditional education funding formula. The task force looked to programs implemented in other states, such as Iowa, which have invested in teacher leadership compensation systems. The task force determined teacher leadership compensation systems are forward-looking and designate specific leadership positions that provide educators professional development opportunities or added compensation for additional work outside standard contract language.

Testimony and Committee Considerations

Governor's Office

The committee received testimony and information from a representative of the governor's office regarding a potential teacher incentive for leadership in education (TILE) program. According to the testimony, a TILE program is intended to create extra duty contracts and extra compensation for educators who forward district or state educational priorities. Under a TILE program, the state designates its key priorities and allows districts to set specific objectives aligned to the strategic plan of the school district. The intent is to create opportunities for a school district to move forward strategically while providing additional leadership and career ladder opportunities for teachers without removing the teachers from the classroom and requiring the teachers to become administrators. According to the testimony, increasing educator compensation is important and should remain a priority for the state. Current funding mechanisms in North Dakota result in funding increases being overwhelmingly funneled toward operational expenses. It was asserted a TILE program could help with teacher retention and combat the teacher shortage in the state with a goal of providing incentive for individual educators to obtain leadership experience and move district objectives forward through the use of individual extra duty contracts.

North Dakota Teacher Support System

The committee received testimony and information from representatives of the North Dakota Teacher Support System (NDTSS) regarding the teacher support system mentoring program, issues faced by the teacher support system, whether the teacher support system mentoring program would be compatible with a teacher incentive for leadership program, and funding.

According to the testimony, the NDTSS provides mentors for 1st-year teachers and supports instructional coaches. The program includes individual conferencing between the beginning teacher and the mentor 15 times per semester for a total of 30 hours, observations by the mentor 6 times per year, video recordings and reflections, and the ability of the beginning teacher to observe other teachers for 9 hours throughout the year. All teachers licensed in North Dakota who are in their 1st year of contracted teaching are eligible for the program. It is up to the 1st-year teacher and the teacher's administrator to determine if the 1st-year teacher will participate in the mentoring program. The program has served 2,295 beginning teachers and 158 school districts in the state. It was reported 92 percent of 1st-year teachers indicate the mentoring program positively impacted their students' learning, and 98 percent believe the program improved their teaching practices. The NDTSS mentoring program is able to accept 275 beginning teachers into the mentoring program each year. In 2019, results from an annual retention study conducted by NDTSS, which collected data over the preceding 5 years, showed teachers mentored in the NDTSS mentoring program were retained at a higher rate than teachers who were not mentored with NDTSS. Ninety-seven percent of school district administrators indicated they would like to see the program offer a 2nd year of mentoring to beginning teachers. According to the testimony, it costs approximately \$20,000 to replace a teacher when a teacher leaves a school district due to recruitment, hiring, and training expenses. If all 1st-year teachers were retained at the rate of those who were mentored in the NDTSS over the last 5 years, districts would have had the potential of saving more than \$2 million in the recruitment, hiring, and training of new teachers.

According to the testimony, the program received \$2,125,764 for the 2019-20 biennium, but the funding is insufficient to accommodate all 1st-year teachers in the state. The funding provides grants to regional education associations and school districts to supplement the work of mentoring. Due to budgetary constraints, an estimated 100 beginning teachers were not able to be enrolled into the mentoring program during the 2020-21 school year. Serving all 1st-year teachers who want to participate in the program would require funding for approximately 375 1st-year teachers each year. The majority of the program's budget is spent on stipends for mentor teachers and mentor training costs. The NDTSS would require additional funding of \$879,248 per year to provide mentoring for all 1st-year teachers, provide an optional 2nd year

program, and hire an additional staff person to help administer the program. Funding through the program is provided on a first-come, first-served basis.

The testimony indicated a TILE program would be compatible with the NDTSS mentoring program. A TILE program rewards effective teachers by providing increased leadership opportunities, while mentors in the NDTSS mentor program are chosen by district administrators and are chosen due to their professionalism and ability to teach effectively. Additionally, mentors in the NDTSS program have the opportunity to advance and become an advanced mentor by mentoring three or more 1st-year teachers and completing three professional development courses through NDTSS. An advanced mentor receives a stipend of \$900 per semester for mentoring, which aligns with a TILE program's goal of providing teachers with leadership opportunities and extra compensation pursuant to an extra duty contract. Funding to provide stipends to participants of the program comes from a passthrough grant administered by the ESPB through DPI.

Education Commission of the States

The committee received information from the Education Commission of the States regarding data and comparisons of teacher leadership programs from other states. According to the information provided, teacher leadership opportunities can include both formal and informal activities, such as participating in a formal mentorship program or informally mentoring colleagues. Some states have created policies to formalize the teacher leader process in policy. As of 2013, 3 states had a master teacher designation, 8 states had some type of certification endorsements for teacher leaders, 20 states had tiers for advanced or master teachers within their multi-tiered certification systems, and 4 states had introduced teacher leader roles to assist teachers with the Common Core State Standards transition. Thirty states have a licensing system that allows teachers to advance beyond a standard professional license. In 17 states, teachers are required to demonstrate evidence of effectiveness to obtain an advanced license, 22 states offer a teacher leader license or endorsement, 17 states have adopted teacher leader standards, 13 states prescribe the role of the teacher leader in statute or regulation, 24 states provide formal supports or incentives to teacher leaders. According to the information provided, teacher leadership opportunities can offset some concerns associated with teachers leaving the profession due to dissatisfaction, lack of influence and autonomy in the school, and lack of career pathways. The committee was informed a school system's environment also does much to sustain teacher leadership programs, and school systems that value openness and teamwork and in which administrators and teacher leaders work together and communicate with staff may be more likely to have successful teacher leader initiatives.

Conclusions

The committee discussed the possibility of regional education associations providing mentoring and support services for 1st-year teachers in smaller school districts having difficulty locating mentors. Several committee members indicated the demonstrated the effectiveness of recruiting and retaining teachers through the mentoring program in place through the NDTSS. It was noted the Legislative Assembly could provide more resources and funding for the mentoring program through the NDTSS instead of working on legislation to implement and fund additional teacher leadership programs, such as TILE. Several committee members voiced support for increasing the funding for the teacher mentoring program through NDTSS to provide an opportunity for all 1st-year teachers to participate in the program.

Recommendation

The committee makes no recommendation regarding its study of the feasibility and desirability of creating a teacher incentive for leadership program.

STUDENT BEHAVIORAL HEALTH CRISIS

Senate Concurrent Resolution No. 4004 (2019) directed a study of student behavioral health issues.

Background

Senate Concurrent Resolution No. 4004, as introduced, directed a Legislative Management review of 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. The resolution was amended to provide for a study of student behavioral health issues.

North Dakota Law and Relevant Legislation

Section 50-06-01 defines "behavioral health" as the planning and implementation of preventive, consultative, diagnostic, treatment, crisis intervention, and rehabilitative services for individuals with mental, emotional, or substance use disorders, and psychiatric conditions. Pursuant to its website, the Department of Human Services (DHS) defines behavioral health further as "a state of mental/emotional being and/or choices and actions that affect wellness. Behavioral health conditions affect people from all walks of life and all age groups."

Section 15.1-07-34 requires at least 8 hours of professional development on youth behavioral health, designated from several categories, to teachers and administrators every 2 years based on the results of an annual needs assessment. This section also requires each school to designate an individual as a behavioral health resource

coordinator and requires the Superintendent of Public Instruction to maintain the contact information of each person. Section 15.1-13-35 requires candidates for teacher licensure to demonstrate competencies in youth mental health before the ESPB may issue a teaching license.

Section 50-06-43, created by Senate Bill No. 2038 (2017), provides for the task force on children's behavioral health. The purpose of the task force is to assess and guide efforts within the children's behavioral health system to ensure a full continuum of care is available in the state. Among the recommendations of the task force was to seek funding from the 2019 Legislative Assembly to provide competitive grants to school districts or schools that adopt and implement comprehensive restraint and seclusion policies and practices and provide sufficient assurances and action plans to ensure the establishment of safe and appropriate student behavior management and staff intervention policies and practices.

Senate Bill No. 2342 (2017) created a task force on the prevention of sexual abuse of children. The task force was directed to gather information concerning child sexual abuse throughout the state and develop recommendations to reduce child sexual abuse. One of the findings of the task force in its November 2018 final report was evidence-based, age-appropriate education is a benefit for children as it empowers children to discuss feelings of discomfort and assists them in identifying helpers that can interrupt and end the abuse. The task force also found teachers and parents should receive education and status notifications that enable everyone to speak a common language and monitor the health and safety of children.

House Bill No. 1237 (2019) also created a task force on the prevention of sexual abuse of children. The task force, which will sunset on September 30, 2024, was established to develop and implement a comprehensive statewide approach to the prevention of child sexual abuse, including appropriate policies, funding, staffing, resources, and programming.

Reporting and Resources

Pursuant to the required behavioral health training for teachers and administrators in Section 15.1-07-34, DPI created the trauma sensitive schools training initiative. According to the DPI website, over 6,600 North Dakota educators have undergone the training. The training is intended to motivate and guide schools to examine and transform policies and practices, educational strategies, professional development, and community relationships to create an environment and community that is safe, caring, and respectful and where all children can learn to their capacity. Participants in trauma sensitive schools training learn how to understand the term child traumatic stress and know what types of experiences constitute childhood trauma; understand the impact of trauma on the brain development and behavior of children; and learn how the impact of traumatic stress can be prevented or mitigated by the use of trauma-informed responses and strategies. The United States Department of Education requires DPI to report data on truancy rates annually; the frequency, seriousness, and incidence of violence; and drug-related offenses resulting in suspensions and expulsions in all elementary, middle, and secondary schools in the state. The information is required to be reported to the state on a school-by-school basis. All public, nonpublic, and Bureau of Indian Education schools receiving federal Title I funds are required to file the report.

Testimony and Committee Considerations

Department of Human Services

The committee received information from a representative of the Department of Human Services regarding terminology and data related to behavioral health, and behavioral health as it relates to students. According to the testimony, behavioral health is an umbrella term that covers many different concepts and includes more than mental health. Special education, behavioral health, and trauma are used synonymously at times, but the terms are distinct and distinguishable. Behavioral health is a state of mental and emotional being, and choices and actions that affect wellness. A 2017 survey of North Dakota high school students indicated 28.9 percent of the respondents reported feeling sad or hopeless almost every day for 2 or more weeks in a row in the last 12 months to the point the student stopped doing some of his or her usual activities, 16.7 percent seriously contemplated attempting suicide within the last 12 months, 14.5 percent made a plan regarding how they would attempt suicide, and 13.5 percent attempted suicide. The testimony indicated a high percentage of foster care children entering care in 2016 and 2017 had indicated adverse childhood events, including psychological, physical, and sexual abuse; emotional and physical neglect; abandonment; domestic violence; caregiver substance abuse; caregiver mental illness or suicide; or family member incarceration.

The testimony indicated the keys to reforming the state's behavioral health system are to support the full continuum of care from promotion and prevention to treatment and recovery; increase community-based behavioral health services; and prevent criminal justice involvement for individuals with behavioral health conditions. 50 percent of all people with mental health or substance use disorders, or both, are diagnosed by age 14, and 75 percent of people with these conditions are diagnosed by age 24. Intervening during windows of opportunity when the person is young can prevent a disorder from developing. The majority of funding is spent on treatment, which is high cost and low impact. Money also must be spent on recovery so an individual can maintain wellness after undergoing treatment for a behavioral health

issue. According to the testimony, to properly integrate behavioral health and education, schools need to have systems in place to identify student behavioral health needs. Schools may use multi-tiered systems of supports to address student behavioral health needs. In a multi-tiered system of supports, tier 1 interventions target all students and are effective for 80 percent of students, tier 2 interventions involve targeted group interventions for approximately 15 percent of students, and tier 3 interventions involve intensive individual intervention for the 5 percent of students with the highest need for behavioral health support and intervention.

School Districts

The committee received information from representatives of Bismarck Public Schools regarding data, initiatives, and results related to student behavioral health. According to the testimony, the barriers for students to access behavioral health services include transportation for parents, availability and access of services, and payment issues when a child is not covered by insurance. Approximately 20 percent of children have a need for some mental health services, but only one in three children receive the mental health services needed. An adverse childhood experiences study was conducted by a health maintenance organization and the Centers for Disease Control and Prevention to help school districts better understand the effect of childhood trauma on children and students. Results of a survey during the study indicated 67 percent of respondents reported at least one adverse childhood experiences on the survey, and 12 percent of respondents had at least four adverse childhood experiences. The survey also indicated a dose-response relationship, which means the higher number of adverse childhood experiences a child experiences before the age of 18, the higher prevalence of serious health issues later in life. According to testimony schools that implement early warning systems collect and rely on readily available existing data housed at the school to predict which students are at-risk, identify students not performing up to ability, examine patterns and identify school climate issues, and target resources to support off-track students. Schoolwide data is collected and used to identify which students need early intervention or supports.

The testimony indicated an interconnected systems framework takes two systems that typically operate independently and interconnects them. Bismarck Public Schools is working on interconnecting the positive behavioral interventions and supports system with the mental health system. Schools use positive behavioral interventions and supports systems by teaching children school rules, expectations, and a core curriculum for all students which teaches social/emotional learning. Interconnected systems frameworks provide evidence-based practices and research-based interventions for children through a multi-tiered system of supports. A multi-tiered system of supports framework consists of teachers, administrators, counselors, and parents looking at data to determine the needs of a child and identify interventions to put into place. Bismarck Public Schools developed two initiatives for its most at-risk students. The first initiative is the school within a school and is meant for students not yet ready to be in a general classroom with 20 other students. The second initiative is meant to provide onsite therapeutic services through a partnership with the West Central Human Service Center. Bismarck Public Schools is working to implement multi-tiered system of supports in all schools within the district. All schools in the district have the same basic framework in place, but are working on building capacity for more interventions and scaling. According to the testimony, there are issues with getting accurate, refined, and consistent data from schools and districts related to restraint and seclusion and incidents in schools.

The committee also received testimony and information from representatives of West Fargo Public Schools regarding student behavioral health. According to the testimony, half the students in West Fargo Public Schools require special education services. The continuum of services in the district includes general education with no direct special education services or supports; general education classes, direct special education services, and other related services in the general education classes; pull-out special education services and other related services for a small portion of the school in a setting other than the general education classroom; sub-separate classes with mainstreaming opportunities in academic and nonacademic classes as specified in an individualized education plans (IEP); and day/residential schools, hospital schools, and home services. Data collection in the district includes the frequency, duration, intervals of incidents, individualized behavior rating scale tools, office referrals, restraints, and room clears. West Fargo Schools use the schoolwide information system to collect data on student behavior. The data analyzes whether a physical intervention or restraint was required to de-escalate a student situation. According to the testimony, there were more than 800 minutes of instructional time lost in West Fargo Public Schools due to behavioral health room clearing incidents in each October and December of 2019, and more than 1,000 minutes lost in each September and November 2019. West Fargo Public School district averages between 40 and 50 room clears per month. Room clear and restraint data is reported to each school in the district and is discussed at meetings of elementary, middle, and high school staff. The district uses the data to investigate and determine why certain student populations have more behavioral incidents, and how best to mitigate the incidents to help both students and staff.

Regional Education Associations

The committee received testimony from a representative of the regional education associations regarding trauma-informed practices in schools, social/emotional learning, and teacher professional development data related to student behavioral health. According to the testimony, the North Dakota multi-tier system of supports state advisory team is a group working through DPI on a professional development grant to build a system of support in the state specific to student academics and behavior. The testimony asserted academics and behavior are related and must be addressed

together. Teaching students to understand expectations can help mitigate and prevent a large majority of student behavioral issues. The multi-tier system of supports focuses on providing high-quality instruction and interventions matched to student needs, and

monitoring progress frequently to make decisions about changes in instruction or goals. Data are used to allocate resources to improve student learning and support staff implementation of effective practices.

According to the testimony nearly 7,000 teachers in the state have undergone trauma training. School data on student behavioral health needs can be accessed through the statewide longitudinal data system. It typically takes a school 3 to 5 years to see positive results while building a behavioral health system. Trauma sensitive school training focuses on what constitutes trauma, the impact of trauma on brain development, and identifying strategies to mitigate traumatic stress. There are 219 trauma sensitive schools trainers in the state who have provided training to 169 schools and 5,641 school personnel in the state since 2016. There also is a trauma-informed practices for schools needs assessment meant to provide educators and schools with a tool to assess their progress toward creating and maintaining trauma-informed learning environments. The trauma-informed practices for schools needs assessment is intended to serve as a framework to enhance a school system's trauma-informed practices, and trauma-informed practices for schools involve promoting social-emotional learning, engaging families, implementing and maintaining restorative discipline practices, collaborating with community partners, and enhancing psychological safety through relationships. Nine school districts and 27 schools have undergone the trauma-informed practices for schools training. According to the testimony, schools are using numerous data tools to track student behavioral issues and record discipline data. The most commonly used data tracking tool is PowerSchool.

North Dakota University System

The committee received testimony and information from representatives of institutions under the University System regarding how system's educational institutions address student behavioral health issues when training potential new teachers. According to the testimony, the institutions embed mental health content in courses including social-emotional learning, behavior management, and trauma-informed practices. Special education candidates are trained specifically to understand a student's behavior by identifying the reason the behavior occurs. All institutions distribute the same set of common metrics to gather data for program quality.

North Dakota Disabilities Advocacy Consortium and Minnesota Disability Law Center

The committee received testimony and information from representatives of the North Dakota Disabilities Advocacy Consortium and the Minnesota Disability Law Center regarding policies and practices related to students with disabilities who experience behavioral health crisis or who engage in intense and aggressive behavior for communication purposes. There are two main principles governing special education law. The first principle is students with disabilities have a general legal right to have a free appropriate public education. The United States Supreme Court ruled IEPs for students with disabilities must be reasonably calculated to enable the child to receive educational benefits and schools have a responsibility to offer IEPs that enable the child to make educational progress in light of the child's circumstances, and every child must be provided the opportunity to meet challenging educational objectives. The second main principle is students with disabilities must be provided educational services in the least restrictive environment, which means students with disabilities must receive education to the maximum extent appropriate with students who do not have disabilities. According to testimony, the free appropriate public education and least restrictive environment principles come into context when developing a student's IEP, and development of IEPs require formal evaluations that look at the true needs of students with disabilities to determine if the student is eligible for special education services. The goal is for the school and the parents to match the needs determined in the evaluation with specific and identified services in the implemented IEP, and to give schools the necessary tools required to meet the needs of the student and the least restrictive environment required to provide necessary services.

Under the Individuals with Disabilities in Education Act of 1990, when a student exhibits violent or dangerous behavior, before implementing disciplinary procedures, the school must decide whether the behavior in question was a manifestation of the student's disability. If the behavior was a manifestation, the school is required to conduct a functional behavioral assessment and implement a behavioral intervention plan for the student. Data collected through direct observations, interviews, and record reviews help to identify the function of the dangerous behavior and guide the development of the student's behavioral intervention plan. The United States Department of Education emphasized positive behavioral strategies should be in place in schools and teachers should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports.

Other Stakeholder Testimony

Testimony from a representative of Designer Genes of North Dakota emphasized the need to focus on data collection and support for all North Dakota students. Testimony indicated any student whose behavior results in the clearing of a room should be considered to have a disability and have appropriate structures and protocols in place to help.

Testimony from a representative of the North Dakota Protection and Advocacy Project addressed methods to provide training, tools, and resources required in schools and communities to support students with or at risk of developing behavioral health issues.

Testimony from a representative of the Mental Health Advocacy Network emphasized including parents of students with behavioral health issues and disabilities in the data collection process, data analysis, and how the data is reported.

Testimony from a representative of Lutheran Social Services of North Dakota noted the agency works to provide restorative practices and integrated systems frameworks in areas of the state which may not be covered by the regional education associations or the multi-tiered system of supports. The committee also received written testimony from various parents of students voicing concerns regarding the systems and supports in place for student behavioral health issues.

Conclusion

The committee indicated DHS, the regional education associations, and school districts are to be commended for the efforts being made to address the behavioral health needs of students. The committee generally agreed school districts are implementing positive behavioral interventions and supports and engaging in systemic changes to their approach on student behavioral health issues. Committee members indicated some data collection used by school districts is too all-encompassing and does not contain enough detail.

Recommendations

The committee makes no recommendation regarding its study of student behavioral health issues.

CENTURY CODE PROVISIONS THAT RELATE TO ELEMENTARY AND SECONDARY EDUCATION

House Concurrent Resolution No. 3011 (2019) directed a study of provisions of the Century Code which relate to the provision of elementary and secondary education to recommend changes to any laws found to be irrelevant, duplicative, inconsistent, or unclear.

Representatives of the North Dakota Council of Educational Leaders, DPI, North Dakota Small Organized Schools, and the North Dakota School Boards Association testified in support of the study. The testimony noted the last legislative study and statutory rewrite of elementary and secondary education law occurred in the late 1990s and was completed in 2001 and the title needs to be reviewed to ensure clarity and consistency.

Background

The 1995-96 interim Education Finance Committee, which reviewed a performance audit of DPI, found issues highlighted within the audit were indicative of a pressing need to review all provisions of Title 15, which related to elementary and secondary education, because certain sections within the title were found to be duplicative, inconsistent, or unclear in their intent and requirements. Subsequent interim studies in 1997-98 and 1999-2000 determined chapters not relating directly to K-12 education should remain in Title 15, while those relating directly to K-12 education should become a part of a new Title 15.1. The interim committees recommended House Bill No. 1034 (1999) and House Bill No. 1045 (2001). The bills arranged chapters in a newly created Title 15.1 in a conceptually appropriate manner that accurately reflected the manner in which business was conducted at the school level, the school district level, and within DPI.

Since the 2001 legislative session, there have been 257 bills enacted which primarily affected Title 15.1. Title 15.1 currently consists of 42 chapters, one of which has been repealed.

Testimony and Committee Considerations

There was not a consensus among the committee members whether a full rewrite of Title 15.1 was necessary. Because Title 15.1 was enacted as part of a rewrite completed less than 20 years ago, committee members indicated amending necessary provisions in Title 15.1 may be sufficient. The committee generally agreed if a complete rewrite of Title 15.1 was necessary, it would require multiple interims to complete. The committee noted the first step is identifying duplicative, inconsistent, or unnecessary provisions in Title 15.1. The committee urged stakeholders and educators to inform the committee of issues of concern in Title 15.1.

The committee received testimony and information from an education stakeholder group regarding a review of statutory provisions in Title 15.1 to determine if provisions were obsolete or redundant and could be amended without making substantive changes to the provisions. The review identified several changes that could be made to provisions in Title 15.1 by repealing obsolete and redundant provisions.

The committee considered a bill draft relating to the repeal of six obsolete and redundant provisions in Title 15.1. The bill draft would repeal six sections relating to usage of the education stabilization fund, the revolving printing fund, school reports, the scholarships for 2009-10 high school graduates, district participation in the Goals 2000 Educate America Act, and a report on the use of state funds for professional development. The committee concluded and interested parties and stakeholders agreed the sections included in the bill draft are no longer necessary and can be repealed. The committee indicated additional provisions in Title 15.1 that may require substantive changes can be addressed during the legislative session. The bill draft was supported by several education stakeholders. The committee received no testimony in opposition to the bill draft.

Recommendations

The committee recommends bill draft [21.0064.01000] relating to the repeal of obsolete and redundant provisions in Title 15.1.

CORONAVIRUS-RELATED EDUCATION ISSUES

The committee received testimony and information related to Coronavirus (COVID-19) related education issues due to the ongoing pandemic.

Department of Public Instruction

According to DPI, the state applied for and received \$33.1 million dollars of federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding, approximately \$30.3 million of which was provided to school districts for use in mitigating the effects of the pandemic. The funding is a part of the CARES education stabilization funding, and is provided through the Elementary and Secondary School Emergency Relief (ESSER) fund under Section 18003 of the CARES Act. Pursuant to the federal law, the amount received by each school district was based on the proportion of Title I funding the district receives, but districts were not required to follow Title I restrictions when determining how to use the funds. School districts may use ESSER funds to reimburse for eligible COVID-19-related expenditures. Schools seeking funds were advised to submit a request and preliminary budget to the department explaining how the school district anticipates using ESSER funds. The CARES Act requires each school district to report how their schools spent the allocated funds within 30 days after the end of each quarter. According to the testimony, 148 of the state's 166 school districts that accepted CARES Act funds have submitted the quarterly report as required.

According to the testimony, the DPI and the Information Technology Department developed a PowerSchool element to allow schools to document the instruction method being used with each student, including face-to-face, distance learning, or a hybrid approach. It was noted one of the most pressing policy issues to consider related to COVID-19 is determining how to provide adequate and equitable funding for learning. Concerns were expressed that under the alternative methods of learning, it will be difficult to measure instructional time and the learning progress of students. Other policy issues discovered included the implementation of a potential online learning funding formula, a review of open enrollments and tuition waiver deadlines, an examination of the impact of home education on public school operations, how to address cross-border payments, the instructional hours requirement, and the role of CDE in providing educational options for students during the pandemic.

Department of Human Services

A representative of DHS provided information regarding the impact of COVID-19 on student behavioral and mental health. The department reports resources for parents, caregivers, and students related to behavioral health support and COVID-19 are available on the department's webpage.

REPORTS

The committee received a report from ESPB regarding electronic satisfaction survey results of all interactions with individuals seeking information or services from the board. The survey, which was sent to all teacher applicants who had corresponded with ESPB via email, asked individuals about the quality, timeliness, availability, courtesy, knowledge, staff responsiveness, ease of obtaining services, and the cost and value of interacting with ESPB.

The committee received a report from ESPB regarding the status of the alternative teacher certification program. The report included required information regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report indicated 10 teachers have been issued teaching permits under the program. The report included a recommendation to continue the program.

The committee received a report DPI regarding assessment data and the compilation of test scores of a test aligned to the state content standards in reading and mathematics given annually to students in three grades statewide. According to the report, 37 assessments were administered by DPI during the 2018-19 school year. Approximately 59,000 students participated in the assessments.

The committee received a report from a representative of DPI regarding requests from a school or school district for a waiver of any rule governing the accreditation of schools.

The committee received a report from DPI regarding waivers applications under Section 15.1-06-08.1, requests from schools or school districts for a waiver of any rule governing the accreditation of schools, and the innovative education program, including the status of the implementation plan, a summary of any waived statutes or rules, and a review of evaluation date results. The report indicated 30 schools in the state are operating on a waiver. According to the report, six school districts are in the implementation planning phase of the innovation education program, with another eight districts expressing interest in the program.

The committee received a report from DPI regarding updates and the collaborative report on the statewide prekindergarten through grade twelve education strategic vision. The statewide prekindergarten through grade twelve education strategic vision was developed through input and participation provided by a steering committee consisting of representatives of 24 state-level education entities and stakeholder groups. The steering committee developed a shared education strategic vision for the state consisting of identified areas of improvement for prekindergarten through grade twelve education in the state. The report included components of the strategic plan that align to the developed statewide education strategic vision.

The committee received a report from DPI regarding proposed changes to the state accountability plan. State law requires the Superintendent of Public Instruction to present proposed changes to the state accountability plan, as required under the Every Student Succeeds Act of 2015, to the Legislative Management before the superintendent may submit the proposed changes to the United States Department of Education. Due to the COVID-19 pandemic, the statewide Every Student Succeeds Act planning team determined it necessary to propose changes to the state accountability plan as the state moved to distance learning, making the assessment and measurement of school accountability under the approved accountability plan impossible.

The committee received a report from the Kindergarten Through Grade Twelve Education Coordination Council regarding the activities of the council. The council measures the state's progress toward the goals established by the prekindergarten through grade twelve education strategic vision. The council's plan to establish and deliver benchmarks and accountability for the strategic vision was interrupted by the COVID-19 pandemic. The council provided recommendations on the restart guidance documents provided to schools during the pandemic.