

# NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

## EDUCATION COMMITTEE

Tuesday, June 8, 2010  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative David Monson, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Representatives David Monson, Rod Froelich, Lyle Hanson, Brenda Heller, Bob Hunsakor, Karen Karls, RaeAnn G. Kelsch, Jerry Kelsh, Lisa Meier, Corey Mock, Phillip Mueller, Lee Myxter, David S. Rust, John D. Wall; Senators Robert S. Erbele, Dave Oehlke

**Members absent:** Representative Dennis Johnson; Senators JoNell A. Bakke, Layton W. Freborg

**Others present:** Senator David O'Connell and Representative Lisa Wolf, members of the Legislative Management, were also in attendance.

See [Appendix A](#) for additional persons present.

**It was moved by Representative Rust, seconded by Representative Hanson, and carried on a voice vote that the minutes of the previous meeting be approved as distributed.**

Chairman Monson welcomed Senator O'Connell and Representative Wolf and said they will be participating with the committee in their capacity as members of the Legislative Management.

### SCHOOL APPROVAL

At the request of Chairman Monson, committee counsel presented a bill draft [[10078.0100](#)] relating to school approval. She said the bill draft requires that the principal of each school complete a compliance report indicating that:

1. Each classroom teacher is licensed to teach or approved to teach by the Education Standards and Practices Board;
2. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception by the Education Standards and Practices Board;
3. The school meets the curricular requirements of North Dakota Century Code (NDCC) Chapter 15.1-21; and
4. The school has been inspected by the State Fire Marshal or the State Fire Marshal's designee and that:
  - a. There are no deficiencies; or
  - b. If there are deficiencies, they have been addressed in a plan of correction that is approved by the State Fire Marshal.

Committee counsel said the final component has to do with criminal history background checks. She said the current law requires that a school must have conducted all criminal history background checks required under NDCC Section 12-60-24. She said that particular section allows background checks but does not require them. Therefore, she said, the bill draft requires that all new hires who have unsupervised contact with students at a school must have undergone a criminal history background check at the request of the school or they must have undergone such a check as part of becoming licensed in some capacity.

Committee counsel said while completion of the compliance check is the responsibility of the school principal, the principal is required to obtain the signatures of the school district superintendent and the president of the school board or the equivalent individuals in the case of a nonpublic school. She said the compliance report must be filed with the Superintendent of Public Instruction before 5:00 p.m. on September 15. She said the only exception is if, before that time, the principal requests an extension. She said an extension is valid until 5:00 p.m. on September 30. She said if the school fails to meet the deadline, the Superintendent must designate the school as unapproved. She said the Superintendent is required to maintain a current list of the approved and unapproved schools on the departmental website.

Committee counsel said if a public school cannot or will not submit its compliance report on time, the Superintendent must subtract from any state aid otherwise payable to the school district, the prorated amount that is attributable to the students attending the unapproved school. She said it is the intent that this money is to be permanently subtracted from a district's state aid payments and not merely withheld and then forwarded when a district finally submits its report. She said the bill draft does not address any repercussions for school districts that do not receive state aid. She said if a nonpublic school is not approved, the Superintendent must notify the parents of students enrolled in the school that the school is unapproved and that the parents may therefore be in violation of the state's compulsory attendance provisions.

Representative Hanson said this bill draft requires the principal to complete the compliance report. He said he is not certain that every school has a principal.

Representative Monson said somebody is in charge even in a one-room rural school. However, he said, Legislative Council staff should work with Department of Public Instruction staff to determine if additional verbiage needs to be used to include any situations in which a principal might not be employed.

Representative Monson said the bill draft provides that all individuals hired after August 1, 2011, and having unsupervised contact with students at the school must have undergone a criminal history background check requested by the employee's school district or requested on behalf of the employee by the nonpublic school or they must have undergone a criminal history background check in order to be licensed by the Education Standards and Practices Board or by any other state licensing board. He said an individual who has been teaching in a district for 30 years and then elects to take employment in another district would not have undergone a criminal history background check as a condition of licensure. He said that individual would have to be checked under the proposed language.

Ms. Janet Welk, Executive Director, Education Standards and Practices Board, said background checks were not done before 1997. She said anyone who was licensed before 1997 does not have a background check unless some other circumstances warranted such. She said the Education Standards and Practices Board, with respect to those individuals, has relied heavily on the local school districts knowing something about the individuals that they employ. She said if an individual has allowed his or her teaching license to lapse for a period of five years, the Education Standards and Practices Board will require that the individual undergo a criminal history background check.

Representative R. Kelsch said there would be no obvious downside to requiring a background check of an individual who has had a teaching license for 30 years and then becomes a new hire in another school district.

Ms. Welk said it would not be a tremendous burden for the Education Standards and Practices Board to require background checks on all employees. However, she said, it must be remembered that the background check reflects action only until the time of the check itself.

Senator Oehlke said it might be worth considering a requirement that background checks be done every three to five years.

Ms. Welk said if the Legislative Assembly were to enact such a requirement, the requirement could be tied to the period of license renewals.

Representative R. Kelsch said even though the background check is only a snapshot in time, an individual's fingerprints would be on file in case anything were ever to happen. She said by requiring that all new hires have background checks, perhaps some of the shady individuals will be dissuaded from even applying for positions.

In response to a question from Representative Monson, Mr. Jack McDonald, State Association of Non Public Schools, said the requirements of this bill draft, with respect to background checks, are not a problem for the nonpublic schools. Mr. McDonald said in fact, the nonpublic schools already go above and beyond the requirements of this bill draft.

With the permission of Chairman Monson, Mr. Doug Johnson, Executive Director, North Dakota Council of Educational Leaders, said he wonders how the requirement for criminal history background checks with respect to new hires would be interpreted given continuing contracts.

Committee counsel said an individual under a continuing contract is not considered a new hire.

In response to a question from Representative Rust, Ms. Welk said in order to be relicensed, the Education Standards and Practices Board makes inquiries regarding any ongoing investigations that might involve the individual with the current board and a previous board. She said it also asks if the individual has any misdemeanors or other criminal activity in the individual's background.

Representative Monson said as written the bill draft would require the Superintendent to subtract state aid from those districts having schools that do not file their compliance reports on time. He said this is a major change from current practice and truly has teeth. He said under current law it does not matter if a person does not file the requisite paperwork for five months or six months, because, even if money is withheld, it is returned as soon as the report reaches the Superintendent. He said this money would be permanently subtracted and not returned to the school district upon eventual compliance.

Representative Rust said the date would be easy to overlook. He said he is concerned about a district being financially punished if a principal inadvertently forgets to send the compliance report to the Superintendent. He said this is no different from a person suddenly realizing that the driver's license has expired.

Representative Monson said this is no different than the consequences that occur on April 16 if a taxpayer did not submit the taxpayer's tax filing as required on April 15.

Representative Froelich said he would prefer that a fine be assessed on a responsible individual, rather than having the entire school district lose funds. He said he is aware of an instance in which the clerks literally ran away with the books. He said sometimes compliance is impossible.

Representative R. Kelsch said the bill draft already provides for a two-week extension. She said we have a problem with school districts just not filing the appropriate reports. She said if school-approved reporting is important, we should put teeth in the law. She said if we are not willing to do that, we should repeal the approval requirements.

Representative R. Kelsch said superintendents are hired and compensated to oversee the workings of

their respective school districts. She said that includes overseeing their principals. She said school boards are charged with ensuring that the superintendents do the job they were hired to do.

Representative Rust said he would prefer it if the schools were given notice that the deadline had been missed and then given perhaps an additional two weeks to comply with the paperwork.

In response to a question from Representative Monson, committee counsel said if the bill draft were enacted in its current form, the September 15 date would be in law. She said the Century Code would in essence provide the notification. She said this would operate much like April 15 does with respect to taxes. She said the Internal Revenue Service does not send out notification indicating that the deadline is approaching or even that the deadline has been missed and then allow a few additional days. She said the filing date of April 15 is simply in law and understood to be significant.

Representative J. Kelsh said it is unfair to withhold money from a school district and ultimately from the students. He said if any money is to be withheld, it should be withheld from the individual who is responsible for having missed the filing deadline.

Representative Mueller said he was wondering if there were any legitimate reasons that a school might have for not reporting on time.

Ms. Linda M. Paluck, Director, School Approval and Accreditation, Department of Public Instruction, said if a school did not complete its compliance report, the most likely reason would be that not all of its teaching positions are filled with highly qualified individuals. However, she said, unlike in past years, schools and school districts can now very easily obtain out-of-state course delivery or contract with the Center for Distance Education, in order to ensure that their students are receiving courses from an appropriately trained individual.

In response to a question from Representative Wall, Representative Monson said the vast majority of schools would not have any difficulty complying with the approval requirements. He said it needs to be understood that the compliance report is important, and the time of submission is important. He said if a school is unable to meet the approval requirements, the Department of Public Instruction needs to know that and needs to be in a position to help that particular school.

Representative Wolf said schools need to have appropriately trained teachers in place, or they need to have appropriate working alternatives. She said a September 15 deadline is nearly one month into the school year. She said if a school does not have a highly qualified teacher, it is the students that suffer.

In response to a question from Representative Rust, Ms. Paluck said it would not be difficult for the Department of Public Instruction to notify superintendents and school boards that the compliance report from a particular school is late.

Representative R. Kelsch said she is supportive of Representative Wolf's comment about the need to have qualified teachers in place providing instruction to students. However, she said, she has another reason for wanting the teachers in place and providing instruction. She said the Legislative Assembly enacted 2009 House Bill No. 1400. She said one of the provisions in the bill required that students take certain subjects in order to graduate from high school, and another provision in the bill made scholarships available if the students took certain subjects and received certain grades. She said if we continue to let students flounder for six weeks or eight weeks of a school year, without appropriately licensed and qualified teachers, we are in fact jeopardizing both their ability to learn and their ability to obtain state scholarships for higher education.

Representative Mock said there are really only two choices. He said we need to determine the date by which the reports must be in and be willing to impose consequences on those schools that fail to meet the date, or we need to remove the requirements altogether. He said the reality is if a school cannot complete this simple paperwork by September 30, the school and probably the district have other significant problems to deal with.

Chairman Monson said this bill draft as written has an additional level of enforcement. He said if money is withheld from a school district because the principal of the school did not file the appropriate paperwork, the parents and the local school boards will very likely get angry about the loss of dollars. He said they will ensure that the principal is doing the job that is expected in a timely fashion.

Representative Mueller said he is supportive of the bill draft just as it is written.

Representative Hunsakor said if a school principal is competent and responsible, the principal will know whether this compliance report will be able to be completed by September 15. He said if the principal determines that the September 15 date is not workable, the principal will call the Superintendent and obtain an extension until September 30 so this report can be filed as required. He said this bill draft is on the right track.

Representative Monson said this bill draft imposes a financial penalty on the school district of which the school is a part. He said there is no reason why school districts could not, in their contractual negotiations with their principals, provide that there will be a financial penalty if dates such as this are missed and the school district incurs consequences.

Representative R. Kelsch said that suggestion would truly reflect local control.

Representative Monson said he would be in favor of adding a statement clearly indicating that the Department of Public Instruction can at any time request school or school district records and conduct announced or unannounced site visits to determine the accuracy of the compliance reports.

Representative Hunsakor said he would like to have language in the bill draft that allows the Superintendent either to extend the required filing deadline or not to subtract state aid in the event of truly extenuating circumstances. He said acts of God or similar unanticipated events should not cause a lapse in state aid.

Representative Mock said perhaps it would be appropriate to have the Superintendent notify the local media outlets that each school's compliance report is due on September 15 and that there are financial consequences if that date is missed.

## ACCREDITATION

At the request of Chairman Monson, committee counsel presented a description of North Dakota Administrative Code (NDAC) Article 67-19 pertaining to school accreditation ([Appendix B](#)). She said the rules are broken up into those that are absolutely required and those for which a school can receive points or have points deducted. She said the rules provide that in order to be accredited, a school must meet all the standards and criteria that are "required," accrue at least 85 percent of the total point values assigned to the point value standards and criteria that apply to the school, and accrue at least 50 percent of the point values assigned under NDAC Sections 67-19-01-13 and 67-19-01-14.

Committee counsel said if the school does not meet the stated requirements, the school is placed on "accredited warned status." She said a school must remove the "accredited warned status" from the previous year or the school will be classified as "not accredited."

Committee counsel said there are financial penalties if schools are not accredited. She said if a high school becomes unaccredited, NDCC Section 15.1-27-08 provides that in year one, the students in the unaccredited school are assigned a school size weighting factor of 1.00; in year two, the students in the unaccredited school are assigned a school size waiting factor of weighting of 1.00 and the state aid payment attributable to each is reduced by \$200; and in year three and beyond, the per student payment attributable to each student in the unaccredited school is reduced by another \$200. She said if the high school regains its accreditation, any reductions applied that year are restored.

Committee counsel said elementary schools likewise incur financial penalties under NDCC Section 15.1-27-09. She said because of the framework within which a school can be on "accredited warned status" for a year and because of the way the different point values are assigned, to the best of anyone's knowledge money has never been withheld from a school district. She said if it were to be withheld from a school district, it would be returned to the school district as soon as the school in question becomes accredited again.

Committee counsel said that in accordance with the accreditation rules, schools are to submit their

accreditation information by September 15. She said the Superintendent is to report to each school on its accreditation status by March 31 of each year, and any corrections must be received by the Superintendent no later than June 30--the final day of the school year.

Committee counsel said the first requirement of accreditation is that a school must implement an education improvement process. She said a school can follow the state education improvement process or utilize an alternative, such as the North Central Association.

Committee counsel said the next requirement pertains to school district superintendents. She said in order for a school to be accredited, if that school is in a high school district, the school district must employ a superintendent. She said this same requirement extends to nonpublic high schools. She said graded elementary districts and nonpublic elementary schools may have, rather than must have, superintendents. She said if they employ superintendents, the individuals are required to be credentialed. She said under the accreditation rules schools are awarded points for superintendent time assignments. She said points are also awarded if an assistant superintendent is employed by the district to which a school belongs. She said it is unclear how this is interpreted with respect to a freestanding nonpublic high school.

Committee counsel said principals are required for purposes of accreditation. She said a school can accrue a certain number of points if the principal spends a certain amount of time in that role. She said if an assistant principal is employed, there is an accrual of two points, provided the individual is qualified. She said assistant principals in schools having more than 750 students must serve full time, while those in schools having between 501 and 750 students must serve at least half time.

Committee counsel said there is an accrual of two points if a special education director is employed and qualified. Again, she said, a special education director would be employed by a school district not by a school.

Committee counsel said the accreditation rules require that a teacher's schedule include preparation time during the workday. She said this is normally a negotiated contract item. She said some Department of Public Instruction staff members have indicated that they interpret this rule to require that teachers must be highly qualified. She said that is redundant given the approval requirements in the Century Code.

Committee counsel said the accreditation rules require a professional development plan. She said in 2009 the Legislative Assembly enacted NDCC Chapter 15.1-18.2, which requires each school district to adopt a professional development plan. She said it appears that this requirement would not need to be in the accreditation standards with respect to public schools if it is already required of public school districts. She said it would be appropriate to place

such a requirement in the rules for nonpublic schools except that the rules go on to state "a written school district plan must be adopted." Again, she said, it is not clear what precisely is expected of nonpublic schools. She said schools seeking accreditation are also required to have a written curriculum plan. She said this appears to parallel the provisions in the Century Code which govern required curriculum in both public and nonpublic schools.

Committee counsel said points are awarded when certain class size criteria are met. She said class size is recommended to be 25 students but may not exceed 30. However, she said, 3 percent of the total number of classes taught may exceed 30 students, up to a maximum of 34 students without citation. She said science and career and technical education classes may not exceed the number of learning stations available, and music classes are exempt from the class size point system entirely.

Committee counsel said the accreditation rules require that each school district develop a plan for the use of standardized test scores and other available data. Again, she said, there is no mention of a nonpublic school.

Committee counsel said the accreditation rules require that there be a pupil personnel services plan. She said the plan must be designed to ensure that students' needs are being met with respect to counseling and guidance services, career planning, social and psychological services, and health services. She said each district, as opposed to a school that is seeking accreditation, must have a written plan covering the scope of services, personnel, and resources; the schedule and time assignments for services; and health and immunization records. She said the plan must have been developed with the staff members from counseling and guidance, social and psychological services, and health services. She said the plan must be reviewed at least once every five years. She said similarly, there is no mention of a nonpublic school. She said the accreditation rules require that there be a pupil personnel services coordinator. She said this individual can be a credentialed school counselor, a superintendent, a principal, or a special education unit director. She said the rules provide that the classroom teacher may coordinate the services in elementary districts having 24 or fewer students. However, she said, if the elementary district literally has 24 or fewer students and one teacher, it probably was not possible for the plan to have been developed with "staff members from counseling and guidance, social and psychological services, and health services."

Committee counsel said NDCC Section 15.1-06-19 requires that each school district have available one full-time equivalent counselor for every 300 students in grades 7 through 12. She said the Administrative Code requires that the counselors be credentialed. She said the rules also spell out the time requirements for counseling and guidance services at the elementary level.

Committee counsel said the accreditation rules require a school to have a library media services plan that ensures students and staff are effective users of ideas and information. She said points are awarded if the school has a credentialed librarian. She said if a school is unable to employ a credentialed librarian, the school may employ a licensed teacher to serve as the librarian. She said in the public system the school is not the employing unit. She said the employing unit is the school district. She said if a licensed teacher is employed to serve as the librarian, a written library plan of study for that individual to become a credentialed librarian must be submitted to and approved by the Superintendent of Public Instruction. She said it is not clear whether the plan of study is to be submitted by the individual seeking a librarian's credential, by the school seeking to become accredited, or by the school district employing the individual.

Committee counsel said two points are awarded if a school has a teachers' handbook, and two points are awarded if a school has a students' handbook.

Committee counsel said the accreditation issue that is most frequently mentioned is the counting of minutes. She said beginning on page 21 of the accreditation rules, the time requirements are set forth for English language arts, mathematics, science, social studies, physical education, and health in grades 7 and 8. She said the rules also set forth additional requirements for music in grades 7 and 8 and require schools to provide 200 minutes of additional instruction per week from one or more of the following courses: art, agribusiness, business education, computer education, modern languages, family and consumer sciences, technology education, or any other courses approved by the Superintendent of Public Instruction.

Committee counsel said the accreditation rules also include the time requirement, down to the exact number of minutes, for English language arts, mathematics, social studies, science, health, music, physical education, art, and unallocated time in grades 1 through 3 and grades 4 through 6.

Representative Monson said it takes almost an entire school year for Department of Public Instruction staff to determine whether a school is to be accredited. He said part of the reason it takes so long is that often the information submitted on time. He said another reason is that the Department of Public Instruction staff are sitting in their offices literally with rulers, following line by line, to determine whether the requisite number of minutes has been accounted for. He said there has got to be a better way to determine accreditation. He said we will need to be looking at streamlining the process to ensure that a school does not have to wait until late March or sometime in April to determine whether it is accredited.

At the request of Chairman Monson, Ms. Paluck distributed a document entitled *Schools Accredited Warned 6/7/2010* ([Appendix C](#)). Ms. Paluck said the document shows 20 schools that as of June 7, 2010,

are accredited warned. She said the schools have until June 30, 2010, to make any necessary corrections to their reports. She said the document provides the reason that the schools have not been accredited to date. She said there are eight schools listed on the second page of the document. She said these include three schools that are not approved, and therefore, cannot be accredited, and several others which have ongoing violations and citations that are not likely to be corrected by June 30, 2010.

Ms. Paluck said four Department of Public Instruction staff members are devoted solely to checking that each element required for accreditation is in fact being met by the respective schools. She said the reality is that by the time the schools receive their accreditation reports, it is already March or April. She said the end result is that toward the very end of the school calendar, the Department of Public Instruction is saying to the school that they are able to conduct school that year.

Representative R. Kelsch said she cannot understand why, given available computer technology, it takes so long to determine accreditation status. She said in some cases, we have schools going the whole year without being accredited or for that matter even approved.

Ms. Paluck said her staff is busy checking to see if in fact 350 minutes of mathematics instruction is being provided and checking to see that every school has a handbook. She said this is not helping students. She said an inordinate amount of time is spent finding and then correcting coding errors.

Representative Rust said when he was a superintendent he viewed accreditation as a stamp of approval. He said it was a symbol of a school going above and beyond the minimum statutory threshold. He said when the Legislative Assembly linked money to it, it was virtually ensured that every school would become accredited. He said accreditation is now the norm and not a symbol of being better.

Representative R. Kelsch said there are opportunities to simplify this process. She said perhaps we need to consider placing accreditation requirements in the Century Code. She said with respect to the inconsistencies in the rules, she is not entirely certain that the Administrative Rules Committee fully understands the implications that these regulatory requirements have on education.

Representative Monson said accreditation requirements are in rules not in the Century Code. He said unless the Legislative Assembly elects to put the requirements into the Century Code, the legislators have very little to do with the rules. He said those are within the purview of the Superintendent of Public Instruction. He said given the fact that the Century Code imposes a financial penalty on any public school that is not accredited, this committee should consider whether it is appropriate to allow the Superintendent to set the criteria by which accreditation is determined and ultimately the criteria upon which the financial penalty is based. He said at the very least

Department of Public Instruction staff need to take another look at the rules and change those provisions that are inconsistent or in some fashion not proper.

In response to a question from Representative Mueller, Ms. Paluck said a state education improvement process and the education improvement process under the North Central Association are very similar.

At the request of Chairman Monson, Dr. Angie Koppang, Midwest Regional Director, AdvancED, presented testimony regarding school accreditation. Dr. Koppang said many educators have been familiar with the North Central Association. She said it recently went through a unification with the Southern Association of Colleges and Schools and the International Accrediting Organization. She said there were six regional accrediting organizations established in the late 1800s. She said North Central was one of those. She said it has finally been realized that education is not a regional business. Therefore, she said, AdvancED is a national and international organization. She said it still accredits schools in North Dakota under the North Central Association name.

Dr. Koppang said AdvancED is in all 50 states. She said approximately two-thirds of the states have some reference in their statutes to accreditation. She said accreditation has always focused on schools going above and beyond the minimum compliance requirements. She said accreditation is a mark of excellence. She said as it developed states wanted to be assured that their schools were providing excellence to their students.

Dr. Koppang said AdvancED accredits 27,000 schools across this country. She said it can be found in 65 countries, with a strong presence in Latin America. She said AdvancED accredits all the Department of Defense schools around the world. She said the schools that it accredits serve approximately 15 million students.

Dr. Koppang said there are three pillars of accreditation. She said the first involves quality standards, the second involves continuous improvement, and the third involves quality assurance. She said no matter where a school is along the continuum, the accreditation process requires that it improve.

Dr. Koppang said AdvancED has had a long working relationship with the North Dakota Department of Public Instruction. She said any school that goes through North Central Association accreditation is deemed to have met the education improvement requirements for accreditation under North Dakota rules.

Dr. Koppang said a number of years ago, the North Central Association revised its standards. She said it had seven standards and approximately 250 indicators that it used to check. She said it went to the research in order to determine what are effective schools.

Dr. Koppang said the accreditation process used by AdvancED now is focused on seven standards and 56 indicators. She said the indicators are all based on solid research pertaining to effective schools.

Dr. Koppang distributed a document entitled *AdvancEd Self-Assessment Standard 1: Vision and Purpose* ([Appendix D](#)). She said the accreditation process begins with a self-assessment that can be completed online. She said there is a similar packet for each of the seven standards--vision and purpose, governance and leadership, teaching and learning, documenting and using results, resources and support systems, stakeholder communications and relationships, and commitment to continuous improvement.

Dr. Koppang said the most valued part of the accreditation process is the internal review process and most importantly the external team visit. She said the external team visit provides good feedback with respect to opportunities for improvement.

Dr. Koppang said AdvancED has raised its expectations for the external team visits. She said it now certifies the team chairman. She said the chairman goes through an intensive two-day training process. She said as regional director she assigns the teams to every school engaging in the North Central Association accreditation process. She said the teams make accreditation recommendations, which are in turn reviewed at several levels. She said this is done to ensure that the AdvancED standards are effectively applied across all of the schools. She said they make a recommendation which goes to a 30-member board, consisting of representatives from the original North Central Association and the Southern Association of Colleges and Schools states.

Dr. Koppang said by going through an entirely online system, AdvancED has been able to obtain access to information about 27,000 schools.

Dr. Koppang said recently an independent research council did a study for AdvancED using AdvancED's data. She said it was asked to look at whether accreditation makes a difference. Specifically, she said, it was to look at whether accreditation has an impact on schools and whether it helps them change, i.e., does it contribute to a school's effort to improve itself? She said 3,000 schools participated in this study. She said the results indicated that accreditation prompted schools to look at themselves. She said it made the schools more data-driven in their decisionmaking. She said it also found that it encouraged ownership in the school improvement plan. She said it found that all staff were becoming involved in discussions regarding student performance. She said that is how a school improves.

Dr. Koppang said AdvancED accredits schools a little differently than the state system in that it uses a unit status. She said generally schools capable of being considered unit schools have fewer than 400 students. She said an example would be if a district has one elementary school and one high school. She said because the district is smaller,

AdvancED would consider it to be a unit school, whereas the state would consider accrediting the schools independently. She said at the present time the North Central Association accredits a little more than one-half the schools in this state.

Dr. Koppang said the largest schools in the state have been using another model, which is in effect a higher level of quality assurance. She said this is called a systems accreditation. She said this involves not only ensuring that an individual school meets the respective school standards, but that the district as a whole meets district standards. She said one-half of the team involved in systems accreditation comes from out of state. She said the idea is to get a national perspective with respect to how the school manages all of its functions.

Dr. Koppang said one of the reasons the systems accreditation has become popular is because larger schools have features that smaller schools do not. She said one can find positions such as facility coordinators in larger districts whereas one would not find such a position in a smaller district. She said the district might have its own special education directors, transportation directors, and food service managers.

Dr. Koppang said any school district in North Dakota that is larger than five buildings has now moved into the systems accreditation model. She said it gives larger school districts an ability to ensure that not only each individual school is a quality school but there is alignment between and among the schools through the district.

Dr. Koppang said reporting has been an issue in a number of states. She said AdvancED recently went into Michigan and designed a computer program based on that used by AdvancED. She said a similar contract has recently been signed with Wyoming. She said Wyoming has required that all of its schools go through North Central Association accreditation for many years. She said it is now moving into a program called ASSIST (Adaptive System of School Improvement Support Tools) ([Appendix E](#)). She said ASSIST allows schools to track annual yearly progress, No Child Left Behind status, and Title I compliance monitoring in the same process. She said a school completes a self-assessment. She said there is a school improvement plan builder module. She said there is also a program evaluation tracker. She said even approval could be tracked through this module. She said all of the schools get an automatic alert when their reports are due. She said the day before a report is due, the schools receive one more reminder. She said they also receive an e-mail reminder when the report is overdue.

Dr. Koppang said there will also be a learn and collaborate module. She said this will allow the building of collaborative networks among schools. She said if there is a rural school that is working on improving student writing, the module will allow it to collaborate with other rural schools, whether in state or out of state, that are working on the same issues.

Dr. Koppang said the reality is that no single state can on its own develop the type of platform that AdvancED has done in its accreditation of 27,000 schools. She said AdvancED has the necessary experience in software design and educational developments.

In response to a question from Senator Oehlke, Dr. Koppang said if every school in North Dakota were to become North Central Association-accredited, it would cost approximately \$550 per school if the school were part of a systems accreditation model and \$625 per year if it were independent. Dr. Koppang said there are approximately 400 schools in North Dakota. She said the AdvancED innovations team could calculate the exact costs. She said it would also be happy to do a presentation at any time. She said the first-year costs are a little higher because they include the startup costs.

In response to a question from Representative Monson, Dr. Koppang said the state of Wyoming has approximately the same number of schools as North Dakota. However, Dr. Koppang said, it has far fewer school districts. She said she believes Wyoming has only 75 school districts. By way of comparison, she said, the state of Florida has 75 districts; however, most of the districts have 200 schools and 300 schools per district.

In response to a question from Representative Mueller, Dr. Koppang said Wyoming requires North Central Association accreditation by statute.

In response to a question from Representative Wolf, Dr. Koppang said approximately one-half of the schools in North Dakota are using North Central Association accreditation. Dr. Koppang said the remainder, if they are pursuing accreditation, are doing so through the state model.

At the request of Chairman Monson, Mr. Martin Griffith, School Board President, Agassiz Education, Inc., Pembina, presented testimony regarding the curriculum and assessment used by Agassiz Education, Inc. ([Appendix F](#)).

Mr. Griffith said Agassiz Education, Inc., is a small school located in St. Vincent, Minnesota, and serves approximately 25 students in grades 6 through 12. He said it also educates students in kindergarten through grade 5 in partnership with Kittson Central School District, Hallock, Minnesota. He said this has been an ongoing relationship for approximately 15 years. He said the board would like to build a new school in North Dakota.

Mr. Griffith said in the past it has had difficulty finding teachers. He said the school is partnered with Sterling Education, Inc., which is headquartered in Detroit, Michigan. He said the school is a Sterling Education, Inc., campus. He said the curriculum is determined by Sterling Education, Inc. He said this is a benefit to the Brethren community. He said the initial goal was to have a school that upheld its moral standards. He said religion is not taught in the school. He said Sterling Education, Inc., has 36 schools in the United States and Canada. He said it provides virtual

classrooms. He said the Sterling Education, Inc., schools share this network. He said four courses are offered through the network. He said the courses are taught by teachers in Des Moines, Iowa; Council Bluffs, Iowa; and Portland, Oregon.

Mr. Griffith said when Sterling Education, Inc., was founded, it had planned to purchase commercially available curriculum. Later, he said, Sterling Education, Inc., found that because of its international presence, it needed to provide a higher standard curriculum. Therefore, he said, Sterling Education, Inc., partnered with the University of Cambridge. He said all of the Sterling Education, Inc., campuses are University of Cambridge-approved or University of Cambridge-accredited. He said the teachers receive training from the University of Cambridge. He said all of the core subjects come from the University of Cambridge.

Mr. Griffith said the 11<sup>th</sup> graders and 12<sup>th</sup> graders take the A Level and AS Level University of Cambridge courses. He said this would be the equivalent of freshmen-level college courses.

Mr. Griffith said Sterling Education, Inc., began looking into accreditation systems last year. He said it has settled on accreditation through AdvancED.

Representative Monson said when the school first started, it found it was easier to obtain approval in Minnesota than in North Dakota. He said it initially had difficulty finding highly qualified teachers. However, he said, the landscape has changed largely because of electronic course delivery.

In response to a question from Representative Karls, Mr. Griffith said there are 25 students in grades 6 through 12. He said the elementary school has been in a partnership with Kittson Central School District, headquartered in Hallock, Minnesota. He said the Brethren built the school. He said there are 16 students attending the school this year, and there will be 23 students next year. He said the Kittson Central School District provides the teachers and the curriculum. He said the Brethren provide the children and the building. He said it has a net no-operating-loss agreement with the school district. He said the school district calculates its cost of operating the school, less whatever tuition is received by the school district. He said the Brethren pay the difference.

In response to a question from Representative R. Kelsch, Mr. Griffith said one of the reasons the Brethren ended up locating its school in Minnesota was because it was unable to hire teachers who met the required qualifications in North Dakota. He said Minnesota had very lenient approval requirements. He said under Minnesota law a private school could function provided there was one licensed teacher.

In response to a question from Senator O'Connell, Mr. Griffith said the Brethren are concerned about the declining moral standards evident in public schools. Mr. Griffith said it wanted its own environment. He said its curriculum is not based on religion.

In response to a question from Representative R. Kelsch, the students said in 12<sup>th</sup> grade they were

enrolled in business English, accounting II, business law, business studies, and a computer course.

In response to a question from Representative R. Kelsch, Mr. Calvin Symington, 10<sup>th</sup> grade student, said his daily courses consist of Spanish II, which is electronically delivered from Des Moines, Iowa; English; accounting I, which is electronically delivered from Portland, Oregon; world history; science II, which is a University of Cambridge course; and mathematics, which is electronically delivered from Des Moines, Iowa.

In response to a question from Representative Mueller, the students said their school year went from September 4 through June 11.

In response to a question from Representative Monson, the students said they are required to have 24 credits to earn a high school diploma.

In response to a question from Representative Meier, the students said they participate in choir and study voice, guitar, and wind instruments.

In response to a question from Representative Hunskor, the students said they do not interact with other area schools in athletic or music competitions, etc.

In response to a question from Representative R. Kelsch, Ms. Rosanne Symington said the courses she is completing at the school will give her the background to go into the workforce. She said it is not her intention to go to college.

Representative Monson said a number of the advanced courses taken by the students are similar to dual-credit courses.

In response to a question from Representative Froelich, the students said their virtual classrooms allow them to meet people from around the country. They said they felt safe, they knew everyone, and they were receiving a great deal of one-on-one instruction.

In response to a question from Representative Mock, Ms. Symington said in her job after graduation she will be involved with telemarketing, general office work, and other duties such as accounting, marketing, and sales.

### **REPORT OF THE ADVISORY COMMITTEE ON TRUANCY**

At the request of Chairman Monson, Ms. Val Fischer, Director, Coordinated School Health and Adult Education Unit, Department of Public Instruction, presented testimony regarding the findings and recommendations of the Superintendent of Public Instruction's Advisory Committee on Truancy ([Appendix G](#)). Ms. Fischer said the Advisory Committee on Truancy will recommend introduction of legislation during the 2011 legislative session which will provide a common definition of truancy. She said it is the committee's recommendation that truancy be defined as any unexcused absence by a student under the age of 16 if that student has three consecutive unexcused days within a semester;

six one-half unexcused days within a semester at the elementary school level; or 21 class hours, as defined by each school district. She said an excused absence would require a written or verbal notification from the student's parent or school administrator. She said each school district would still be responsible for determining the number of unexcused absences a student may have before the school notifies the student's parents or imposes loss of credit or other consequences on the student.

Ms. Fischer said the second recommendation of the Advisory Committee on Truancy is that the Department of Public Instruction should adopt the North Dakota Statewide Longitudinal Data System as the common data collection process for collecting truancy data. She said the third recommendation would be for an appropriation of state funds to identify best practices for truancy prevention and interventions, to develop training protocols, and to provide collaborative training to school district teams, possibly using the regional education association structure. She said because of a reduction in federal Title IV Safe and Drug-Free Schools and Communities Act funding, school district efforts to address truancy may require state funding for personnel and programming. She said the Advisory Committee on Truancy will likely seek money for these purposes as well.

Ms. Fischer said the final recommendation is that there be further study of the Bureau of Indian Education (BIE) system for truancy reporting and of the city and county court referral systems that handle truancy issues.

### **INDIAN EDUCATION REPORT ON DROPOUT PREVENTION**

Mr. Robert Marthaller, Assistant Superintendent, Department of Public Instruction, said Mr. Robert J. Parisien, Administrator, Indian Education Program, Indian Affairs Commission, was to present testimony regarding the Indian Education Advisory Council and the report on dropout prevention. He said Mr. Parisien has left his position and is now the new BIE line officer with the Standing Rock Sioux Tribe. He distributed a copy of Mr. Parisien's report on dropout prevention ([Appendix H](#)).

Mr. Marthaller said the tribes are trying a multifaceted approach to truancy. He said their approach involves law enforcement, social services, the health and wellness sector, and the judiciary. He said they are truly taking a community approach to truancy. He said they are also pursuing advisor/advisee programs to make sure there is daily contact with the students, and the students are made to feel as if someone cares about them. He said he hopes that their efforts will have positive outcomes for the students.

Mr. Marthaller said the Indian Education Advisory Council will be holding its fourth meeting on June 9, 2010. He said that meeting will address graduation

rates, student dropout rates, and truancy. He said the charge of the committee is to make recommendations to the Superintendent of Public Instruction.

Mr. Marthaller said one of the greatest challenges in Indian education has to do with governance structures. He said between state entities, tribal entities, the BIE, and local school boards, it is often not clear who, if anyone, is in charge. He said consideration is currently being given to seeking an Indian education coordinator who would be housed in the Department of Public Instruction. He said it would be the role of this individual to focus on the array of issues affecting Native American schools. He said one of these issues has to do with data collection. He said BIE schools are required to use a computer system other than PowerSchool. He said it does not make sense to require that two data collection systems be in place. He said work is ongoing to determine if the data from the BIE-required system can in fact be uploaded.

Mr. Marthaller said if nothing else, the Indian Education Advisory Council has provided a forum within which representatives of tribal education can sit down with members of the Department of Public Instruction and discuss the array of issues facing Indian students and delivery of education to those students.

### OTHER MATTERS

In response to a question from Representative Wall, committee counsel said current law provides that if a school remains closed or provides less than a full day of instruction as a result of severe weather or other emergency conditions, the school is to make every effort to reschedule classes so students receive at least the requisite number of instructional days. Committee counsel said the law allows the school to request that the Governor waive the rescheduling in whole or in part. She said the law also states that the Governor may not grant a waiver for less than a full day of instruction. She said at the time the language was enacted, the presumption was that if a school dismissed two hours early, it would make up those two hours and not request a waiver. However, she said, if the school dismisses two hours early on Monday, two hours early on Tuesday, and two hours early on Wednesday, these periods are being added together and considered a full day for purposes of requesting a waiver. She said the bill draft [\[10086.0100\]](#), which relates to gubernatorial waivers of required class rescheduling, includes language that would allow such hours to be added together in order to determine the number of additional days of instruction that may be waived under NDCC Section 15.1-27-23.

Committee counsel said the committee might wish to review NDCC Section 15.1-27-23 and determine whether it is preferable to strictly interpret the current language so that early dismissals are not used cumulatively or to add language clearly authorizing the accumulation of hours for the purpose of waivers.

She said the bill draft was presented to the committee in order to allow time for committee members to discuss these options with local education officials. She said the bill draft will be placed on the next committee agenda for thorough discussion and review.

### COMMENTS BY OTHERS

With the permission of Chairman Monson, Dr. Gary Gronberg, Assistant Superintendent, Department of Public Instruction, said the current accreditation standards began in 1985. Dr. Gronberg said before that there were other standards, but they were not as formal.

Dr. Gronberg said one of the things that the committee should recognize with respect to accreditation standards is that they are all inputs. He said they do not have anything to do with outcomes. He said the standard focus is whether one has the appropriate principal and whether so many minutes are spent doing a particular task. He said there is nothing that connects those to whether students are actually learning anything. He said the federal law is going toward accountability--toward having us look at our outcomes. He said we should be asking how many students are graduating. He said we have never had any standards or goals with respect to that. He said for years our graduation measurement was the number of students that entered the 12<sup>th</sup> grade versus the number of students that graduated from grade 12. He said now we have to look at cohort classes. He said we have to look at the number of students who entered grade 9 and determine how many of those graduated at the conclusion of grade 12. He said it is imperative that we make the mental shift from inputs to outcomes.

Representative Monson said just because a school goes through the accreditation process does not guarantee quality.

Representative Monson said he is wondering whether the Legislative Assembly either should define the process of accreditation statutorily or direct the Superintendent of Public Instruction and his staff to review the current administrative rules and make alterations so they are focused on student outcomes and not merely inputs.

Dr. Gronberg said a financial penalty was inserted in the accreditation section to provide a consequence if a school elected not to go through the accreditation process. He said accreditation has in fact become the minimum standard for schools. He said the game changed from thinking of accreditation as an enhancement to thinking of accreditation as a mandate that was placed on schools. He said the thought was continued during the 2009 legislative session with House Bill No. 1400. He said in referencing things such as counselors and career advisors and requiring them of school districts, the Legislative Assembly has in fact taken what were once accreditation standards and made them minimum requirements for all school districts.

Chairman Monson said it will be up to this committee to determine which of the standards currently included in the accreditation rules should be made a part of the approval process and which should be left to the regulatory functions of the state agency.

No further business appearing, Chairman Monson adjourned the meeting at 4:00 p.m.

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L. Anita Thomas  
Committee Counsel

ATTACH:8