

2021 SENATE EDUCATION

SB 2147

2021 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2147
1/19/2021

A bill relating to high school graduation and curriculum requirements.

Chair Schaible opened the hearing at 9:30 a.m.

Discussion Topics:

- Curriculum requirements

Sen. Oban introduced the bill: #1141

Dr. Russel Ziegler-NDCEL, testified in support. #1306

Stanley Scheuer, DPI, Assessment Office – testified in support #1526

Alexis Baxley, NDSBA, testified in support.

Taryn Sveet, testified in support. #1259.

Jenifer Hosman, testified in support. #1476

Dr. Jennifer Fremstad, West Fargo HS principal: testified in support. #1037

Additional written testimony:
Lynda Blotsky - #947

Adjourned at 10:10.

Lynn Wolf, Committee Clerk

Senator	Attendance
Chairman Schaible	P
Senator Elkin	P
Senator Conley	P
Senator Lemm	P
Senator Oban	P
Senator Wobbema	P



NORTH DAKOTA SENATE

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Senator Erin Oban

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COMMITTEES:

Education
Political Subdivisions

SB 2147 – Optional GED Testing for Grad Requirements

Hearing scheduled: January 19, 2021 | 9:30 am

Senate Education Committee, Sen. Schaible, Chair

Mr. Chairman, members of the Committee, for the record, I'm Erin Oban, senator for Bismarck's District 35. I'm here to introduce SB 2147, one of many bills we'll be debating this session to create additional options and support alternative pathways to achieve the same end goal of having our North Dakota students meet our state's requirements and be choice ready to graduate from high school.

As you likely know, [the GED test](#) is a series of four subject tests – English, math, science, and social studies – a person over the age of 16 can take to demonstrate their high school academic knowledge. Earning a GED diploma is already equivalent to earning a high school diploma. SB 2147 proposes *optional* – NOT MANDATORY – language, should a school district choose to approve it, giving the ability for students to demonstrate their knowledge and achieve credit in any of those four GED portions by passing that relevant portion of the GED test.

As the bill is written, school districts would have the both the choice to use this option in their school(s) as well as the authority to dictate their own programmatic requirements and customize it to their own students. NDDPI offers technical assistance in many, many areas, and this would be no different should a school district need or wish for guidance.

We know that not all students are the same. Their skills and abilities, their interest and commitment, their experiences and situations both in and out of the school walls influence students' likelihood of finding success in the traditional classroom environment. More and more, education is being asked and responding to the fact that a one-size-fits-all approach doesn't work to meet the varying and diverse needs of our learners. Making this option available would be especially beneficial for those students who aren't likely to be labeled as the "high fliers." Maybe they've fallen significantly behind in one of their courses, or maybe they're considering or already at risk of dropping out. This bill, if passed, would provide a way to keep those students in school and continue pursuing their high school diploma rather than a state-issued GED, give them far greater continued educational supports, equity, and access than they would get if they dropped out, even if they later chose to enroll in an adult ed program, and leaves the funding stream to the school in place as the students would still be enrolled and counted in the Average Daily Membership (ADM) used in the funding formula.

The fact is, some districts, school leaders, and educators will bend over backwards to try to meet the needs of ALL their students, including and especially those who are most struggling, but they're limited to the tools we give them in law. Based on conversations I've had with schools and with NDDPI, I know that there are already individual administrators who want this option for some of their students. SB 2147 would be just another tool for them to work with. In fact, we may even want to consider adding an emergency clause on to the bill.

Mr. Chairman, admittedly, I don't know all there is to know about the GED itself, but I have worked extensively with Mr. Stan Schauer at NDDPI on this and several other workforce preparation and adult education issues. He knows these programs inside and out, and I hope this committee will have the opportunity to hear from him and address specific questions directly to him (where I will undoubtedly refer many of them anyway).

Thank you, and I'd appreciate your favorable consideration of SB 2147.



SB 2147 – Relating to high school graduation and curriculum requirements

January 19, 2021

Chairman Schaible and members of the Senate Education Committee – My name is Dr. Russ Ziegler, and I am the assistant director for the North Dakota Council of Educational Leaders. I am testifying today in support of SB 2147 with a proposed amendment. The amendment comes to address some concerns expressed by our secondary principals and superintendents to tighten the potential application of this bill. After my testimony today, there will be a couple secondary principals who will testify and share with you questions they had about the current breadth of the bill and help to zero in on our request for some modest amendments to tighten the language and when the utilization of this opportunity is appropriate.

NDCEL supports the intent of this bill. As I have testified earlier on another bill I stated that this world is not a one-size fits all. There are students who need to have different options in place to achieve success. Even though a traditional diploma pathway may work for the majority of students it does not work for everyone. It is for that reason that we have the alternative diploma options. There are a couple of examples of different pathways that were made available in the past.

- 1) The first one being the GED (General Educational Development) which was established in 1942 by the United States Armed Forces Institute. The GED was a test that measured high school level academic skills. There have been numerous revisions since its inception with the most recent coming in 2014 along with dropping the General Educational Development and just going with the acronym GED. The GED consists of Language Arts, Mathematics, Science, and Social Studies.
- 2) A second pathway was established by the North Dakota the state legislature that would allow for an optional high school curriculum for students who might be struggling with the traditional diploma route. In the optional high school curriculum, a student may be able to take a different route if they meet certain criteria such as if they have failed to pass at least one-half unit from three subsections or has a GPA below the 25th percentile of other students in their district who are in the same grade. If the criteria are met then the school can meet with the student and parent to decide if the optional high school curriculum would be a good way to go.

This bill would allow another pathway for students who are struggling on the traditional diploma route. We believe this could be a helpful pathway to those students who might otherwise drop out of school due to unique circumstances. We believe having multiple pathways is a good option for students. However, with this bill we also have a few concerns. We feel that adding the



recommended language is too broad as stated. The bill does require a local school board to approve this path, but it does not state that the local board is allowed to change the bill, so it better matches the goals and strategic plans that the district has in place. For example, a school board may wish to add that an individual can choose this route only after their seventh semester and if they have failed a required course for graduation or if the school board would like to say that the student who utilizes this option would qualify for the an alternative diploma. Furthermore, we would ask that you consider whether it would be more appropriate to have this language in the “optional graduation” pathway rather than the traditional diploma route. At minimum we would ask that the board could establish local parameters regarding how this might be implemented if that district would choose this as an optional pathway. Our principals who will testify will also outline other questions from their perspective that are relevant to consider.

Thank you for your time and I can stand for any questions.

**TESTIMONY ON SB 2147
SENATE EDUCATION COMMITTEE**

January 19, 2021

By: Stanley Schauer, Director, Office of Assessment

701-328-2224

North Dakota Department of Public Instruction

Chairman Schaible and Members of the Committee:

My name is Stanley Schauer, Director in the Office of Assessment with the Department of Public Instruction. I am here on behalf of the department to speak in favor of SB 2147. The problem that this bill proposes to help alleviate comes from the field and the situations that can be alleviated by this bill are common among many K12 schools. The idea presented is not set out to have an effect on a majority of students, rather a minority of students who could be deemed at-risk or on a trajectory to be at-risk, due to credit deficiency.

SB 2147 proposes two simple changes that have the same effect. Essentially, the four core subject areas could be satisfied via the corresponding subject area from the same battery of assessments used to earn a GED. For example, if a student was in their senior year of high school and had only earned 1 math credit, the math GED test could be used in a competency-based manner to satisfy the math graduation requirements/credits. All remaining requirements and credits for graduation are still required. This could also be done, at the discretion of the school board and school, for the other core subjects (English language arts, Science, Social Studies).

The overall objective is fairly simple, even though how the bill was written seemed to cause some slight confusion, in that we are trying to create another tool/program/pathway that schools can utilize to keep students from dropping out of K12 education and to remain on a path of success. We are also aligning our efforts to support the direction of recognizing more competency and proficiency-based measurements in North Dakota K12 education. The bill is not intended for any student to choose to opt into or to fast track through high school, instead it is intended to enable schools to build a program or pathway, with eligibility requirements, to better serve students who might otherwise dropout. The bill was written with sort of an open concept and done so to respect the decision making and program building capacity of our local school boards, districts, and school leaders. The decision of how to use this tool, I feel, should be with those nearest to the problem. Each of our schools are unique, as are the students they serve and the situations they experience.

NDDPI will be prepared to give examples, guidance, and technical assistance if and when schools look to activate this tool. A benefit to using an assessment like the GED is the amount of data we have been able to collect and correlations that can be made, from the scale scores, between it and other standardized assessments that are commonly used, such as the ACT. The Regional Adult Learning Centers (ALCs) and Correctional Education folks would also be willing to provide assistance, share best practices, as well as recommend tried and tested curriculum. For example, a

common practice that ND ALCs have adopted is the use of GED Ready exams and setting the bar a little higher (150 in lieu of 145) before attempting an official test. An educator can gain helpful insight with a prediction on how well a student would perform on an Official exam, as well as get very specific feedback on sections of a subject that need to be improved upon. In math, the areas are broken down into sections such as algebra or geometry. Taking it a step further, you can select commonly used print and electronic based curriculum and get ranges of page numbers in which these skills are taught or introduced. This provides targeted feedback to drive instructional decisions. As I have shared in other testimony with this committee, ND has a pass rate, a metric that is deemed key by GED Testing Service, that is typically top three in the nation. Side note, we have recently added some GED data to ND Insights and this metric, year over year, can be seen with a comparison to the national pass rate.

I have personally had conversations, over the past couple years, with school leaders about options for students who are way behind in credits. In a lot of these conversations, credit recovery or seat time options would not have helped. So, we have students who do not want to drop out of K12, but are left with no other viable option. Current law does not allow for funding to be provided to work towards a GED, it is clear, from my understanding, in that it says high school diploma. Even if some of these students stayed in school until they were legally unable, they still

might not catch up. Also, for some students, catching up means falling behind in other areas in which credit is required for graduation. These are the examples and situations that spurned this concept. The hope lies in allowing students, who would typically drop out due to credit trajectory, to stay enrolled in school, have a means to more quickly catch up in the core areas, and earn a high school diploma. Looking full circle, if students drops out of high school and still wants to pursue an education, the GED test is what would be used. It is the only test that ND uses for high school equivalency.

In discussions with education stakeholders and leaders about this bill, not knowing exactly what the bill set out to do was a trend. I understand this, as the amendments are rather open-ended. After a brief explanation, the folks I spoke with understood its purpose and shared the idea that it could be a helpful way to guide students to success. School boards, per the amendments, are the gatekeepers of this program being implemented or not implemented, as well as how its implemented. As Senator Oban mentioned, nothing in this bill creates a mandate. If a school or school board does not think this is a good idea or does not believe they have students who are or might be in this situation, it can simply not be utilized.

I have also been told that some might bring up the rigor of the GED test in opposition to this bill. I can provide data, test question examples, and more rebuttal than anyone would be interested in hearing when it comes to the rigor of the

assessment. Furthermore, and a fun experiment used previously with a past Education Committee, a chance to take a GED official exam, to get a feel or sense for the said rigor. In 2014, the GED test was completely gutted and rebuilt. It was built with College and Career Readiness Standards in mind and the cut score was initially set at 150. After the ability to live test individuals and during a common process in assessment development called norming, or standard setting, it was revealed a majority of students who had earned a high school diploma were failing the GED exam. This caused GED Testing Service to lower the cut score, to ensure the assessment itself was not beyond what a typical high school graduate could pass. Not every student who achieves a passing score on a GED is college ready and I would also say not every student who earns a high school diploma is college ready either. This is clearly evidenced by the standardized assessments required upon entering post-secondary.

GED Testing Service has developed leveled scores, for example a score of 165 is called College Ready and in ND, students who achieve a 165 in math trend at about 20.5 on the ACT and a 165 in Reading on the GED trends at exactly the same score as ACT college ready, a 22. In other states, the university systems have adopted those GED cut scores. For example, a student achieving a 165 is waived from remedial classes and from the requirement to take another standardized assessment upon entrance. I share this because I feel strongly that the GED is a useful tool in

ND and that it can be used beyond its typical purpose and that talks of lacking rigor, especially without data presented, are most likely invalid.

Moving past rigor, I think anyone involved with education knows that our students are best served in our schools and this bill's main objective is to decrease the students who dropout of school. It does not solve all dropout issues, but I feel it gives our schools another tool in combating dropout percentages and is aligned to the ability our students need to demonstrate competency and proficiency in subject matter rather than simply complete seat time. This bill provides another opportunity for our schools to allow students the opportunity to demonstrate competency in core subject areas

In closing, I just want to again mention that the sole purpose of this bill is to provide schools a tool to serve students who are at-risk or on a path to becoming at-risk. It is not intended to make graduation easier; it is intended to allow a student to showcase a set of knowledge and skills in an alternative way and obtain the credits necessary in a competency-based manner. We are most likely not talking about thousands of students a year. I would estimate it in the hundreds, but even if it is lower and we can help those who find themselves without an option, I feel it is worth the effort.

Chairman Schaible and Members of the Committee that concludes my prepared testimony and I will stand for any questions that you may have.

Bill SB 2147
Taryn Sweet
Testimony in Support

Chairman Senator Schaible, members of the Education committee, for the record, my name is Taryn Sweet and I come to you today in my role as Secondary Principal for Beach High School to help you better understand how from my perspective this bill will help us serve our students. As some of you may know, Beach High School services the educational needs of those who are placed at Home on the Range, which is a resident placement center for teenagers.

We see many students come through that are between the ages of 16-18 years old who are off track for a timely graduation. Some so much so that they will age out of our education system before they will be able to successfully complete the graduation requirements. We want to see them rehabilitated and on track to become productive citizens. To them, staying several more years in high school or trying to make up for lost time seems impossible. Without this legislation, I am legally left with two options. We would have them work on their coursework which may or may not transfer making regular graduation requirements seem insurmountable; or option 2 they must work on their own time without help from my staff on completion of a GED. We have no legal way to work with them on GED prep as the situation stands now, but they are required to attend the school according to their placement. I do not believe that this is what is in the best interests of the kids who come into our care.

What would be most beneficial for the kids would be for us to set up criteria with the school board to establish when a student qualifies for this program. Our care team will be able to determine the best path for the student. Students could come to the classroom, receive supports so they are successful in completing their GED or use GED scores to focus on

educational gaps on what they have left to complete in their graduation requirements. My Title I teacher, Special Education Teachers and other staff could help with GED prep programs and provide supports. We could operate like an educational intensive care unit. It would also enable us to provide a student an opportunity to not just get their GED but their High School Diploma. The freedom and the flexibility of this change allows for us to be able to offer what is best for all students not just on track students. Thank you for your time.

Good morning Chairman Schaible and members of the committee. My name is Jenifer Hosman and I am the K-12 principal at Hebron Public School in Hebron, North Dakota. We have 156 students in our school, 68 of those being high school students. I would like to share a few thoughts this morning from the small-town school point of view regarding senate bill 2147. A great thing about working and living in a small town is that I know every single one of my students and most of their families on a deeper level than I would at a larger school. It's not better or worse, but it is just the way it is.

I am 100% behind helping my students get to the finish line and earn their high school diploma. At my school we do whatever we can to help our students get to the final goal of walking across the stage to receive their diploma. Most often this occurs by students following a path that is prepared for them so that they earn each credit that is required to make it to graduation day. Sometimes there's a hiccup or two along the way and we react with the many supports that are available to us. I can arrange schedules for students to be able to retake a course, take a course over summer school, take a credit recovery course through North Dakota Center for Distance Education (NDCDE) or on ITV through Great Western Network. We have had great success using these supports to help our students earn their credits. It's not always easy and we have to think outside of the box but most times we are able to help them reach that goal.

Sometimes circumstances present when it is necessary to discuss other options. It is our goal to help this small percentage of students find success in other ways. Job Corp in Minot and the Dickinson Adult Learning Center are two other options that we utilized to help students succeed. Reading directly from the Job Corp website we understand that Job Corps is a no-cost education and career technical training program administered by the U.S. Department of Labor that helps young people ages 16 to 24 improve the quality of their lives through career technical and academic training. Job Corp also offers a GED program that can occur while students are learning a trade. The Dickinson Adult Learning Center is the GED center nearest to my high school. I have worked with them on a few occasions when a student has needed to get their GED rather than completing high school for their diploma. They have been very good in meeting with students to help them and their parents understand their options and guide them in decision making.

Sadly, every so often, once in the last four year's to be specific, a student drops out of my high school. This happens for many reasons but it doesn't occur before all of the above-mentioned options are discussed and it is completely out of my control.

Recently I was made aware of SB2147 and in theory it sounds like another great option. I feel that in a very unique and specific instance within the parameters of the alternate high school diploma this could be an option for an individual. I would not be opposed to a more specific and individualized option that could mean the difference between obtaining a diploma and not. If for example a student was one course away and could show competency via this route, I could support that.

There are many concerns surrounding offering the option of the GED test for high school credit in order to receive a high school diploma. Taking a test on one day to show mastery is not anywhere near the same as prolonged and repeated exposure to content to cement learning.

Rather than submitting my own personal thoughts alone, I discussed this bill with my English, Math, Science, and Social Studies teachers. Here are a few of their comments.

Teacher #1 This is unfair to the colleges and jobs the student applies to because the job is under the assumption that the student has met the same requirements as all high school students. A student should not receive a high school diploma when they did not do the work. They should receive a GED since that is the work that they did do. All opportunities after high school recognize the difference between the two and it is not fair to employers because they will higher under qualified employees for their job.

Teacher #2 I teach my classes so students can retain the information and think to question the world around them once they have graduated from school. Taking a test to fulfill what I try to accomplish in my classroom simply does not make students lifelong learners.

Teacher #3 My concern would be lack of social skills needed to survive in the real world. Studies show there is a 4% increase in unemployment rates for people with GED, I believe this comes from the lack of social skills and learning to how to

deal with everyday life problems, instead of just taking a test. Also, if you look at some military and college requirements, students with GED are less likely to be accepted into the military, along with colleges.

If this bill were to pass in its current form, some additional concerns that would need to be addressed include figuring student GPA, class rank, and qualifying for the ND academic and CTE scholarship. The high school diploma is a very big deal. It is something that is worked for and earned by our students. The credibility of this honor would be diminished if students were allowed to “test out” of course work.

There is no doubt that the GED program is a program that is also a success for those that choose that path. Joining the two doesn't seem like a good fit in the current draft of the bill.

Thank you for your time and consideration of our thoughts on the matter.

Good morning Chairman Schiabe and members of the Education Committee. For the record, I am Dr. Jennifer Fremstad, principal at West Fargo High School and I would like to thank this committee for the opportunity to speak to Senate Bill 2147 today.

High school principals in North Dakota work hard each and everyday to ensure opportunities for all students that will lead to success in their learning. At the state level, we appreciate having legislators that continue to support and provide opportunities for schools to leverage options that assist students when alternatives to the traditional pathway are needed. State resources like the Innovation Waiver and the Optional Diploma Pathway have encouraged schools to adjust teaching and learning in an attempt to reach all learners. The changing of instructional strategies has shifted learner outcomes from not only knowing the content but to be able to apply a learned skill. These shifts have increased engagement, provided more relevant and meaningful learning, and connects that learning to “real world” experiences. As we continue to shift, schools are learning about personalized, competency-based learning that allows students voice and choice in classes to create meaningful, relevant, and applicable skills for college, workforce, and military pathways beyond high school.

We are happy to see that our state leaders continue to look for meaningful ways to address student needs and create pathways for all students to succeed. This bill provides one more tool to leverage as schools continue to provide opportunities for students to succeed.

However, in its current form, there are several questions and outcomes that should be addressed or considered:

-What impact does this bill potentially have on staffing in school districts? For example: If a student can take a GED subtest after grade 10 and pass, that student no longer needs to attend any courses in that content. If the minimum number of credits (1/2) is all they earned in the first 2 years of high school, that student would not need to take the other 3.5 credits of ELA or 1.5 credits of Math or 1.5 credits of science or 2.5 credits of Social Studies including US History or Government. Could this option be available to students during their 8th semester of school rather than after the 4th? With decrease in student enrollment, there is a potential of decreased staffing needs. Furthermore, the best scenario for student learning and preparation for the future is taking full advantage of the options available to them and to utilize a route such as suggested in the bill as a stop-gap option to dropping out. As a principal, I feel we must be careful encourage our students to stay in the pathway of content mastery and completion as much as possible.

-Who would be responsible for the materials needed for students to prepare for the test and who would be responsible to pay for the test that students take? Is there a limit to the number of attempts students can have? Do schools pay for each attempt or just one attempt? And how is this funded?

-How would the GED subtest be calculated into the GPA for that student? Is it calculated for each credit it replaces or is it calculated one time?

-How will this pathway be denoted on the official transcript for the student?

-Is it better for districts to provide classes to prepare students to take the GED rather than adjust the requirements for obtaining a high school diploma?

-Is this pathway an option already available for districts to submit through the Innovation Waiver, and would not need an adjustment to century code?

Again, I want to restate how valued the work of our state leaders and this committee are to education in our state. Your continued efforts to create meaningful opportunities for districts to meet the needs of students is outstanding. This bill provides another example of that commitment. As a practitioner, I believe it is important that we continue to place a high value on our diploma. We support options for success, but I do not want it to diminish the work of our schools, our teachers, our students, and value of our diplomas. I think there may be a scenario in which this option may be advantageous to a small number of students, but we hope you'll work with school leaders to adjust the language so that the opportunity presented here isn't misused for the wrong population of students.

I want to again thank Chairman Schiabe and the Education committee members for allowing me time today to address Senate Bill 2147. If there are any questions, I will be happy to answer them.

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Michael Bradner, Superintendent
Deanna Kville, Business Manager

To whom it may concern,

I am writing this testimony in support of Senate Bill 2147; a bill relating to high school graduation and curriculum requirements.

This bill would make it so that a student who is behind credit-wise would be able to use the GED test in a specific subject area to count as a placement test for the lost credit.

At this time, at-risk students in our high schools have two options, go through high school and finish with the required 22 credits, or drop out and get the GED. Right now, when a student registers to take the GED there is a specific box to check that says that student is not taking any high school courses for credit. To me, as an Administrator, this is unfair to those at-risk students.

When it comes to at-risk students, many of whom have had the “deck” stacked against them from the day they stepped into Kindergarten, we have to do all we can to help them get their high school diploma and keep them in our buildings as long as possible. As an educator it is important that I share with you that education is not just hoops to jump through or credits to earn; it is also lessons learned, time spent, and relationships built. We want to have the adequate amount of time with each of our students to prepare them for their futures and when they drop out that cuts their time short with us.

This bill would allow for the Administrative Team and/or the School Board to make special accommodations for students who fall into this situation. Students who drop out most of the time do so because they know they are unable to achieve the credits needed to graduate in a timely manner. In most cases if a student is going to be 18 or 19 years old and not be able to graduate this will prompt them wanting to earn their GED.

If we can eliminate this barrier by allowing our students to take the GED in place of lost credit, and still graduate with a high school diploma I believe that would GREATLY change the drop-out rate in North Dakota.



MAY-PORT CG
PATRIOTS

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Michael Bradner, Superintendent
Deanna Kville, Business Manager

I am an Administrator in a small district; K-12 we have around 500 students, we do not have an alternative school or alternative option for these students who have fallen behind credit wise and see their only option as dropping out and taking the GED.

If my staff and I do everything we can to help a student achieve their full potential as a high school graduate in conjunction with taking the GED sub-test for credit recovery, we should not be penalized for that by losing funding for that student. We should be rewarded, as should that student, because as a team we helped them to achieve the first step to creating their own future.

As educators we wake up every day and we do everything possible to help our students succeed. This would give us another tool in our toolbox, and if you know anything about education, we need ALL the tools we can get!

Passing this bill will give us the true definition of CHOICE READY planning.

Thank you for your time,

La Lynda Blotsky

May-Port CG Middle/High School Principal

2021 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2147
1/20/2021 PM

A relating to high school graduation and curriculum requirements.

2:44 PM

Discussion Topics:

- Concerns expressed at the bill hearing

Stanley Schauer, DPI explains intent of SB
2147

Senator	Attendance
Chairman Schaible	P
Senator Elkin	P
Senator Conley	P
Senator Lemm	P
Senator Oban	P
Senator Wobbema	P

Additional written testimony: None

2:55

Lynn Wolf, Committee Clerk

2021 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2147
1/25/2021

A relating to high school graduation and curriculum requirements.

2:18 PM

Discussion Topics:

- Add Amendment

Motion by Senator Oban to adopt 21.0399.02001

Second by Senator Elkin

Motion to Adopt Amendment passes 6-0-0

Motion by Sen Oban to Do Pass as Amended

Second by Sen Conley

Motion Passes 6-0-0

Senator Oban will carry the bill.

Additional written testimony:

2:25 PM

Lynn Wolf, Committee Clerk

Senator	Attendance
Chairman Schaible	P
Senator Elkin	P
Senator Conley	P
Senator Lemm	P
Senator Oban	P
Senator Wobbema	P

Amend 02001	Vote
Chairman Schaible	Y
Senator Elkin	Y
Senator Conley	Y
Senator Lemm	Y
Senator Oban	Y
Senator Wobbema	Y

SB 2147	Vote
Chairman Schaible	Y
Senator Elkin	Y
Senator Conley	Y
Senator Lemm	Y
Senator Oban	Y
Senator Wobbema	Y

January 21, 2021

OF
1/25/21

PROPOSED AMENDMENTS TO SENATE BILL NO. 2147

Page 2, line 14, after "may" insert "develop eligibility criteria or programmatic requirements to"

Page 2, line 15, replace "satisfy" with "receive credit for"

Page 3, line 16, after "may" insert "develop eligibility criteria or programmatic requirements to"

Page 3, line 17, replace "satisfy" with "receive credit for"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2147: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2147 was placed on the Sixth order on the calendar.

Page 2, line 14, after "may" insert "develop eligibility criteria or programmatic requirements to"

Page 2, line 15, replace "satisfy" with "receive credit for"

Page 3, line 16, after "may" insert "develop eligibility criteria or programmatic requirements to"

Page 3, line 17, replace "satisfy" with "receive credit for"

Renumber accordingly

2021 HOUSE EDUCATION

SB 2147

2021 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2147
3/10/2021

Relating to high school graduation and curriculum requirements
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Chairman Owens opened the hearing on SB 2147 at 10:00 AM. Roll call: Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, M. Johnson, Longmuir, Marschall, Pyle, Richter, Zubke, Guggisberg and Hager present.

Discussion Topics:

- Continued education support for students
- Bill purpose clarified regarding GED testing
- GED Ready Exam clarification

Sen. Erin Oban introduced the bill, #7467

Stanley Schauer, Director of Assessment, DPI, #8020

Russ Ziegler, ND CEL, #8448

Cory Pederson, Dir., Children and Family Services, Dept. of Human Services, #8328

Alexis Baxley, Ex. Dir., School Boards Association, #8464

Taryn Sveet, Secondary Principal, Beach High School, oral testimony

Rep. Schreiber-Beck moved a **Do Pass**, seconded by **Rep. Zubke**.

Roll Call Vote:

Representatives	Vote
Representative Mark S. Owens	Y
Representative Cynthia Schreiber-Beck	Y
Representative Ron Guggisberg	Y
Representative LaurieBeth Hager	Y
Representative Pat D. Heinert	Y
Representative Jeff A. Hoverson	Y
Representative Dennis Johnson	Y
Representative Mary Johnson	Y
Representative Donald Longmuir	Y
Representative Andrew Marschall	Y
Representative Brandy Pyle	AB
Representative David Richter	Y
Representative Denton Zubke	Y

Motion Carried. 12-0-1 **Rep. Schreiber-Beck** is the carrier.

Chairman Owens closed the hearing on SB 2147 at 10:30 AM.

Chairman Owens changed the bill carrier to **Rep. Richter** on 3/11/21 at House Chambers front desk.

Bev Monroe, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2147, as engrossed: Education Committee (Rep. Owens, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2147 was placed on the Fourteenth order on the calendar.



NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Erin Oban

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COMMITTEES:

Education
Political Subdivisions

SB 2147 – Optional GED Testing for Grad Requirements

Hearing scheduled: March 10, 2021 | 10:00 am

House Education Committee, Rep. Owens, Chair

Mr. Chairman, members of the Committee, for the record, I'm Erin Oban, senator for Bismarck's District 35. I'm here to introduce SB 2147, one of many bills we'll be debating this session to create additional options and support alternative pathways to achieve the same end goal of having our North Dakota students meet our state's requirements and be choice ready to graduate from high school.

As you likely know, [the GED test](#) is a series of four subject tests – English, math, science, and social studies – a person over the age of 16 can take to demonstrate their high school academic knowledge. Earning a GED diploma is already equivalent to earning a high school diploma. SB 2147 proposes *optional* – NOT MANDATORY – language, should a school district choose to approve it, giving the ability for students to demonstrate their knowledge and receive credit in any of those four GED portions by passing that relevant portion of the GED test.

As the bill is written and amended, school districts would have the both the choice to use this option in their school(s) as well as develop their own programmatic requirements and customize it to their own students. NDDPI offers technical assistance in many, many areas, and this would be no different should a school district need or wish for guidance.

We know that not all students are the same. Their skills and abilities, their interest and commitment, their experiences and situations both in and out of the school walls influence students' likelihood of finding success in the traditional classroom environment. More and more, education is being asked and responding to the fact that a one-size-fits-all approach doesn't work to meet the varying and diverse needs of our learners. Making this option available would be especially beneficial for those students who aren't likely to be labeled as the "high fliers." Maybe they've fallen significantly behind in one of their courses, or maybe they're considering or already at risk of dropping out. Maybe the traditional educational environment is not conducive to their learning style. This bill, if passed, would provide a way to keep those students in school and continue pursuing their high school diploma rather than a state-issued GED, give them far greater continued educational supports, equity, and access than they would get if they dropped out, even if they later chose to enroll in an adult ed program, and leaves the funding stream to the school in place as the students would still be enrolled and counted in the Average Daily Membership (ADM) used in the funding formula.

The fact is, some districts, school leaders, and educators will bend over backwards to try to meet the needs of ALL their students, including and especially those who are most struggling, but they're limited to the tools we give them in law. Based on conversations I've had with schools and with NDDPI, I know that there are already individual administrators who want this option for some of their students. SB 2147 would be just another tool for them to work with.

Mr. Chairman, admittedly, I don't know all there is to know about the GED itself, but I have worked extensively with Mr. Stan Schauer at NDDPI on this and several other workforce preparation and adult education issues. He knows these programs inside and out, and I hope this committee will have the opportunity to hear from him and address specific questions directly to him (where I will undoubtedly refer many of them anyway).

Thank you, and I'd respectfully request your favorable recommendation of SB 2147.

**TESTIMONY ON SB 2147
HOUSE EDUCATION COMMITTEE**

March 10, 2021

By: Stanley Schauer, Director, Office of Assessment

701-328-2224

North Dakota Department of Public Instruction

Chairman Owens and Members of the Committee:

My name is Stanley Schauer, Director in the Office of Assessment with the Department of Public Instruction. I am here on behalf of the department to speak in favor of SB 2147. The problem that this bill proposes to help alleviate comes from the field and the situations that can be alleviated by this bill are common among many K12 schools. The idea presented is not set out to have an effect on a majority of students, rather a minority of students who could be deemed at-risk or on a trajectory to be at-risk, due to credit deficiency.

SB 2147 proposes two simple changes that have the same effect. Essentially, the four core subject areas could be satisfied via the corresponding subject area from the same battery of assessments used to earn a GED. For example, if a student is in their senior year of high school and had only earned 1 math credit, the math GED test could be used in a competency-based manner to satisfy the math graduation requirements/credits. All remaining requirements and credits for graduation are still required. This could also be done, at the discretion of the school board and school, for the other core subjects (English language arts, Science, Social Studies).

The overall objective is fairly simple, even though how the bill was written seemed to cause some slight confusion, in that we are trying to create another tool/program/pathway that schools can utilize to keep students from dropping out of K12 education and to remain on a path of success. We are also aligning our efforts to support the direction of recognizing more competency and proficiency-based measurements in North Dakota K12 education. The bill is not intended for any student to choose to opt into or to fast track through high school, instead it is intended to enable schools to better serve students who might otherwise dropout. The bill was written with sort of an open concept and done so to respect the decision making and program building capacity of our local school boards, districts, and school leaders. The decision of how to use this tool, I feel, should be with those nearest to the problem. Each of our schools are unique, as are the students they serve and the situations they experience.

NDDPI will be prepared to give examples, guidance, and technical assistance if and when schools look to activate this tool. A benefit to using an assessment like the GED is the amount of data we have been able to collect and correlations that can be made between it and other standardized assessments that are commonly used, such as the ACT. The Regional Adult Learning Centers (ALCs) and Correctional Education folks would also be willing to provide assistance, share best practices, as well as recommend tried and tested curriculum. For example, a common practice

that ND ALCs have adopted is the use of GED Ready exams and setting the bar a little higher (150 in lieu of 145) before attempting an official test. An educator can gain helpful insight with a prediction on how well a student would perform on an Official exam, as well as get very specific feedback on sections of a subject that need to be improved upon. In math, the areas are broken down into sections such as algebra or geometry. Taking it a step further, you can select commonly used print and electronic based curriculum and get ranges of page numbers in which these skills are taught or introduced. This provides targeted feedback to drive instructional decisions. As I have shared in other testimony with this committee, ND has a pass rate, a metric that is deemed key by GED Testing Service, that is typically top three in the nation. We have recently added some GED data to ND Insights and this metric, year over year, can be seen with a comparison to the national pass rate.

I have personally had conversations, over the past couple years, with school leaders about options for students who are way behind in credits. In a lot of these conversations, credit recovery or seat time options would not have helped. So, we have students who do not want to drop out of K12, but are left with no other viable option. Current law does not allow for funding to be provided to work towards a GED, it is clear, from my understanding, in that it says high school diploma. Even if some of these students stayed in school until they were legally unable, they still might not catch up. Also, for some students, catching up means falling behind in

other areas in which credit is required for graduation. These are the examples and situations that spurred this concept. The hope lies in allowing students, who would typically drop out due to credit trajectory, to stay enrolled in school, have a means to more quickly catch up in the core areas, and earn a high school diploma. Looking full circle, if a student drops out of high school and still wants to pursue an education, the GED test is what would be used. It is the only test that ND uses for high school equivalency.

In discussions with education stakeholders and leaders about this bill, not knowing exactly what the bill set out to do was a trend. This is understandable, as the amendments are rather open-ended. After a brief explanation, the folks I spoke with understood its purpose and shared the idea that it could be a helpful way to guide students to success. School boards, per the amendments, are the gatekeepers of this program being implemented or not implemented, as well as how its implemented. As Senator Oban mentioned, nothing in this bill creates a mandate. If a school or school board does not think this is a good idea or does not believe they have students who are or might be in this situation, it can simply not be utilized.

I have also been told that some might bring up the rigor of the GED test in opposition to this bill. In 2014, the GED test was completely wiped and rebuilt. It was built with College and Career Readiness Standards in mind and the cut score was initially set at 150. After the ability to live test individuals and during a common

process in assessment development called norming, or standard setting, it was revealed a majority of students who had earned a high school diploma were failing the GED exam. This caused GED Testing Service to lower the cut score, to ensure the assessment itself was not beyond what a typical high school graduate could pass. Not every student who achieves a passing score on a GED is college ready and I would also say not every student who earns a high school diploma is college ready either. This is clearly evidenced by the standardized assessments required upon entering post-secondary.

GED Testing Service has developed leveled scores, for example a score of 165 is called College Ready and in ND, students who achieve a 165 in math trend at about 20.5 on the ACT and a 165 in Reading on the GED trends at exactly the same score as ACT college ready, a 22. In other states, the university systems have adopted those GED cut scores. For example, a student achieving a 165 is waived from remedial classes and from the requirement to take another standardized assessment upon entrance. I share this because I feel strongly that the GED is a useful tool in ND and that it can be used beyond its typical purpose and that talks of lacking rigor, especially without data presented, are most likely invalid.

I feel anyone involved with education knows that our students are best served in our schools and this bill's main objective is to decrease the students who dropout of school. It does not solve all dropout issues, but I feel it gives our schools another tool

in combating dropout percentages and is aligned to the ability our students need to demonstrate competency and proficiency in subject matter rather than simply complete seat time. This bill provides another opportunity for our schools to allow students the opportunity to demonstrate competency in core subject areas

In closing, I just want to again mention that the sole purpose of this bill is to provide schools a tool to serve students who are at-risk or on a path to becoming at-risk. It is not intended to make graduation easier; it is intended to allow a student to showcase a set of knowledge and skills in an alternative way and obtain the credits necessary in a competency-based manner. We are most likely not talking about thousands of students a year. I would estimate it in the hundreds, but even if it is lower and we can help those who find themselves without an option, I feel it is worth the effort.

Chairman Owens and Members of the Committee that concludes my prepared testimony and I will stand for any questions that you may have.



SB 2147 – Relating to high school graduation and curriculum requirements

March 10, 2021

Chairman Owens and members of the House Education Committee – My name is Dr. Russ Ziegler, and I am the assistant director for the North Dakota Council of Educational Leaders. I am testifying today in support of SB 2147.

This world is not a one-size fits all. There are students who need to have different options in place to achieve success. Even though a traditional diploma pathway may work for the majority of students it does not work for everyone. It is for that reason that we have the alternative diploma options. There are a couple of examples of different pathways that were made available in the past.

- 1) The first one being the GED (General Educational Development) which was established in 1942 by the United States Armed Forces Institute. The GED was a test that measured high school level academic skills. There have been numerous revisions since its inception with the most recent coming in 2014 along with dropping the General Educational Development and just going with the acronym GED. The GED consists of Language Arts, Mathematics, Science, and Social Studies.
- 2) A second pathway was established by the North Dakota the state legislature that would allow for an optional high school curriculum for students who might be struggling with the traditional diploma route. In the optional high school curriculum, a student may be able to take a different route if they meet certain criteria such as if they have failed to pass at least one-half unit from three subsections or has a GPA below the 25th percentile of other students in their district who are in the same grade. If the criteria are met then the school can meet with the student and parent to decide if the optional high school curriculum would be a good way to go.

This bill would allow another pathway for students who are struggling on the traditional diploma route. We believe this could be a helpful pathway to those students who might otherwise drop out of school due to unique circumstances. We believe having multiple pathways is a good option for students. We also are in support of this bill because it give the local districts and school boards the ability to set the requirements and criteria for students to choose this option.

Thank you for your time and I can stand for any questions.

Testimony
Engrossed Senate Bill 2147
House Education Committee
Representative Mark Owens, Chairman
March 10th, 2021

Chairman Owens, and members of the House Education Committee, I am Cory Pedersen, Director for the Department of Human Services' (Department), Children and Family Services Division. I am here today in support of Engrossed Senate Bill 2147.

This bill proposes to amend and reenact sections 15.1-21-2.2 and 15.1-21-2.3 of North Dakota Century Code chapters 50-06 and 50-11 relating to high school graduation and curriculum requirements.

The Children and Families Services Division serves families who experience a range of challenges, including parental substance abuse or mental health issues, loss of employment and/or housing, and domestic violence. In addition to struggling with these broader family-based crises, children affected by instability in their family may also struggle in school. Experience has shown us that maintaining educational success in the midst of significant family disruption can be difficult for children.

Some of the children who may benefit from the added flexibility proposed in Engrossed Senate Bill 2147 include those children served by the department, including children who are receiving in-home services or may be placed with a guardian, in foster care, or an adoptive placement. Instability in the family setting contributes to the academic struggles children may encounter; as students they get behind and may not be able to stay on track to earn enough credits to graduate timely, if at all.

By giving the school district or nonpublic school the ability to develop eligibility criteria or programmatic requirements to allow a passing score on the relevant portions of the GED to receive credit for the corresponding graduation requirements, these children will have a better opportunity for success, which can contribute to lower risk of drop-out and higher propensity to graduate, which will in turn help this already at-risk group of children have a greater chance at success as adults.

This concludes my testimony. I would be happy to answer any questions you may have.

**NDSBA****NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION**

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*www.ndsba.org***SB 2147****House Education Committee****March 10, 2021****Testimony of Alexis Baxley**

Good morning Chairman Owens and members of the House Education Committee. My name is Alexis Baxley, and I serve as the executive director of the North Dakota School Boards Association. NDSBA represents the elected school boards of all 175 public school districts and several special education units in North Dakota.

North Dakota School Boards Association is here today in support of SB 2147. We believe the ability to use passing GED scores to meet graduation credit requirements will allow our districts to better serve some of our most at-risk students who may typically slip through the cracks.

In addition, we appreciate the local control that this bill provides. Allowing districts to opt in and choose what program criteria will work in their communities ensures the program will be able to do the most good for the most students.

It is for these reasons Mr. Chairman that we support SB 2147. I would be happy to stand for any questions.