

**2021 HOUSE EDUCATION**

**HB 1083**

# 2021 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau AB Room, State Capitol

HB 1083  
1/6/2021

Relating to scholarship eligibility requirements and to declare an emergency

**Chairman Owens** opened the meeting at 1:45 pm. **Roll call:** Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, M. Johnson, Longmuir, Marschall, Pyle, Richter, Simons, Zubke, Guggisberg and Hager. All present.

## **Discussion Topics:**

- State Scholarship eligibility requirements.
- Transition for students to virtual learning

**Rep. Zubke**, bill sponsor #42

**Jim Upgren**, Assist. Director Office of School Approval and Opportunity-DPI #27

**Wayde Sick**, State Director NDCTE #131

**Additional Written Testimony:** #90

**Chairman Owens** Closed the hearing on HB 1083. 2:00 PM

*Beverly Monroe, Committee Clerk by DonnaWhetham*

Testimony to the House Education Committee

**Chairman Owens**

House Bill 1083

Good Morning Chairman Owens and members of the Education Committee. My name is Denton Zubke and I am the representative from District 39 which encompasses the counties of Adams, Billings, Bowman, Golden Valley, Slope, McKenzie and parts of Dunn. I am here to support HB 1083.

This bill codifies Section 1 and 2 of [Executive Order 2020-32.1](#), issued by Governor Burgum last spring, allowing high school students that earned a “D” in a course during the spring semester of the 2019-2020 school year to have that class count towards the requirements of the Academic and CTE Scholarship, therefore waiving the requirement of earning a C or better for the scholarship if earned during the second semester of last year. This was put into place for last spring due to the quick adjustment that schools and students had to make to distance learning due to the COVID-19 Pandemic. This only applied to classes taken last spring due to the quick adjustment and does not apply to classes taken this year 2020-2021, since schools and students have had time to prepare for distance learning. The executive order has been rescinded but we want to ensure that any student that earned a D during the spring semester of 2020 ( whether they were a freshman, sophomore, junior, or senior that year) is able to have that D count towards meeting the requirements and not hold against them the fact that there was a quick adjustment to a new type of learning that they had to adjust to.

I would answer any questions you may have.

Respectfully

Representative Denton Zubke

**TESTIMONY ON HB 1083  
HOUSE EDUCATION COMMITTEE**

**January 6, 2021**

**By: Jim Upgren, Assistant Director, Office of School Approval and Opportunity  
701-328-2244**

**North Dakota Department of Public Instruction**

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Chairman Owens and Members of the Committee:

My name is Jim Upgren and I am an Assistant Director in the Office of School Approval and Opportunity with the Department of Public Instruction. I am here to speak in favor of House Bill 1083.

As you all know, school buildings in North Dakota were closed to in-person instruction on March 15 of last year as a result of Executive Order 2020-04. Starting on April 1, schools across the state began the process of distance learning for all students in grades K-12. This was a very quick transition, as schools only had a couple of weeks to plan for and begin to deliver virtual instruction. This quick transition was also difficult for many students, as many who had not taken an online class were now in a situation where all of classes would be delivered virtually. For some students, this quick transition to virtual learning and having to put much of the focus on adjusting to a new way of learning may have resulted in lower grades than usual during the second semester of the 2019-2020 school year.

One of my roles with NDDPI is to administer the Academic and CTE Scholarship program, commonly referred to as the state scholarship. One of the

requirements for either scholarship, is to earn a grade of “C” or higher in all courses that are required for the scholarship. With the quick adjustment that students had to make to distance learning last spring, a student that received a grade lower than a C in a class they might have otherwise attained a C or better would no longer be eligible for the scholarship. On May 21, Governor Burgum issued Executive Order 2020-32.1, which waived the C or better requirement for the scholarship for any courses taken during the spring semester of 2020 during the quick transition to distance learning, as long as they passed the course. Students that graduated in 2020 that earned a “D”, as well as any students that earned a grade of “satisfactory” or “passing” were able to have those classes count towards the scholarship, provided that they did not have any grades below a C in any of their previous semesters of high school. On December 18, Governor Burgum rescinded this executive order, meaning any student that was a junior, sophomore, or freshman last spring (our current seniors, juniors, and sophomores) are no longer eligible for the scholarship if they earned a grade lower than a C during the quick transition to distance learning last spring.

House Bill 1083 would waive the C or better requirement for the Academic and CTE Scholarship for any classes taken during the spring semester of last school year, during the quick transition to distance learning. This would allow students that were a junior, sophomore, or freshman that earned a grade below a C last spring to be

able to have those courses count for the scholarship when they graduate in 2021, 2022, and 2023 respectively. This bill does not waive the C or better requirement for any classes during the current school year, as we are no longer in a quick transition to distance learning. The only way that a student could qualify for the scholarship under this bill is if he/she had a grade below a C last spring, but he/she must have grades of C or higher for required courses taken during any other semester. We feel this would ensure that the students who would benefit from this bill are students that most likely would have received C's or better last spring had the pandemic not happened. We are supporting this bill because we don't want to see students miss out on the scholarship simply because they may have had a challenging adjustment to distance learning last spring.

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

**House Education  
HB1083**

**January 6, 2021**

Chairman Owens and members of the committee, my name is Wayde Sick, State Director of the Department of Career and Technical Education. I am submitting testimony in support of HB1083.

As we all know, education was greatly impacted by the COVID-19 pandemic. Although educators rose to the challenge to continue to provide quality education virtually, students that were on track to qualify for the North Dakota Academic or Career and Technical Education Scholarships, may not have earned necessary grades. This was due to the quick transition to distance learning, not at the fault of the student, the teacher or the school district.

Thank you.



1 HB 1083 – State Scholarship Requirements for Spring 2020

2 NDCEL Support

3 Good afternoon – my name is Dr. Aimee Copas and I am here today representing NDCEL and our  
4 North Dakota K12 School Leaders.

5 Today this bill offers our students an opportunity to succeed for future years regardless of a  
6 circumstance outside of their control this past year with COVID 19.

7 During the crisis, the Governor extended Executive Order 2020-32.1 which suspended the ACT  
8 or grade requirements in relation to the ND Student Academic or CTE scholarship for graduating  
9 seniors of the 2020 class. However, the impact of that semester impacts more students than just  
10 last year’s seniors. That semester could be viewed as a blip on the screen or if not adjusted, could  
11 be the determining factor for a now current Sophomore, Junior, or Senior that struggled in the  
12 unfortunate environment they were in last March, April, and May of 2020.

13 This bill would allow those students to rise up and overcome that semester and still qualify for the  
14 scholarship allowing their other performance to dictate their future. This is a good and reasonable  
15 bill and is good for the students of North Dakota.

16 We as that you strongly consider sending this bill out with your approval.

*NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education  
for all students in North Dakota.*

*Executive Director: Aimee Copas-----Assistant Director: Russ Ziegler*

# 2021 HOUSE STANDING COMMITTEE MINUTES

Education Committee  
Coteau AB Room, State Capitol

HB 1083  
1/12/2021

Relating to scholarship eligibility requirements and to declare an emergency

**Chairman Owens** called the hearing to order at 10:36 AM. Roll call was taken with Reps. Owens, Schreiber-Beck, Heinert, D. Johnson, M. Johnson, Longmuir, Marschall, Pyle, Richter, Simons, Zubke, Hager and Guggisberg present and Rep. Hoverson absent.

## Discussion Topics:

- Scholarships, academic or CTE
- Fairness
- This bill has a sunset

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

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	A
Representative Dennis Johnson	Y
Representative Mary Johnson	Y
Representative Donald Longmuir	Y
Representative Andrew Marschall	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Luke Simons	Y
Representative Denton Zubke	Y

**Motion carried** 13-0-1

Carrier is **Rep. R. Guggisberg**

## No written testimony

**Chairman Owens** closed the hearing at 10:43 AM.

*Bev Monroe, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1083: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1083 was placed on the Eleventh order on the calendar.

**2021 SENATE EDUCATION**

**HB 1083**

# 2021 SENATE STANDING COMMITTEE MINUTES

Education Committee  
Room JW216, State Capitol

HB 1083  
3/10/2021

## **A BILL relating to scholarship eligibility requirements; and to declare an emergency.**

**Chair Schaible** opened the hearing at 9:00 AM

**Discussion Topics:**

- K-12 Distance learning
- Adjustment to distance learning
- Grade considerations
- Gov. Burgum's grade requirement waiver

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

**Rep Zubke** – introduced the bill #7810.

**Jim Upgren** – DPI – testified in support #7812

**Jeff Fastnacht** – Mandan Schools Asst. Supt – testified in support #7901

**Additional written testimony:**

**Wayde Sick** – support #8331

Adjourned 9:15 AM

*Lynn Wolf, Committee Clerk*

Testimony to the Senate Education Committee

**Chairman Schaible**

House Bill 1083

Thank You Chairman Schaible and members of the Education Committee. My name is Denton Zubke and I am the representative from District 39 which encompasses the counties of Adams, Billings, Bowman, Golden Valley, Slope, McKenzie and parts of Dunn. I am here to support HB 1083.

This bill codifies Section 1 and 2 of [Executive Order 2020-32.1](#), issued by Governor Burgum last spring, allowing high school students that less than a “C” in a course during the spring semester of the 2019-2020 school year to have that class count towards the requirements of the Academic and CTE Scholarship, therefore waiving the requirement of earning a C or better for the scholarship if earned during the second semester of last year. This was put into place for last spring due to the quick adjustment that schools and students had to make to distance learning due to the COVID-19 Pandemic. This only applied to classes taken last spring due to the quick adjustment and does not apply to classes taken this year 2020-2021, since schools and students have had time to prepare for distance learning. The executive order has been rescinded but we want to ensure that any student that earned less than a “C” during the spring semester of 2020 ( whether they were a freshman, sophomore, junior, or senior that year) is able to have that count towards meeting the requirements and not hold against them the fact that there was a quick adjustment to a new type of learning that they had to adjust to.

I would answer any questions you may have.

Respectfully

Representative Denton Zubke

**TESTIMONY ON HB 1083  
SENATE EDUCATION COMMITTEE**

**March 10, 2021**

**By: Jim Upgren, Assistant Director, Office of School Approval and Opportunity  
701-328-2244**

**North Dakota Department of Public Instruction**

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Chairman Schaible and Members of the Committee:

My name is Jim Upgren and I am an Assistant Director in the Office of School Approval and Opportunity with the Department of Public Instruction. I am here on behalf of the department to speak in favor of House Bill 1083.

As you all know, school buildings in North Dakota were closed to in-person instruction on March 15 of last year as a result of Executive Order 2020-04. Starting on April 1, schools across the state began the process of distance learning for all students in grades K-12. This was a very quick transition, as schools only had a couple of weeks to plan for and begin to deliver virtual instruction. This quick transition was also difficult for many students, as many who had never taken an online class were now in a situation where all of classes would be delivered virtually. For some students, this quick transition to virtual learning and having to put much of the focus on adjusting to a new way of learning may have resulted in lower grades than usual during the second semester of the 2019-2020 school year.

One of my roles with NDDPI is to administer the Academic and CTE Scholarship program, commonly referred to as the state scholarship. One of the

requirements for either scholarship, is to earn a grade of “C” or higher in all courses that are required for the scholarship. With the quick adjustment that students had to make to distance learning last spring, a student that received a grade lower than a C in a class they might have otherwise attained a C or better would no longer be eligible for the scholarship. On May 21, Governor Burgum issued Executive Order 2020-32.1, which waived the C or better requirement for the scholarship for any courses taken during the spring semester of 2020 during the quick transition to distance learning, as long as they passed the course. Students that graduated in 2020 that earned a “D”, as well as any students that earned a grade of “satisfactory” or “passing” were able to have those classes count towards the scholarship, provided that they did not have any grades below a C in any of their previous semesters of high school. On December 18, Governor Burgum rescinded this executive order, meaning any student that was a junior, sophomore, or freshman last spring (our current seniors, juniors, and sophomores) are no longer eligible for the scholarship if they earned a grade lower than a C during the quick transition to distance learning last spring.

House Bill 1083 would waive the C or better requirement for the Academic and CTE Scholarship for any classes taken during the spring semester of last school year, during the quick transition to distance learning. This would allow students that were a junior, sophomore, or freshman that earned a grade below a C last spring to be

able to have those courses count for the scholarship when they graduate in 2021, 2022, and 2023 respectively. This bill does not waive the C or better requirement for any classes during the current school year, as we are no longer in a quick transition to distance learning. The only way that a student could qualify for the scholarship under this bill is if he/she had a grade below a C last spring, but he/she must have grades of C or higher for required courses taken during any other semester. We feel this would ensure that the students who would benefit from this bill are students that most likely would have received C's or better last spring had the pandemic not happened. We are supporting this bill because we don't want to see students miss out on the scholarship simply because they may have had a challenging adjustment to distance learning last spring.

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

# Mandan Public School District

#7901

District Offices

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Date: Wednesday, March 10, 2021  
To: North Dakota Senate Education Committee  
From: Jeff Fastnacht, Asst. Superintendent  
Re: Support for HB 1083

Good Afternoon, Chairman Schaible and members of the committee. I am Jeff Fastnacht, Asst. Superintendent at Mandan Public School and I stand in support of HB 1083.

This bill is simple. It provides an opportunity for the students affected by COVID-19 in March, April and May of 2020 to not be penalized in regard to the ND state scholarship.

To make the value of this bill personal I wish to share with you a recent discussion with a student. On February 24<sup>th</sup> I had the opportunity to meet with a student (I will call her Katie, that is my daughter's name to protect her identity). Katie had transferred to MHS in the fall of 2019 from a small school in North Dakota. She was a good student yet affected by some health conditions which made learning for her a challenge. Katie has a 504 accommodations plan. In the spring of 2020, with the onset of COVID-19 Katie found herself struggling with online learning, how to connect with her teacher, and the difficulties of now learning alone at home with her health condition. Resources and help were challenging despite the good work of our educators. She was struggling.

On the 24<sup>th</sup> of February our team met to discuss her 504 plan and helping Katie successfully graduate. She was concerned about a couple courses, which she needed, from this past fall along with one class from the spring of last year. Her concern was that her grade in that class was going to be the only thing preventing her from receiving the state scholarship. We provided her options to retake the course but with her health conditions, just completing the work she had to do now was going to be a challenge. You see in addition to Katie being a full-time high school student, she is also working 20-30 hours a week as she lives on her own. She is 18 and lives on her own due to struggles with her family. She lives on her own, goes to school, and works a job all while from suffering from severe and persistent chronic pain. The pain makes it difficult to regularly attend school or go to work. The pain, the work, and the challenges of COVID-19 have impacted her opportunities to receive the state scholarship. Katie is not alone in this struggle.

I spoke to Katie about HB 1083 and the possibility it may help her. The actions you take today have an impact on kids, some that had few good options during this time. I commend you for your consideration of HB 1083 and encourage you to recommend it with a DO PASS.

Thank you for your time and I would stand for any questions from the committee.

**Senate Education**  
**HB1083**  
**March 10, 2021**

Chairman Schaible and members of the committee, my name is Wayde Sick, State Director for the Department of Career and Technical Education. I am submitting testimony in support of HB1083.

As we all know, education was greatly impacted by the COVID-19 pandemic. Although educators rose to the challenge to continue to provide quality education virtually, students that were on track to qualify for the North Dakota Academic or Career and Technical Education Scholarships, may not have earned necessary grades. This was due to the quick transition to distance learning, not at the fault of the student, the teacher or the school district. HB1083 would provide scholarship eligibility to students that may have been negatively impacted by this quick transition to distance education. To add to this, some school districts transitioned to a pass/fail or satisfactory/unsatisfactory grading model, in response to COVID-19. Again, HB1083 would allow those students to earn the scholarship they were on path to achieve.

As you may know, there is a failsafe included in the North Dakota scholarship. If a student, upon high school graduation and enrollment in a post-secondary program, does not meet the GPA or enrollment requirements, they could lose their scholarship. The student needs to continue to achieve at a satisfactory pace to maintain their semester or quarterly disbursement. These requirements will ensure, that in spite of any perceived lowering of standards due to the passing of HB1083, the validity of the North Dakota State Scholarship will be maintained.

Thank you and I am happy to answer any questions.

# 2021 SENATE STANDING COMMITTEE MINUTES

Education Committee  
Room JW216, State Capitol

HB 1083  
3/16/2021

**A BILL relating to scholarship eligibility requirements; and to declare an emergency.**

**Chair Schaible** called to order at 2:53 PM.

**Discussion Topics:**

- Committee Work

**Sen Oban** moved a **Do Pass**

**Sen Lemm** seconded

**Roll Call Vote: 6 -- YES; 0 -- NO; 0-ab Motion Passed**

**Sen Wobbema** will carry the bill.

Adjourned at 2:58 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

Senator	Vote
Chairman Schaible	Y
Senator Elkin	Y
Senator Conley	Y
Senator Lemm	Y
Senator Oban	Y
Senator Wobbema	y

**REPORT OF STANDING COMMITTEE**

**HB 1083: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1083 was placed on the Fourteenth order on the calendar.