

2023 SENATE EDUCATION

SB 2351

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2351
1/31/2023

Relating to data collection system for classroom and hallway clearings.

9:00 AM Chair Elkin opened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Behavior disruptions
- Event tracking
- Monthly reports

Sen Kreun, District 42, bill sponsor testified in support with no written testimony.

Kevin Hoherz, ND Council of Educational Leaders, in support with amendments added. No written testimony. #18061

Kirsten Dvorak, Executive Director Arc of ND, testified in opposition #18049

Additional written testimony:

Danica Nelson, Bismarck Public Schools, Student Support Services, opposed #18075

9:38 AM Chair Elkin closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2351
1/31/2023

Relating to data collection system for classroom and hallway clearings.

9:49 AM Chair Elkin reopened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Importance of data collection
- Complications in room clear data
- Special needs issues

Chair Elkin reopened SB 2351 to hear opposition.

Beth Slette, W Fargo School Superintendent, testified in opposition #18081

Annie Richards, W Fargo, testified in opposition with no written testimony.

Roxane Romanick, Executive Director for Designer Genes, testified in opposition #18072

Rachel Sinness, Director ND Protection/Advocacy, testified in opposition #18085

10:05 AM Chair Elkin closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2351
2/8/2023

Relating to a data collection system for classroom and hallway clearings.

10:00 AM Chair Elkin opened the meeting. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm and Sen Wobbema.

Discussion Topics:

- Bill review
- Health and Human Services
- Quarterly reports

10:02 AM Senator Axtman verbally provided additional information #20630.

10:25 AM Chair Elkin closed the meeting.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2351
2/8/2023

Relating to a date collection system for classroom and hallway clearings.

2:35 PM Chair Elkin opened the meeting. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Committee action

Sen Conley moved a DO PASS on Amendments. LC 23.1058.01001

Sen Axtman seconded the motion.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Conley moved a DO PASS as Amended.

Sen Axtman seconded the motion.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Axtman will carry the bill.

2:40 PM Chair Elkin closed the meeting.

Pam Dever, Committee Clerk

February 8, 2023

BR
171
2-8-2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2351

Page 1, line 7, replace "executive director" with "commissioner"

Page 1, line 11, replace "A" with "For the 2023-24 biennium, a"

Page 1, line 11, replace "monthly" with "each nine week quarter to the department of health and human services"

Page 1, line 13, replace "that month" with "each nine week quarter"

Page 1, line 14, remove "that month"

Page 1, remove line 16

Page 1, remove line 17

Page 1, line 18, replace "(3)" with "(1)"

Page 1, line 19, replace "(4)" with "(2)"

Page 1, line 20, after "3." insert "The superintendent of public instruction shall assist in the delivery of this report to the commissioner of health and human services."

4."

Page 2, line 1, replace "4." with "5."

Page 2, after line 3, insert:

"6. The superintendent of public instruction and the commissioner of health and human services shall submit a report that includes a plan of action to provide training and services to schools and families to the health and human services and education standing committees of the legislative assembly and to legislative management after the first year of the biennium.

SECTION 2. EXPIRATION DATE. Section 1 of this Act is effective through December 31, 2024, and after that date is ineffective."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2351: Education Committee (Sen. Elkin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2351 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 7, replace "executive director" with "commissioner"

Page 1, line 11, replace "A" with "For the 2023-24 biennium, a"

Page 1, line 11, replace "monthly" with "each nine week quarter to the department of health and human services"

Page 1, line 13, replace "that month" with "each nine week quarter"

Page 1, line 14, remove "that month"

Page 1, remove line 16

Page 1, remove line 17

Page 1, line 18, replace "(3)" with "(1)"

Page 1, line 19, replace "(4)" with "(2)"

Page 1, line 20, after "3." insert "The superintendent of public instruction shall assist in the delivery of this report to the commissioner of health and human services."

4."

Page 2, line 1, replace "4." with "5."

Page 2, after line 3, insert:

"6. The superintendent of public instruction and the commissioner of health and human services shall submit a report that includes a plan of action to provide training and services to schools and families to the health and human services and education standing committees of the legislative assembly and to legislative management after the first year of the biennium.

SECTION 2. EXPIRATION DATE. Section 1 of this Act is effective through December 31, 2024, and after that date is ineffective."

Renumber accordingly

2023 HOUSE EDUCATION

SB 2351

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

SB 2351
3/8/2023

Relating to a data collection system for classroom and hallway clearings.

2:30 PM

Chairman Heinert opened the hearing. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Classroom data collection
- Statutory required reports
- Escalated behavior incidents
- School based mental health needs
- DPI collect and deliver data
- Deployment of resources
- Study length
- Identify data
- Private schools
- School boards
- Task force
- IEP (Individual Education Plans)
- Behavior plans

Sen. Curt Kreun, District 42, presented SB 2351, oral testimony
Amanda Peterson, Director, Education Improvement and Support, Testimony 23029
Chris Jones, Department of Health and Human Services, oral testimony
Alexis Baxley, Executive Director NDSBA, oral Testimony
Kevin Hoherz, NDCEL, Testimony 22134
Patrica Leno, Bismarck, oral testimony

Additional written testimony:

Rachel Sinness, Testimony 22902
Roxane Romanick, Testimony 22992

4:04 PM Chairman Heinert closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2351
3/27/2023

Relating to a data collection system for classroom and hallway clearings.

3:37 PM

Chairman Heinert opened the meeting. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Committee action
- Data collection

Jim Upgren, Assistant Director of School and Approval and Opportunity, DPI, was called forward to answer questions.

Kevin Hoherz, NDCEL, came forward to answer questions.

Kirsten Baesler, State Superintendent, ND DPI came forward to answer questions

Rep Timmons moved to adopt an amendment, on Page 2, remove Lines 3-4-5, seconded by Rep Hager.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	Y
Representative Anna S. Novak	Y
Representative Kelby Timmons	N

5-9-0 Motion failed.

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

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N

Representative LaurieBeth Hager	Y
Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	Y
Representative Anna S. Novak	Y
Representative Kelby Timmons	N

9-5-0 Motion carried. Rep Jonas is carrier.

4:14 PM Meeting adjourned.

Kathleen Davis, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2351, as engrossed: Education Committee (Rep. Heinert, Chairman) recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2351 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2351



**Senate Education
SB 2351
Testimony Kirsten Dvorak
January 31st, 2023**

Senator Elkin and committee members. I am Kirsten Dvorak, Executive Director of The Arc of North Dakota; we have six chapters throughout the state of North Dakota that advocate on behalf of individuals with intellectual and/or developmental disabilities (IDD) for full inclusion in their community of choice.

I am here today to speak out against the discriminatory practice of collecting data on students with disabilities when clearing a classroom and the language stated in SB 2351.

We ask for a Do Not Pass on SB 2351

I am concerned about how this practice can impact the educational experiences and outcomes of students with disabilities. These students are often singled out and subjected to heightened scrutiny and monitoring, leading to increased anxiety, stigma, and a sense of being mistreated.

Furthermore, this practice perpetuates harmful stereotypes about students with disabilities and sends a message that they are not valued or trusted members of the school community. This can have a profound and lasting impact on their self-esteem and sense of belonging and undermine their academic and personal growth. It also perpetuates the notion that students with disabilities are inherently problematic and can lead to increased stigmatization and discrimination.

I believe that data collection should be consistent and equitable for all students, regardless of their abilities. Students with disabilities should not be subject to differential treatment or unequal expectations, and their experiences and perspectives should be valued and respected.

We also ask that a seclusion and restraint policy should always be guided by clear policies and procedures to ensure the safety and well-being of students. The North Dakota School Board Association policy is a good starting point, as it provides guidance on when and how these practices should be used and what steps should be taken to minimize their use.

Kirsten Dvorak
701-222-1854



1 SB 2351 Data on Clearing a classroom

2 Testimony in support with request for amendment

3 Chairman Elkin and members of the Senate Education committee we come to you today
4 in general support of this concept but with a very real need for amendments.

5 In an ideal world this bill would achieve desired outcomes...it would provide data that
6 could help assist the legislature, NDDPI, NDDHS, and schools in the ongoing quest we
7 must tackle the behavioral health issues in our schools. However, I come to you today
8 saying we are supportive of the concept, but we are imploring you to turn this into a
9 study to do this the right way.

10 There are several things that need adjustment to make this bill at all workable for
11 schools.

12 1) NDDPI needs to create a tool for data collection or PowerSchool needs to be
13 adjusted for data input and even that would be incredibly cumbersome. A new
14 tool is likely needed which will likely come at a cost.

15 2) We need an analysis of current data points districts currently collect and could
16 implement and what other data points would be necessary – we do not need to
17 have duplicative reporting and cannot afford the time to do so. We must be aware
18 of the ability to collect such data at this moment will be very driven by school size.

19 3) Funding will need to be appropriated for NDDPI to study data points needed,
20 create a tool for collection, and FTE support at the district level to do this work.
21 In our schools, especially in our rural schools, our current employees have no
22 capacity to do such data reporting so additional staff may need to be hired.

*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-----Government Lead and Special Projects: Kevin Hoherz



1 Perhaps it is time for the state to fund the hiring of a behavioral health coordinator
2 in each building rather than that job simply being assigned to a person who
3 already has a full-time job... and then that person could be in charge of this data
4 collection. With about 400 school buildings across the state that would only be
5 an investment of about \$40M?

6 4) Cross walking data into subgroups such as special education students will take
7 additional time as well as work with the SPED and IEP team to the data reporter
8 to understand the manifestation that determines the cause.

9 5) The penalty should be removed. We continue to see bills that list a penalty for
10 schools. Please understand that schools want to solve this problem with
11 behavioral and mental health probably more than any population of adults
12 working with these kids. We are the ones coming to you literally begging for
13 fiscal support as we work to serve these students. To have to suggest penalties is
14 unnecessary. If properly funded and supported with FTE support the data will be
15 collected.

16 As is stands in this bill, this could be the most difficult, time consuming and arduous
17 reporting asked for of school districts as we consider all the numerous reporting
18 requirements schools currently deal with. For fun, I've included below the current
19 reporting requirements for schools, in-case you were curious.

20 We respectfully ask that this bill be turned into a study so we can come together and
21 figure out how to do this in a way that helps students and isn't just another unfunded
22 mandate on schools that has no endpoint or result in an assistive product for students.



SB 2351
Senate Education
Tuesday, January 31, 2023
Senator Jay Elkin, Chair

Chairman Elkin and Members of the Senate Education Committee:

My name is Roxane Romanick and I am writing as the representative for Designer Genes of ND, Inc., as their Executive Director. Designer Genes' membership represents 230 individuals with Down syndrome that either live in our state or are represented by family members in North Dakota. Designer Genes' mission is to strengthen opportunities for individuals with Down syndrome and those who support them to earn, learn, and belong.

At this time and without amendment to the bill, our organization asks for a "do not pass" on SB 2351 from your committee. This is primarily due to the data collecting methodology stated in the bill in Section 1.2.c. where only two specific categories of disability are mentioned. The two categories listed are "student is developmentally disabled" and "student is intellectually disabled". Since the school-age individuals that Designer Genes supports would fall into these categories, we are concerned that the bill is targeting this specific population and it is unclear what would be the outcome of the data collection. The term "developmentally disabled" is not a term used as a category of eligibility for special education under the Individuals with Disabilities Education Act, so the population of individuals that might end up being included in this particular data set is uncertain.

The requirements for not reporting are steep in this bill, but schools also have to consider a breach in students' confidentiality when the "n" is small. They might have one room clearing for a student they classify as "intellectually disabled" and given the student's age, this student could be easily identified. It is unclear from the bill if this information would be accessible to the public.

While I appreciate the bill sponsors concerns over behavioral incidents in our school, I would like to see the bill focus on improving our schools' positive behavioral support strategies instead of better understanding the ways schools can legally seclude, restrain, suspend, and expel students. I am concerned that targeting individuals with intellectual disabilities means increased segregation, decreased inclusion, and a loss in learning opportunities for them.

Thank you and I would be willing to answer any questions.

Roxane Romanick
 Executive Director
 Designer Genes of ND, Inc.

701-391-7421
roxane@designergenesnd.com

SB 2351

Testimony in opposition

Mr. Chairman Elkin and members of the committee,

For the record, my name is Danica Nelson, Bismarck Public Schools Student Support Services Director. I would like to express opposition to SB 2351. Bismarck Public Schools currently has a robust data collection system which collects the requested information of classroom clearings, the cause of student behavior, and if a general or special education student. The requirements of the SB 2351 are already a part of an established process which supports school board policy requirements. Classroom clearings are also reported to the Bismarck Public School Board in an R3 report which occurs in November of each year. School and district teams continuously review school data and make necessary changes to the process, procedure, classroom and/or school wide expectations. An additional reporting stated in SB 2351 would not impact school systems.

So often school districts are asked to collect data and report back to various departments without a clear understanding of the "why". Also, data will be very inconsistent among school districts if common definitions are not established. This bill would collect a wide variety of data points without common definitions and have a higher potential of data collected with no actionable steps. Human resources would be spent entering data and less staff time working with staff and students to improve school systems. Once data is collected how will a timely response from the Department of Health and Human Services support system development? Will the Department of Health and Human Services fund avenues to help support a school districts systems or will it be used to only identify funding? Data collection without ability to apply change is another task vs. system impact.

School districts need supports, services, people, money, and time in order to evaluate and change current practice and systems. SB 2351 would require more time reporting data to the Department of Health and Human Services with no guaranteed return on investment or districts understanding "why" or purpose of the data. As a Student Support Services Director, I strongly urge you to oppose this bill due to a lack of clarity around the "why" and lack of outcomes to strength a schools data based decision making process.

Thank you for your thoughtful consideration of this as you discuss this bill.

1 Tuesday, January 31, 2023

2 Beth Slette, Superintendent, West Fargo Public Schools

3 Opposing Senate Bill 2351

4 Good afternoon, Chairman Elkin, members of the Senate Education Committee. My name is Beth Slette and I am
5 the Superintendent of West Fargo Public Schools, along with Andrea Richards, our Wellness Director. Although
6 we support the intent of this bill, we are here today to oppose Senate Bill 2351 and request that you amend it to
7 a study to ensure data collection on this important topic is consistent and actionable.

8 The leadership of West Fargo Public Schools believes in data-based, outcomes-focused decision making; it is
9 necessary for program evaluation and continuous improvement, and ultimately, it provides the very best
10 opportunities for learners. We believe collecting data on incidences that can impact learning allows schools to
11 respond to student or program needs in an efficient and effective manner. Our current data collection practices
12 support building teams to improve outcomes for all learners, including the need for mid-year program
13 adjustments based on trends.

14 To underscore how complicated data collection for classroom and hallway closures can be, we'd like to share
15 our story of this work in West Fargo. WFPS has utilized an online form to document room clears and behavior
16 data for the past four years. This data, along with other data points, is used when making very important
17 decisions for the district. Getting to this point has been incredibly challenging. We had to work through many
18 variables to make sense of the data we were collecting.

- 19 • What is the definition of a room clear verses a hallway closure?
- 20 • Do medical emergencies count as room clears or hallway closures if those procedures are necessary to
21 protect the students?
- 22 • If there was no instructional time lost, was it truly a room clear?
- 23 • Do all instances need to be documented (e.g., if students are asked to pause for 30-60 sec in a hallway
24 while a neighboring hallway is cleared)?
- 25 • How are school lockdown procedures included in these documentation requirements?
- 26 • Within specialized programs with access to multiple learning spaces and inherent need for flexibility due
27 to the student's disabilities, is it still a room clear?

28 Across 14 elementary and 7 secondary buildings, we struggled as a district to find consensus and consistency on
29 these definitions, and each district of the 170 in North Dakota will bring a different element to the conversation.

30 Based on our experience tracking this data and using it to improve practices, we recommend a study before
31 implementing a bill. Without these important questions being discussed at the state level, definitions may not
32 be consistently applied between schools, ultimately affecting the reliability of the information. This is an
33 important conversation that shouldn't be rushed. The state will need to collaborate with districts to determine
34 not only the parameters of data collected, but also the tool that will be used to gather the information. What
35 resources will be needed in each district to collect information, and how can it be done in the most consistent
36 and efficient way possible?

37 Thank you for allowing us to testify this afternoon. We will now stand for questions if there are any at this
38 time.

Senate Education Committee
Senate Bill 2351 – January 31, 2023
Testimony of Rachel Sinness, P&A Legal Director

P&A protects the human, civil and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

P&A provides testimony in opposition to SB 2351 relating to a data collection system for classroom and hallway clearings. Subsection 2 of Section 1 of SB 2351 provides that a data collection system shall be reported and include information relating to the number of clearings and students involved in a clearing during a month's time. Subsection 2 of Section 1 asks information relating to students, but this information is limited to whether the student has a developmental or intellectual disability, the behavior that caused the clearing, and the student's age. If this committee considers a DO PASS on this bill, P&A would ask that lines 16 and 17 relating to the students' disabilities be struck from the language. This language enumerates only intellectual and developmental disabilities, thus singling out those categories and appearing to specifically attribute disruptive behaviors to the student's disability. No assumption should be made that a student's disability is a direct cause and only reason for classroom and hallway clearings.

Subsection 3 suggests a comprehensive report. In keeping with the idea of comprehensive reporting, and in lieu of singling out a student's developmental or intellectual disability, P&A suggests adding language to subsection 2 that addresses the series of events leading up to the incident requiring a classroom or hallway clearing. We

appreciate the inclusion of reporting limitations such as seclusion, restraint, suspension, expulsion, and school removal for behavioral issues.

SB 2351 provides that all public schools shall report data monthly. P&A supports the idea of including ramifications as provided in subsection 4 relating to a school's failure to submit the report will make it more likely that a school will make regular reports. It is P&A's understanding that schools are to make such reports now, but several do not. It is understandably difficult to track and guarantee accurate data when the data and data reporting are unreliable.

As written P&A cannot support 2351, but would support amendments that more carefully consider students with disabilities and which more accurately reflect data obtained.

23.1058.01000

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2351

Introduced by

Senators Kreun, Burckhard, Elkin, Rummel

Representatives O'Brien, Schreiber-Beck

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota
2 Century Code, relating to a data collection system for classroom and hallway clearings.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 15.1-06 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Classroom and hallway clearings - Data collection system.**

- 7 1. The superintendent of public instruction and the executive director of the department
8 of health and human services shall create and administer jointly a data collection
9 system for the report of classroom clearings and hallway clearings, including the
10 creation of a reporting form.
- 11 2. For the 2023-2024 biennium, a public school shall report data each 9-week quarter
12 monthly to the department of health and human services. The report must contain:
 - 13 a. The number of classroom clearings and hallway clearings and other disruptions
14 causing learning interruptions, the school experienced
15 each 9-week quarter;
 - 16 b. The number of students involved in or who caused a clearing or disruption each
17 9-week quarter; and
 - 18 c. For each student involved in or causing a clearing:
 - 19 ~~(1) Whether the student is developmentally disabled;~~
 - 20 ~~(2) Whether the student is intellectually disabled;~~
 - 21 ~~(3)(1) A description of the behavior that caused the clearing; and~~
 - 22 ~~(4)(2) The student's age.~~
- 23 3. The superintendent of public instruction shall assist in the delivery of this report to the
24 executive director of the health and human services.

25 4.3. The attorney general shall provide a comprehensive report to the superintendent of
26 public instruction and the executive director of the department of health and human
27 services explaining a public school's authority and including limitations to provide
28 discipline for a student under state and federal law, including student seclusion,
29 restraint, suspension, expulsion, and school removal for behavioral issues.

1 4. If a public school fails to submit the report required under subsection 2, the
2 superintendent of public instruction shall withhold monthly state aid payments to that
3 school until the report is received.

4 5. The superintendent of public instruction shall report to the state board of public
5 school education, the education standing committees of the legislative assembly
6 during a legislative session, and an interim committee of the legislative management
7 when the legislative assembly is not in a legislative session regarding the
8 implementation of this section.

9 6. This sunsets after the 2023-2024 biennium.



1 SB 2351 Data on Clearing a classroom

2 Testimony in Support

3 Chairman Heinert and members of the House Education committee, we come to you
4 today in support of SB 2351.

5 SB 2351 was amended by the Senate Education committee to provide schools flexibility
6 in reporting the information NDDPI and NDHHS needs for data collection. Data will be
7 submitted by schools using the reporting tool they are currently using i.e. PowerSchool,
8 SWIS (School Wide Information System).

9 The required report will be submitted by schools quarterly for the next biennium to
10 NDDPI so they can analyze the data to make a report next session.

11 We respectfully ask for a “DO PASS” to gather data so we can come together and figure
12 out ways that helps students to develop an assistive product for students.

**House Education Committee
Senate Bill 2351 – January 31, 2023
Testimony of Rachel Sinness, P&A Legal Director**

P&A protects the human, civil and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

P&A provides neutral testimony regarding SB 2351 relating to a data collection system for classroom and hallway clearings.

Subsection 3 suggests a comprehensive report. In keeping with the idea of comprehensive reporting, P&A suggests adding language to subsection 2 that addresses the series of events leading up to the incident requiring a classroom or hallway clearing. We appreciate the inclusion of reporting limitations such as seclusion, restraint, suspension, expulsion, and school removal for behavioral issues.

SB 2351 provides that all public schools shall report data quarterly. P&A supports the idea of including ramifications as provided in subsection 5 relating to a school's failure to submit the report will make it more likely that a school will make regular reports. It is P&A's understanding that schools are to make such reports now, but several do not. It is understandably difficult to track and guarantee accurate data when the data and reporting are unreliable.

P&A supports amendments that more carefully consider data relating to clearings, restraint, and conclusion, and those which more accurately reflect the data obtained.



SB 2351
House Education
Wednesday, March 8, 2023
Representative Pat Heinert, Chair

Chairman Heinert and Members of the House Education Committee:

My name is Roxane Romanick and I am writing as the representative for Designer Genes of ND, Inc., as their Executive Director. Designer Genes' membership represents 230 individuals with Down syndrome that either live in our state or are represented by family members in North Dakota. Designer Genes' mission is to strengthen opportunities for individuals with Down syndrome and those who support them to earn, learn, and belong.

Originally, our organization asked for a "do not pass" on SB 2351. This was primarily due to the data collecting methodology stated in the bill in Section 2, Subsection 2, where only two specific categories of disability were mentioned. The two categories listed were "student is developmentally disabled" and "student is intellectually disabled". Since the school-age individuals that Designer Genes supports would fall into these categories, we were concerned that the bill was targeting this specific population and it was unclear what would be the outcome of the data collection. The amended version of SB 2351 has these definitions removed and we are in agreement with this change.

We continue to appreciate the bill sponsors concerns over behavioral incidents in our school and can support a "do pass", however we remain concerned how the information will be used and that we are not alternately collecting data on our schools' positive behavioral support strategies and best practices. We are, instead, using state resources through an attorney general opinion to justify ways schools can legally seclude, restrain, suspend, and expel students. We worry that this work will target students with undesirable behaviors which will eventually lead to increased segregation, decreased inclusion, which equates to a loss in learning opportunities for them.

Thank you for your consideration.

Roxane Romanick
Executive Director
Designer Genes of ND, Inc.

701-391-7421
roxane@designergenesnd.com

**TESTIMONY ON SB 2351
HOUSE EDUCATION COMMITTEE**

March 8, 2023

By: Amanda Peterson, Director of Educational Improvement and Support

701-328-3545

North Dakota Department of Public Instruction

Mr. Chairman and Members of the House Education Committee:

My name is Amanda Peterson, and I am the Director of the Educational Improvement and Support office within the Department of Public Instruction. This office oversees Title I, Neglected and Delinquent and Homeless Education Programs, Title IV, safe and healthy school projects, and the comprehensive and targeted support given to our lowest performing schools. Our team at DPI supports K-12 students that are most at-risk, disadvantaged, and in need of support. I am here on behalf of the department to provide information and support in favor of Senate Bill 2351, relating to the data collection system for classroom and hallway clearings. As you are aware, youth behavioral health concerns are a primary concern for all educators, and local school districts have been asking the State for more resources, support, and funding to help combat these complex issues. Currently, the State does not have the authority to collect data to inform the scale of the educational impact related to classroom clearings, nor an accurate idea of the actual need in this area. Every North Dakota public, non-public, and BIE schools receiving federal Title funds must file the

Suspension, Expulsion, and Truancy (SET) Report. The self-reported information collected in this report is used to meet the following statutory requirements:

- Unsafe School Choice Option (USCO) (Title VIII, Part F, Subpart 2, SEC. 8532)
- Every Student Succeeds Act (ESSA) ESEA, Title XIV, Part F – Gun-Free School Act (GFSA)
- Individuals with Disabilities Education Act (IDEA), Part B
- Truant data (NDCC 15.1-20-03.1)

The data is compiled and disaggregated to meet the above statutory and reporting requirements by June 15 of each year and is used to identify persistently dangerous schools and disproportionality as it relates to IDEA. This data provides very limited information about school-based mental and behavioral health needs.

During the course of hearings and actions surrounding SB 2351, Superintendent Baesler, Commissioner Jones, NDCEL, and Senate Legislators worked in partnership to draft amendments to respond to the concerns brought forth by those initially opposed to this bill. Throughout my testimony, I seek to walk you through those changes.

First, this bill acknowledges that NDDPI will collect the information in a data collection system with the least amount of disruption or challenge to local districts. Then, NDDPI will deliver the information directly to the department of health and

human services, as they have the appropriate services to meet school's needs in this area. The necessity of having a clear and consistent data collection method will ensure that the information is accurate and easily evaluated by the State for timely action. Additionally, this bill was also amended to include a requirement that both the department of public instruction and the department of health and human services will report to their respective standing committees actions that have been taken under this section, in order to ensure that there is accountability to all stakeholders.

In addition, originally, the bill was written to differentiate between students with disabilities and those without disabilities. However, previous testimony cautioned legislators and agency officials that identifying only students with disabilities could lead to discriminatory policies and/or actions. Therefore, the bill was amended to include the number of students, their ages, and a description of the behavior that caused the room clearing to help provide the minimum information required that could lead to the appropriate resources being determined. At present, some local school districts are already collecting data that makes sense in their local context to respond to behavioral health needs related to classroom room clearing, but many school districts do not collect any data and can only provide anecdotal information. Those districts that do collect data, do not share that data with the state in a consistent or uniform time or manner. Then, those districts are asking the state to provide more assistance and support in this area. In order for the State to do this,

the state needs data to deliver effective and responsible action. This bill does that; it provides consistent data in real-time so that the department of health and human services can deploy resources and supports in a targeted manner, as the scatter-shot approach works for no one.

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