

K-12 Education Coordination Full Council Meeting Minutes
Tuesday, September 19, 2023 - CTE Conference Rm, 15th Floor State Capital, Bismarck

K-12 Council Members Present:

Chairman Luke Schaefer, Sarah Ricks, Alexis Baxley, Brandt Dick, Sara Medalen, Maria Neset, Justin Fryer, Rep. Schreiber-Beck, Jeremy Mehlhoff, Beth Slette, Jennifer Weber, Rep. Heinert, Senator Braunberger, Jared Bollom (joined at 2:25 pm)

K-12 Council Members Virtually Present:

Sonia Meehl, Superintendent Kirsten Baesler (joined 1:24 – 1:55 pm), Senator Schaible (joined 12:55 – 1:53 pm)

K-12 Council Members Absent:

Nick Archuleta, Marc Bluestone, Melissa Vollmer

Others Present:

Kayla Effertz Kleven, Wayde Sick, Shauna Marchus, Robert LaFavor, Amanda Peterson, Amy Copas

Others Virtually Present:

Donna Fishbeck, Ellie Shockley, Dawn Ulmer

The meeting was called to order by Chairman Luke Schaefer at 1:00 pm

1 – Welcome and Introductions

Chair Schaefer welcomed the new members. He asked everyone to introduce themselves and each member shared their name and position on the Council.

Chair Schaefer stated that this Council will be talking about the vision of the Council over the next year and really focusing on the struggle that many of our schools are facing around staff who are unavailable, under-trained, under-utilized, or over capacity.

2 – Approval of Meeting Minutes: May 4, 2023

Maria Neset motioned to approve the minutes from the May 4th Full Council meeting. Sarah Ricks seconded the motion.

Representative Heinert asked for clarification that Supt. Kirsten Baesler will determine what the costs are and create a budget for the Council. He asked if there is input on that outcome from the executive work perspective.

Chair Schaefer stated that the Executive Committee has had continued conversations about the budget. He stated that the Department of Public Instruction knows that this Council will do everything in its power to keep our costs low, but the Council wants to try to provide a budget. No further discussion. The motion carried unanimously.

3 – Election of the Chair, Vice Chair, and Executive Committee Member At Large

Kayla Effertz Kleven explained that there is no language as to the length of time someone can serve as chair, so the floor is open to nominations for the chair.

Maria Neset nominated Luke Schaefer to continue as chairman. She explained that the Council just started to find its voice and its charge, so to have continuity for now as Luke Schaefer and Kayla Effertz Kelven figure out the operational pieces would be beneficial. Sara Medalen seconded the motion. There were no other nominations. No discussion. The motion carried unanimously.

Chair Schaefer noted that Melissa Volmer is the current vice chair. Alexis Baxley moved to nominate Melissa Vollmer to continue as Vice Chair. Brandt Dick seconded the nomination. There were no other nominations. No discussion. The motion carried unanimously.

Chair Schaefer noted that Rupak Gandhi was the Executive Committee member at large, but he is no longer on the Council. Maria Neset nominated Sarah Ricks for the Executive Committee member at large. Sara Medalen seconded the motion. Sarah Ricks accepted the nomination. There were no other nominations. No discussion. The motion carried unanimously.

Long-Term Outcomes (see Appendix 1)

Superintendent Kirsten Baesler presented the six long-term outcomes and then reviewed the student data.

1. *Increase students who enter kindergarten prepared to learn and increase the number of kindergarten classrooms that meet the needs of every learner.*

Supt. Kirsten Baesler explained that at the time it was established, a measurable goal could not be recommended due to the lack of statewide measures to assess students from 0 to age 5, who are entering kindergarten. She explained that the Department of Health and Human Services (HHS) has put out an RFP, accepted a vendor, and work is beginning to develop the Early Childhood Integrated Data System (ECIDS). The work is being led by Jessica Thomasson and her team at HHS. They will have the 0 to age 5 data entered into the system soon. Supt. Kirsten Baesler also stated that with the passage of the interim assessment bill in the 2023 session, there is a new requirement that every student from kindergarten through tenth grade will take at least two interim assessments in addition to the summative assessment and that data will be available to this committee.

2. *Increase students who demonstrate reading proficiency in 3rd grade.*

Supt. Kirsten Baesler stated that reading proficiency in 3rd grade is trending in the right direction toward the 2025-26 goal of 85.4%. It started in 2018-19 at 50.8%, dropped during the next two years, and started rising again in 2022-23. The current percentage of students who are proficient is 43.6%.

3. *No discussion*

4. *Increase Students who engage in learning.*

Supt. Kirsten Baesler explained the difference between disengaged, compliant, and engaged student behavior. She stated that the current behavioral engagement score is 139 and the goal for the state is 150.

5. Increase Students who graduate Choice Ready.

Supt. Kirsten Baesler stated that the choice ready metric is very encouraging. She explained that the goal is to have all students who receive a ND diploma from high school graduate choice ready, meaning that they are prepared with the knowledge, skill, and disposition to do whatever they choose to do in their life after high school. She stated that there have been significant gains since the year the committee adopted the baseline. In 2018-19 only 36% of students were choice ready. Now, in 2022-23, 66.2% of students are choice ready. The goal for the state is 90%.

6. Reduce the disparity in achievement for students with disabilities, students in poverty, and Native American students.

Supt. Kirsten Baesler explained the goal is for a reduction in disparity meaning that the percentages go down by 12% each year. She explained the data for ELA and math as follows:

ELA - the students with disabilities have not had much change, staying around 85% disparity. The disparity for Native American students has reduced from 79% to 72.9%. The disparity for students in poverty has reduced from 72% to 70.1%.

Math - the disparity for students with disabilities stayed around 86%. The disparity for Native American students has been reduced from 86% to 81.7%. The disparity for students in poverty has been reduced from 78% to 76.8%.

Chair Schaefer stated that the important takeaway from this presentation is not that this Council can directly impact these scores, but this is what the state is measuring to see how the state of education is doing. He stated that anyone in the state who is responsible for agencies related to education knows that these outcomes are important and that this is what we are all working towards.

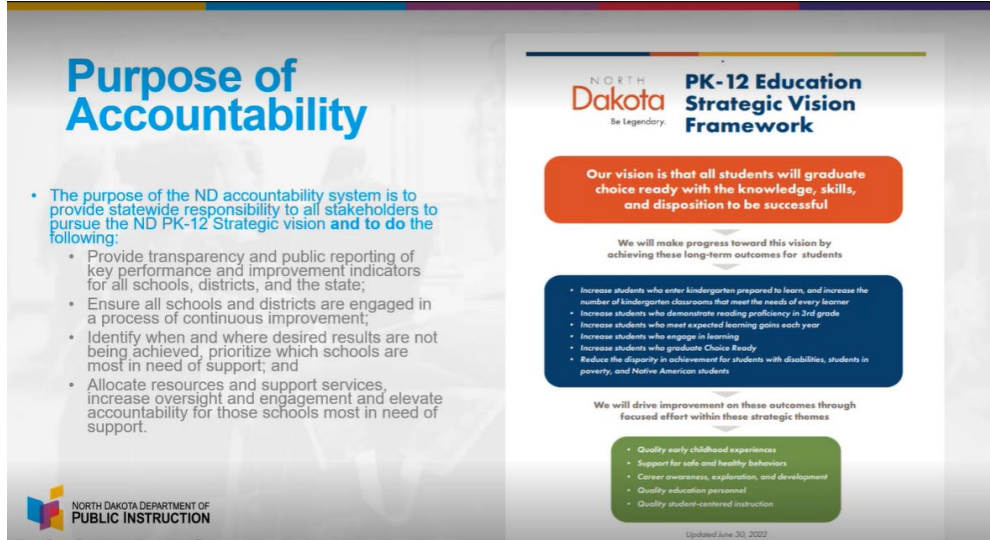
4 – ESSA Law Change Report: SB 2254 (see Appendix 2)

Chair Schaefer stated that the federal government requires that we report underperforming schools. He explained that North Dakota came up with a master algorithm so that we would have a steady amount of schools that are targeted for improvement. He introduced Amanda Peterson, Director of Education Improvement and Support to present on this topic.

Amanda Peterson stated that a new law, Senate Bill 2254 (SB 2254) was passed this year. She explained that the North Dakota Department of Public Instruction (NDDPI) is seeking different stakeholder consultations, including this Council, to make sure that what was passed into law gets implemented in an effective way.

Amanda Peterson shared a document detailing SB 2254. She stated that even though this affects a small number of schools, it affects all of us in the state as we think about how we provide the right kind of interventions for our underperforming schools. She stated that when a child goes to school, they are entitled to at least a year's worth of growth if not more. She explained there are a lot of barriers that prevent that from happening, but the goal at the state is to find out what the barriers are in addition to making sure we provide support and resources.

Amanda Peterson reviewed the PK-12 Education Strategic Vision Framework and Purpose of Accountability:



She explained that the language for the Purpose of Accountability is a blend of what is required through federal law and how ND is implementing that federal law. She reviewed the main purpose of the accountability system is to provide transparency, ensure all schools and districts are engaged in a process of continuous improvement, identify when desired results are not being achieved, prioritize which schools are in need of support, and allocate resources and support, increase oversight and engagement and elevate accountability to those schools.

Amanda Peterson clarified that this is a school accountability, not a district accountability. She stated that we don't identify schools to shame them but to offer support and resources. She reviewed the identification timeline and explained that ND is one of the few states that actually hold schools accountable for the prior year's data, which is the most relevant data to address kids who are usually still in that school.

Amanda Peterson explained the differences between Targeted Support and Improvement (TSI) and Comprehensive Support and Improvement (CSI) schools. She explained that the main differences are that TSI schools are identified annually, are the lowest-performing 10% of all ND schools, or a school that has one or more subgroups with achievement levels below the highest-performing CSI based on all accountability factors. CSI schools are identified every three years, are the lowest performing 5% of all ND schools, or have a high school graduation rate below 67%. A school changes from a TSI to a CSI if they did not meet the exit criteria after three consecutive years.

Amanda Peterson explained that the state partners with Regional Education Associations to provide a coaching liaison to each school. She stated that the team analyzes local data in addition to state-wide data, stating that local data is able to be more responsive to how to influence students and can intervene with kids in a more rapid way.

Amanda Peterson then reviewed the Accountability Pies which differentiates K-8th grades and 9-12th grades accountability metrics. She explained that they use a complex formula that puts all of this data into a rank-and-sort spreadsheet, so there are different ways to earn points.

Amanda Peterson discussed Senate Bill 2254 (SB 2254) which pertains to schools that have been previously identified as CSI via the ND accountability framework. She explained that SB 2254 was signed by the Governor on April 21, 2023, with an emergency clause so NDDPI could start developing the intervention process right away. Amanda Peterson explained she's here with this K12 Council to get feedback to work towards action steps for intervention. She explained that if a school has tried interventions on its own for three years, and the changes were not made or were ineffective, DPI may potentially recommend additional action. She reviewed the possible State interventions listed in the bill.

SB 2254: Possible State Interventions

- The superintendent of public instruction shall conduct an assessment and a review of past interventions of a chronically low - performing school or school district to identify areas of insufficient performance and develop an improvement plan. An improvement plan under this section may include a directive from the superintendent of public instruction requiring:
 - Funds to be held in escrow for the school or school district or spent as designated by the superintendent of public instruction.
 - Changes to curriculum, training, instruction, assessment, or the school calendar in the school or school district.
 - Reassignment or hiring of school or school district staff to fill roles associated with school or school district needs.

SB 2254: Additional Requirements

- A memorandum of understanding (MOU) must be entered between the department of public instruction and a chronically low - performing school or school district.
 - This MOU will detail the precise expectations under this section.
- A chronically low - performing school or school district shall complete a school board leadership program as required by the department of public instruction.

Amanda Peterson explained that these are possible interventions that will be available to DPI, it doesn't mean any or all will be used, but it gives the authority for those directives to happen. She further explained that with the additional requirement of a memorandum of understanding (MOU), DPI would not just tell the school to do better, but would detail the precise expectation based on the individual needs of each school, and that plan would be agreed upon by the school. She stated that the additional requirement that a school complete a school board leadership program is a requirement DPI already uses for CSI schools.

Amanda provided a QR code for a link to a detailed consultation form for educators to give feedback. She invited anyone to fill this form out and to share it. She then opened the discussion up for questions.

Chair Schaefer stated that the K12 Council may or may not need to take action on this. He stated that the Council should determine if we are going to consult as a Full Council or refer it to the Legislative Review Committee to come up with one standard, but everyone is welcome to share.

Possible Action Item:

- **Develop one standard to recommend to NDDPI regarding SB 2254**

Discussion was held, and Amanda Peterson answered questions from council members.

Brandt Dick asked how to handle the different schools in regards to a small school having low numbers of students that can fluctuate greatly. Amanda Peterson explained that there are safeguards for schools and points can be redistributed based on specific needs. She gave the example of one safeguard that requires students to be in the school system for 120 days to count towards the student achievement metric.

Sara Medalen asked if there is data available indicating what percentage of schools that fell into TSI and CSI status have different considerations such as poverty or more diversity. Amanda Peterson explained that there is data to support that low-poverty schools of any demographic are at an increased risk of academic achievement gaps. She explained that there is also data to support that schools can have high poverty and high performance in the state and nationally, so poverty is not always a self-fulfilling prophecy for low performance. She explained that they are looking for improvement, not specific achievement gains.

Senator Braunberger asked what the metrics are to leave TSI/CSI. Amanda answered that there are specific exit criteria, not provided in this presentation, but it is available. She explained that there is no longitudinal data that is accurate for three consecutive years due to the pandemic.

Beth Slette suggested addressing the middle school level separately. She also stated that teachers are reporting a different number than the assessments. Amanda Peterson responded by stating that with the lack of consecutive data, the identification may not be an accurate indicator, but more of a signal of issues that need to be looked at closer. She also noted that middle school students were the hardest hit in different measured criteria due to the pandemic.

Brandt Dick asked what it takes for the state to adjust the accountability pies to separate middle schools instead of just K-8th grade. Amanda Peterson explained that to make that change it requires a request to the Department of Education and approval from them. This means that trying to adjust one aspect of the ESSA plan opens the whole plan up for review, and the ESSA committee does not want to lose the beneficial aspects of the current structure.

Sarah Ricks commented that when we are comparing a ranking system versus a static bar that needs to be met, it is asking schools to outgrow everyone else in order to meet exit criteria. She stated that it needs to be clear that the state is looking if steps were taken and what was done as far as an action plan, and not just viewed as chronically low-performing schools don't care, or didn't try if they don't meet the exit criteria. Amanda Peterson requested that this Council put some of these issues into the consultation to be further considered. She added that she testified to this concept of considering intent not just metrics when considering punitive action.

Sarah Ricks asked how the switch to NDA+ impacts our ability to have longitudinal data. Amanda Peterson responded that it does not affect longitudinal data because the NDA+ results also get converted to points using the same formula, it is not based on a specific number or proficiency, it is based on the standard setting process.

Jared Bollom joined the meeting in person.

Chair Schaefer suggested that Council members watch or attend the ESSA committee meetings to learn more. He also congratulated Amanda Peterson and her team at DPI for the 21 schools that exited out of TSI.

5 – Subcommittee Reports

Chair Schaefer stated that the subcommittee chairs are not going to report out this time, but instead, he will share how the subcommittees are structured and make sure committees are set up appropriately.

Scope of Work & Committee Membership (see Appendix 3)

Kayla Effertz Kleven stated that every year this Council sets out a new scope of work and tries to be very intentional about what we are doing as it relates to what the legislation charges us to do.

Kayla Effertz Kleven presented the working document titled: *2023-25 Subcommittees Scope of Work* to the group. She stated she would like to transition to focus on bigger goals for every biennium instead of every school year. Kayla Effertz Kleven explained that in the past the subcommittees chose a topic and then brought recommendations and discussion to the Full Council. She stated that was sometimes disjointed, so the Executive Committee came up with one overarching theme to guide discussion and recommendations. Kayla Effertz Kleven announced that the main theme of the subcommittee work is going to be Tomorrow's School Employees. She recognized that this is a similar theme to the Governor's new task force and stated that we would work in collaboration with that task force. She explained that this Council will focus on the whole unit of a school.

She mentioned that a change in the agenda from last year is at the end of the Full Council meetings, we will address what the interim committees are discussing, to work toward the same direction. She also stated that all subcommittees will meet one time per month.

Kayla Effertz Kleven then reviewed each subcommittee's expected outcomes, activity/strategy/input, and discussion questions and evaluation/measurement sections of the document.

Kayla Effertz Kleven explained that anyone can attend other subcommittees, but you can only vote on one.

Chair Schaefer reiterated to focus on the theme of Tomorrow's School Employees to have a clear understanding of what it takes to work in a school. He listed the questions to address: what are the roles in a school, what roles do we serve in the community, and what types of support and innovation are necessary for those people to do the jobs?

Chair Schaefer shared that this is the council where hard decisions must take place. If you have a topic or notice an issue to be discussed, bring it to the Council so that everyone is aware and we can have a discussion to figure out the best way to move forward. He also explained that if the issues are discussed here, there are no surprises or disagreements once we get in front of the interim. He stated that we are here to coordinate education in the state.

Committee & Subcommittee Structure & Operations (see Appendix 4)

Chair Schaefer presented the document: *K12 CC Committee and Subcommittee Structure and Operations*.

Chair Schaefer reviewed the changes proposed, and a discussion was held about updates and edits as follows:

- 1a. Added descriptors that the budget update provided by DPI will be at the Chair's request instead of every Full Council meeting.
- 1a. Add Interim legislative study updates and timely topics to be standing agenda items.

- 1d. Clarification that the subcommittee chair will provide the recommendations to the Full Council.
- 2a. Statutory change regarding legislative members and Secondary Teacher Representative being added to this Council.
- 3b. Updated 2023-24 standing committee names. Strategic Themes will be changed to Aspirational Goals. Updates to Special Topic Working Groups to remove Website and add Review of Initiatives and Legislative Approval Initiatives.
- 3c. Review the proposed budget and provide a recommendation to the Full Council. Chair Schaefer stated that the budget is still in the works. He stated the biggest cost is personnel as we need to contract the executive director.
- 4abc. Added language to outline how we would engage funding and funding requests and expenditures.
Chair Schaefer explained that with this operative procedure, the executive director with the authority of the Council or a designated subcommittee can allocate funds for partner-related activities. This outlines the steps necessary for the executive director to follow.

Chair Schaefer requested everyone to review the definitions and make sure everyone understands the language. He also discussed the specified role of the K12 Council's executive director.

Representative Heinert Moved to approve the Committee and Subcommittee Structure and Operation changes. Brandt Dick seconded the motion. No discussion was held. Motion carried unanimously.

Action Items:

- **Update the membership statute to include the new language.**
- **Budget to be finalized**

6 – Interim Report Update

Chair Schaefer explained that this is a time to bring items that have been discussed in the interim committees that the Full Council needs to be aware of.

Representative Schreiber-Beck stated that it is in its infancy, and they are putting together the task force.

7 – Timely Topics

Chair Schaefer explained that this section of the agenda is intended specifically for items that should be heard by the K12 Council or items that should be considered by the K12 Council.

- Data: Teacher Openings / Foreign Teachers / Licensed Teachers / TFFR:
Brandt Dick asked if there was a group tracking the number of teacher openings we have now and how many classrooms have to be combined. He asked if this Council would get to see data on those subjects. Brandt Dick also asked to see data on how many foreign teachers we have this year. Sara Medalen asked to see how many teachers we have without teaching licenses. Maria Neset stated that there is a goal for the task force to provide some recommendations about better data collection. She stated NDCEL has some data and compares it with what DPI gets from MIS03, and Ellie

Shockley analyses the results to help us understand the data. Chair Schaefer mentioned that as an REA retired teachers are used as often as possible, so we are not taking people out of the schools. He stated he found difficulty working with TFFR on that. He asked if schools are finding the same challenges such as hours, titles, etc. Maria Neset stated the focus on retirement and that retirement teachers who are trying to reengage is a huge struggle.

Maria Neset mentioned that the Governor's task force is getting a lot of applications from teachers, but they would like to see more administrators, principals, superintendents, or others who work directly with teachers. She asked everyone to communicate that to the groups they represent.

Possible Action Items:

- **Refer to Statewide Projects, Duplication Replication to look at teacher data and TFFR regarding re-engaging retired teachers.**

- Homelessness
Rep. Schreiber-Beck mentioned discussing homelessness among students. She stated absenteeism is a line item, but is it due to homelessness, transportation, or other factors. Maria Neset mentioned that DPI has data on this issue. It was discussed that this issue affects student outcomes, and the student's life in the future, developing bad habits of absenteeism leading to workforce issues – which connects to the topic of Tomorrow's Workforce.

- CHINS Program
Chair Schaefer mentioned that schools have misunderstood the Children In Need of Support (CHINS) program. He stated that schools seem to believe that CHINS is a program to help with behavior, but it was developed for truancy and attendance issues rather than behavior. He stated that if a parent is experiencing behavior issues, they can use the CHINS program, but a school cannot. He explained that CHINS is suggesting to schools that they should conduct home visits to combat truancy, but schools feel that is very difficult due to a lack of training and a lack of policy for home visits. Discussion was held about who's role that should be, and safety concerns.

- Misdemeanor Law
Chair Schaefer discussed the new law that went into effect August 1st where school districts are to respond to and handle the majority of misdemeanors in the school. He explained it provides the authority or the autonomy for a school to be able to work with kids who commit low-level misdemeanors, with the exception of criminal traffic misdemeanors because that affects driver's licenses. He stated that the responses are different based on the law enforcement or SRO's understanding of the law. He stated that the Dept. of Corrections and Health and Human Services (HHS) are working on this issue. Discussion was held about the severe nature of some behavior in schools resulting in significant injuries, attacks on officers, and the challenge to help families recognize the seriousness of their child's behavior.

Chair Schaefer suggested referring to one of our subcommittees the issue of how to address especially delinquent acts (not student behavior), and truancy as it relates to homelessness, transportation, or another area. Maria Neset responded that as a state, we have to define the guardrails better. She stated that over time, with the school being the hub of the community, schools have taken these issues on, and they are trying to be everything to everyone which is at a cost. She suggested defining the roles of a social worker, counselor, teacher, SRO, etc, and determine how to use them to their highest qualification without overwhelming them. She stated that at some point, it is important to start protecting the individual roles and start reallocating or shifting the weight of some of these priorities to other people in the community. Discussion was held about how role clarity and reallocating duties would help retain teachers.

It was asked if this is a safe space to share details when discussing timely topics. Chair Schaefer explained that it is a public meeting that is recorded, and minutes are posted. He mentioned that the Governor, State Superintendent, four legislators, and several members of the esteemed education community, so he has been told people pay attention to this Council.

Sara Medalen mentioned two things that Supt. Kirsten Baesler brought up in previous meetings, that this Council should be thinking about addressing, is school choice and book bans which were topics in the legislative session. Chair Schaefer agreed that a subcommittee should address those topics.

Chair Schafer reminded everyone that they will receive scheduling polls to establish meeting dates for 2024. He also invited any council members to reach out to him or Kayla Effertz Kleven with questions or clarification.

Next Full Council meeting is scheduled for November 15, 2023.

The meeting adjourned at 3:47 pm.

Minutes taken and prepared by Shauna Marchus

Respectfully submitted,

ATTEST:

Chairman Luke Schaefer

Date