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10/23/03
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2003 SENATE EDUCATION

SCR 4026

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10/23/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4026

Senate Education Committee

Conference Committee

Hearing Date 2-10-03

Tape Number	Side A	Side B	Meter #
1	x		40.1 - end
1		x	4.0 - 6.5
Committee Clerk Signature <i>Sandra Johnson</i>			

Minutes: CHAIRMAN FREBORG called the committee to order. Roll Call was taken with (5) members present and (1) member absent.

CHAIRMAN FREBORG opened the hearing on SCR 4026 which urges the President and Congress to provide sufficient funding for implementation of the No Child Left Behind Act of 2001.

Testimony in support of SCR 4026:

REPRESENTATIVE MERLE BOUCHER, Dist. 9, testified in support of the resolution and stated that we have struggled with the mandates required for states in NCLB without a sufficient level of funding from the federal government. This sends a message stating that the state of ND, the ND House and Senate, in agreement, are asking Congress and the President to fully fund NCLB.

SENATOR CHRISTENSON asked when acts from Congress are mandated and are under funded, what would happen is ND doesn't implement the act. REPRESENTATIVE BOUCHER

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Dennis Halverson
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10/23/03
Date

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Senate Education Committee
Bill/Resolution Number SCR 4026
Hearing Date 2-10-03

replied there are usually ramifications involved which involve money, such as not receiving some federal money. He feels DPI can reply.

NANCY SAND, NDEA, stated their support for this resolution. She stated that Senator Dorgan has introduced a resolution in Congress addressing NCLB and asking that it be fully funded.

Otherwise he asks that the act be suspended until funding is available. SENATOR COOK asked if NDEA has concerns other than the funding with the NCLB act. MS. SAND stated there are a number of things in the act that concern them: 1. Adequate yearly progress, how this will affect small schools. 2. "Highly qualified" rules, how to meet those requirements and not encounter teacher shortages in ND. NDEA believes the intent of the law is good, but it needs fine tuning.

They feel ND is already doing a great job in educating our youth with highly qualified people who care about their students. SENATOR COOK asked if the legislature sends a resolution like this, should it include other concerns besides funding. MS. SAND referred to Senator Dorgan's resolution as to having a lot more in it than just money.

There was no opposition to SCR 4026.

SENATOR COOK and SENATOR CHRISTENSON asked if maybe there should be another "whereas" addressing flexibility specific to our state or region. SENATOR COOK has a concern that we don't endorse the program as is, that "one size fits all" does not work, especially in ND.

Committee Adjourned.

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4026

Senate Education Committee

Conference Committee

Hearing Date 2-11-03

Tape Number	Side A	Side B	Meter #
1	x		0 - 3.2
Committee Clerk Signature <i>Andrea Johnson</i>			

Minutes: CHAIRMAN FREBORG called the committee to order. Roll Call was taken with all (6) members present.

SENATOR CHRISTENSON feels this SCR deals with funding and that is an important issue.

She doesn't want to water it down. SENATOR COOK is comfortable sending it out as is.

SENATOR FLAKOLL moved a DO PASS. Seconded by SENATOR TAYLOR.

Roll Call Vote: 6 YES. 0 NO. 1 Absent. Motion Carried.

Carrier: SENATOR FLAKOLL

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10/23/03
Date

REPORT OF STANDING COMMITTEE (410)
February 11, 2003 10:51 a.m.

Module No: SR-26-2246
Carrier: Flakoll
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SCR 4026: Education Committee (Sen. Freborg, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4026 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-26-2246

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2003 HOUSE EDUCATION

SCR 4026

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10/23/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES
 BILL/RESOLUTION NO. SCR 4026
 House Education Committee

Conference Committee

Hearing Date February 26, 2003

Tape Number	Side A	Side B	Meter #
1	x		3700-5500
Committee Clerk Signature <i>Hinda Fichter</i>			

Minutes: **Chairman Kelsch** opened SCR 4026.

Sen. Dennis Bercler, District 9

I am here today in support of this resolution. Imagine if you will packing up your car and heading for Wyoming. Got the kids and you forgot to bring your checkbook and you have no food. In my opinion that is what this does. It is an unfunded mandate. I've talked to a lot of teachers and educators and everyone that I have talked to feel that this is a good idea. All of the testing and assessments, record keeping. But there is no money. Back at home this past two weeks there have been a number of educational summits talking about what NCLB is going to do. Well it has left behind all of the school boards, teachers and as this thing comes through there is going to be less and less money with more burden put on the teachers to this is all done. This is a 10B project, a unfunded mandate. We have authorization with no appropriation. Some money has been put into it, I don't know what the amount is. No one that I have talked to thinks that assessments are necessarily bad, but with no means it is hard to put that extra burden on teachers. I'm not a teacher, I have only done some work with Higher Education. I think that the idea here

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Bill/Resolution Number SCR 4026
Hearing Date February 26, 2003

is good with NCLB, but with a shortfall of 10B, I don't see how you can put that on schools. In fact there is legislation that is being proposed to put a committee together to understand what NCLB means. Exactly what it means, how it is going to impact school systems, how it is going to affect individual classrooms. That tells me that there is a problem. So this concurrent resolution just asks Congress to send the money with the legislation.

Rep. Sitte When you say, early on that the new federal law increases the level of federal funding and substantially increases the federal oversight. Why would we even want to increase federal oversight of education in North Dakota. Why do we need the federal government to tell us how to run our schools?

Bercier: I personally don't like that part myself. When I had this drafted by Legislative Council and this is how it is in place in the legislation, without trying to change how they wrote it, I guess it wasn't my place to change it. I agree, I don't think we should be under their microscope anymore then school systems should be under the microscope of the legislature.

Rep. Sitte As I look at your purpose, it is most noble, but I don't know if we want more money because it will mean more strings attached.

Bercier: When the money comes, typically there are more strings, however, there is one saving grace and that I think the states don't know a lot about and that is devolution. Devolution is the process of relinquishing the strings that come down with federal money. States in my opinion are hesitant to apply that because it puts the burden on the state government to start building the programs. I went through a long process with Canada, one session ago, where money could come to the state without all of the federal strings. The money could have come to the tribes directly or to any entity that gets money directly. The problems with that is that there is state money

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Bill/Resolution Number SCR 4026
Hearing Date February 26, 2003

involved so then you have to figure out how you are going to fully fund the program. So that the money that comes to ND, in my opinion, we could as legislatures rewrite the language and resubmit it, through the devolution process.

Leah Nelson, ND Education Association

Support of the resolution. Our concern is that is the Federal government is mandating, then they need to provide the money. I am worried about the assessment piece. The assessment is an expensive piece for school and for the state. We test in the grades, 3-5-8 and when in high school. A couple of weeks ago there was a bill up that would do additional assessment. They figured out how much it would cost, and it would cost millions. Well in the year 2005-06, the NCLB mandates that ALL student in grades 3 through 8 and in high school be assessed. That is a lot more dollars, so that federal money had better be here for the mandate that we do it. Also in 2008, Science assessment for 3-5-8 and high school, so there are more assessments, so more money being poured into assessments. We need the money somehow, we want them to help us do the assessment.

Rep. Sitte Does your membership by in large is in agreement with all of these assessments.

Nelson: No we do not agree with all of these assessments. Kids are over assessed as it is. I have a Special Ed background and they told us not to go by all of the assessments, look at everything else I'm doing, the testing is the last thing you look at. And I do not agree with all of the assessments, but if we have to do them, they should supply the money.

Rep. Jon Nelson Is there any federal program in Education Department has a forwarded the money that would give you any confidence that they would fund the mandates that they have passed down to the states and to the school districts. Can you give me one example?

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Bill/Resolution Number SCR 4026
Hearing Date February 26, 2003

Nelson: I can not give you an example

Rep. Sitte Are you aware of the New Hampshire study that found that NCLB will only bring in \$77 of Federal money and cost \$575 out to do the assessments per student.

Nelson: I am not familiar with that in particular and I know that there are some states that have looked at the costs and what states will have to do, will it succeed what the Federal government is going to give them, So they were not going to go with NCLB at all. A lot of those states had respected that idea.

Mary Wahl, ND Council of Educational Leaders

This resolution probably begins with the assumption that we are going to have to implement NCLB. Maybe we will maybe we won't. But if we work from the assumption that the Federal government is going to impose upon us that NCLB requirement then it seems reasonable to them as this resolution attempts to do that they will fund the program that they are mandating us to do. I guess it would be hard to reach back and find a case the Federal government mandated anything for education and fully funded it. Which is probably in my opinion more reason why we ought to be saying to the President and to Congress, that we expect you to fund the program you are mandating that we carry out. So perhaps there is some language that in this resolution that you have some difficulty with, perhaps the concept of oversight as Rep. Sitte pointed out. But the general concept of saying to the President and to Congress, you want us to do NCLB, you are saying we have no choice, then we expect you to fund it.

Rep. Haas This whole issue, we talk about it year after year, with regards to the federal program, my question is: Do you think it is realistic, if you think of two options: the first that the state willingly accepts all of the different forms of Federal funding that they have to offer and try to

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Bill/Resolution Number SCR 4026
Hearing Date February 26, 2003

work with the programs to improve the situation in ND, that is Title 6B, Title I, Carl Perkins, on and on. Amounting to millions of dollars each year. That is one option that we accept that option and try to work with it as best as we can to improve things in ND. The other option is we shouldn't take any of those mandates unless there is 100% funding. So what would you rather do, sacrifice all of that money and tell the federal government to go straight to hell or accept and do what we can and do the best that we can for ND? Which alternative is the better?

Wahl: I believe think that the one not going to hell is acceptable. But I think that it is very important to say to the Federal government when they impose new mandates upon us that they should be stepping up to the plate to help us.

Rep. Haas And I agree with you on that.

Wahl: I'm not unwilling to say that we either give us 100% or whatever. I do feel it is important to send a message that we are hurting out here to trying to make education happened for our kids and so that they need to be asked to do all that they can do for us at the federal level.

OPPOSITION: none

Closed hearing.

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2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. SCR 4026
House Education Committee

Conference Committee

Hearing Date March 03, 2003

Tape Number	Side A	Side B	Meter #
2	x		3800- 4130
Committee Clerk Signature <i>Brenda Fiechter</i>			

Committee work:

Rep. Solberg moved a DO PASS, Rep. Hanson second

Discussion:

Rep. Sitte We said last week why would we ask the feds to oppose a program upon us that we don't necessarily believe in, why increase federal oversight on our educational system, so why would we ask for money that would cost us far more than what we would receive. And also I believe NCLB is a violation of the 10th amendment of the constitution, I oppose this bill.

Rep. Hawken: However, we have to deal with is somewhat, and this is simply saying that we don't want to go down the path that we did with special education, we are there we are doing it and we are not getting our money. So this is saying we don't want to do it unless you give us the money. You are mandating it and we have to do it.

Rep. Solberg I concur with Rep. Hawken, it is a mandate and we are saying "show us the money" or take it away.

Roll vote: 12-1-1 Rep. Hanson will carry the bill on the floor.

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Dorinda Hall
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10/23/03
Date

Date: 3/3/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 4026

House HOUSE EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP ~~Consent extended~~

Motion Made By Solberg Seconded By Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓				
Rep. Johnson	✓				
Rep. Nelson	✓				
Rep. Haas	✓				
Rep. Hawken	✓				
Rep. Herbel	✓				
Rep. Meier	✓				
Rep. Norland	AB				
Rep. Sitte		✓			
Rep. Hanson	✓				
Rep. Hunsakor	✓				
Rep. Mueller	✓				
Rep. Solberg	✓				
Rep. Williams	✓				

Total (Yes) 12 No 1

Absent _____

Floor Assignment Hanson

If the vote is on an amendment, briefly indicate intent:

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Deanna G. Halls 10/23/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
March 3, 2003 4:26 p.m.

Module No: HR-37-3806
Carrier: Hanson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SCR 4026: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS
(12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4026 was placed on the
Tenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-37-3806

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