

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

4030

2007 SENATE EDUCATION

SCR 4030

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 4030

Senate Education Committee

Check here for Conference Committee

Hearing Date: February 26, 2007

Recorder Job Number: 3805, 3806

Committee Clerk Signature

Minutes:

Chairman Freborg opened the hearing on SCR 4030, directing the Legislative Council to study school district reorganizations and dissolutions. All members were present.

Senator Heckaman introduced the resolution. It is not meant to discourage district reorganization or to criticize current procedures. It is meant to help rural schools. Fargo and Grand Forks will never have to worry about reorganization. Schools need to be creative with their staffing. We have to ask ourselves how many miles are too many for bus rides. We need to study the impact of reorganization, what can be done to help our rural schools.

Tom Decker, Department of Public Instruction, testified in favor of the resolution. North Dakota school districts are changing. There is growing disparity between the urban and rural schools in the area of demographics among others. What is a small but necessary district? We can deal with large administrative units but where do we need attendance sites? There have been a number of changes over the last few years. We used to think any reorganization was a good reorganization but that is no longer true. The Senate Education Committee has had testimony about the New Rockford Sheyenne reorganization and we should look at a better, more humane way to do it. We are moving toward a period of considerable change.

Senator Bakke asked if a study has ever been done.

Mr. Decker said not since he has been on the job. It may have been woven into other issues that have been studied but it has not been studied on its own.

Nancy Sand, NDEA, testified in favor of the resolution. She thinks dealing with reorganization is like dealing with education funding, a basic law was passed and pieces have been amended. It needs a thorough study, a good plan for the future.

Jon Martinson, Executive Director, North Dakota School Boards Association, testified in favor of the resolution. JPAs should also be included in the study. JPAs are doing a marvelous job and any study should include them.

Don Piper testified in favor of the resolution. It is unusual for him to support a bill that NDEA supports. He supports it with this caveat: we should study school district organization in North Dakota. The resolution should be broadened. It does not mention annexation or JPAs and they are doing a lot of good and they have to fit together. The purpose of this resolution is fairly narrow and aimed at one situation. He passed out a printout from the NDEA website referring to SB2227 and this resolution (attached).

Chairman Freborg closed the hearing on SCR 4030.

Senator Flakoll said the committee could consider amendments on adding annexation and JPAs. It could be added in lines 17 – 20.

Senator Flakoll moved an amendment to add JPAs and annexations to line 17, seconded by Senator Gary Lee.

Senator Bakke said she would like to remove reorganization and dissolution from line 1 and replace it with organization.

Senator Flakoll withdrew his amendment.

Senator Flakoll moved an amendment to add JPAs and annexations to line 17 and to remove reorganization and dissolution from line 1 and replace with organization, seconded by Senator Bakke.

The motion passed 5-0-0.

Senator Flakoll moved a Do Pass As Amended on SCR 4030, seconded by Senator Taylor.

The motion passed 5-0-0. Senator Bakke will carry the bill.

REPORT OF STANDING COMMITTEE

SCR 4030: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4030 was placed on the Sixth order on the calendar.

Page 1, line 1, after "study" insert "joint powers associations and" and after "reorganizations" insert ", annexations,"

Page 1, line 17, after "study" insert "joint powers associations and" and after "reorganizations" insert ", annexations,"

Renumber accordingly

2007 HOUSE EDUCATION

SCR 4030

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SCR 4030**

House Education Committee

Check here for Conference Committee

Hearing Date: **14 March 2007**

Recorder Job Number: **5046, 5047 and 5049**

Committee Clerk Signature

Jan Prindle

Minutes:

Chairman Kelsch opened the hearing of SCR 4030.

Senator Joan Heckaman, District 23, sponsor, introduced the resolution. This resolution directs the Legislative Council to study school district reorganizations and dissolutions and also JPAs and annexations. This is not meant to discourage any reorganization, annexations or any of those things by any means; but it would help small, rural districts find solutions to educating students in the face of decreasing enrollment, increasing educational costs, and the requirements of NCLB. Schools like Fargo and Grand Forks will never have to worry about these issues, but our rural districts are getting larger, miles between farms are greater and schools continue to have to be creative in filling their staff positions. I find that interactive networking has been helpful in our rural areas . . . but the bottom line is how many miles are too many to transport students to insure a quality education is leading to some grey areas. I'm sure all of you also know reorganizations and decreasing populations have impacted extracurricular activities. Coops have names longer than the biggest word in the dictionary right now. This study would also examine the impact of reorganization and how it would it affect students, parents, teachers, tax payers, and communities. What can be done to help our rural schools? I ask for your support in carrying this study forward over the interim.

Nancy Sands, ND Education Association, testified in favor of the resolution. We are in support of this bill. I've been employed with NDEA since the time when you used to put money up front for school districts to consider reorganization. We've come a long way since then and we have a lot of school districts that have done it and we have many more that are wondering about their future. We now have JPAs. I think this study is very, very timely and believe it needs to be done and I trust you will give this a do pass recommendation.

Tom Decker, DPI, testified in favor of the bill. We support this study resolution. We have talked to your Committee before about the changes that are taking place in ND school districts-
-demographic changes and other kinds of issues. In addition to what's specifically been mentioned, other pieces of the process of dissolution and reorganization that should be looked are county superintendents and their role and county committees. Over the years we've done a lot of changes in dissolution and reorganization law and it would be good to look at the impacts of those and how we might deal with that better in the future.

There was no further testimony. Chairman Kelsch closed the hearing of SCR 4030.

Later discussion was opened on SCR 4030.

Representative Herbel: I move a Do Pass.

Representative Mueller: I second.

Representative Haas: I wonder if the resolution in its present form would permit the study to include that (county superintendents and county committees)? It seems to me that it might, but I'm not 100% sure of that. I think it does merit inclusion to make sure that is addressed if the study is chosen for work by the Council.

Chairman Kelsch: I'm trying to find a spot where it fits.

Representative Haas: Perhaps it can be construed to be included there?

Chairman Kelsch: You could put it in line 19 put a comma after "outcome" and say "including the role of county superintendents and county committees."

Representative Mueller: I don't disagree with the inclusion of the county committees and the structures that we have, but in looking at it there is no way we can do this without involving those folks. I'm not so sure it isn't already in there. If we end up studying this, there is no way we cannot do that, in my opinion.

Chairman Kelsch: Because we are having a discussion about it, it's on the record now. We can come back to this after we hear the next resolution. Senator Dever is here for that.

Representative Herbel: I withdraw my motion.

Representative Mueller: I withdraw my second.

Discussion closed.

Later in the day discussion of SCR 4030 resumed,

Chairman Kelsch: Did you pick out a place that we can . . .

Representative Haas: I like what said earlier. **I So Move to add that language.** (See Above.)

Representative Mueller: I second.

Chairman Kelsch: I like that we are adding it in there because I do think that they play an important role and I just want to make sure that it's on there.

A voice vote was taken. The amendment was accepted.

Representative Mueller: I move **Do Pass as Amended** and place on the consent calendar.

Representative Solberg: I second.

A voice vote was taken: The motion passed unanimously.

Representative Mueller will carry the bill.

Date: 14 Mar 07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1030

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Herbel Seconded By Mueller

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep Hanson		
V Chairman Meier			Rep Hunsakor		
Rep Haas			Rep Mueller		
Rep Herbel			Rep Myxter		
Rep Johnson			Rep Solberg		
Rep Karls					
Rep Sukut					
Rep Wall					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

Date: 14 Mar
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2030

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Line 19 add "including the role of county supts + committees"

Motion Made By Haas Seconded By Beeller

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep Hanson		
V Chairman Meier			Rep Hunsakor		
Rep Haas			Rep Mueller		
Rep Herbel			Rep Myxter		
Rep Johnson			Rep Solberg		
Rep Karls					
Rep Sukut					
Rep Wall					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

Date: 12 May
Roll Call Vote #: 23

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2103A

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Rep Haas as Amended on Consent

Motion Made By Drullman Seconded By Solberg

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep Hanson		
V Chairman Meier			Rep Hunsakor		
Rep Haas			Rep Mueller		
Rep Herbel			Rep Myxter		
Rep Johnson			Rep Solberg		
Rep Karls					
Rep Sukut					
Rep Wall					

Total Yes 13 No 0

Absent 0

Floor Assignment Drullman

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

Amended

REPORT OF STANDING COMMITTEE

SCR 4030, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4030 was placed on the Sixth order on the calendar.

Page 1, line 19, after "outcome" insert ", including the role of county superintendents and county committees"

Renumber accordingly

2007 TESTIMONY

SCR 4030

SB2227 – EMPLOYMENT OF TEACHERS IN REORGANIZED DISTRICTS

SB2227 was introduced to take care of a problem. In the past history of reorganizations, teachers in the districts involved in the reorganization were offered contracts in the new district for jobs available. If there were fewer jobs than teachers, some teachers did not get contracts. This process had been going along okay. Even though there was reduction in force in some reorganizations, teachers understood those circumstances.

When New Rockford and Sheyenne reorganized, however, that reorganization board did not follow the same practice of hiring from within. That board hired from the outside for about ten positions. New Rockford and Sheyenne teachers with good evaluations and many years of service were let go in favor of teachers from other school districts. Thus, SB2227 was introduced by Senator Joan Heckaman to take care of any future problems like what happened in New Rockford and Sheyenne. The bill required reorganization boards to first hire teachers from the districts that are reorganizing if those teachers are qualified for the jobs.

This turned out to be a heartbreaker. The Senate Education Committee gave the bill a 3/2 Do Not Pass recommendation. Senators Flakoll, G. Lee, and Freborg voted in favor of the motion. Senators Bakke and Taylor voted to support the bill.

When the bill came to the Senate floor, the Senate vote was 23/22 in favor of the bill. There was an immediate feeling of elation, followed by an immediate feeling of absolute disappointment. Forty-five Senators voted on the bill, but there are a total of 47 Senators. For a bill to pass, there must be a majority of elected legislators. Thus, 24 votes were needed in favor of the bill.

Here is how Senators voted on the bill:

YEAS: Anderson, Bakke, Behm, Fiebiger, Hacker, Heckaman, Heitkamp, Holmberg, Horne, Krauter, Lindaas, Marcellais, Mathern, Nelson, O'Connell, Pomeroy, Potter, Robinson, Seymour, Tallackson, Taylor, Triplett, Warner

NAYS: Bowman, Christmann, Cook, Dever, Erbele, Fischer, Flakoll, Freborg, Grindberg, Kilzer, Klein, Krebsbach, G. Lee, J. Lee, Lyson, Nething, Oehlke, Stenehjem, Tollefson, Urlacher, Wanzek, Wardner

ABSENT AND NOT VOTING: Andrist, Olafson

Members should thank the Senators who voted in favor of this bill.

SCR 4030 – REORGANIZATION ISSUES STUDY

Partially in response to SB2227 being defeated, Senator Joan Heckaman has introduced a resolution to study reorganization and dissolution issues to include current statute; impact on students, parents, teachers, taxpayers, and communities; and the continued relevancy of the processes. Currently, in North Dakota many school districts are experiencing declining enrollment, and the declining enrollment is predicted to continue. These school districts have basically three options: reorganization, dissolution, or annexation. Recommendations from the study could include legislation to be proposed during the 2009 Legislature. The bill has been assigned to the Senate ED Committee.

4030. Piper