

2013 SENATE EDUCATION

SCR 4012

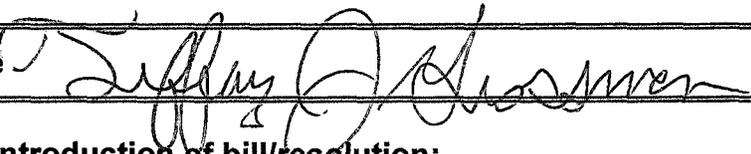
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

SCR 4012
2-12-13
18782

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A concurrent resolution directing the Legislative Management to study state alternatives to the statutory and regulatory requirements placed on North Dakota schools and school districts by the United States Department of Education, determine whether there are viable options to achieve the federal government's goals without having the federal government's oversight and involvement, and determine whether the federal fiscal impact is a significant and necessary factor in assenting to the continuance of federal government involvement in this state's educational process

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll opened the hearing on SCR 4012

Senator Howard Anderson, District 8: I am the prime sponsor of SCR 4012 (Written Testimony #1 attached)

Senator Luick: Are other states pursuing this?

Senator Howard Anderson, District 8: I do not.

Vice Chairman Schaible: This is a good idea to pursue but if we opt out and find out it is costing us \$2 for every dollar we get, at some point we will be leaving \$335 million on the table that we didn't take. How do we justify that to the state of North Dakota?

Senator Howard Anderson, District 8: I hear from our people and teachers that if we can figure out how to do it ourselves, they would be happy with that. Those are all decisions we make. We don't know if we can opt out of one program and not others. The study will answer our questions.

Chairman Flakoll: It was \$28.5 million for the No Child Left Behind Act that we had to decide if we should participate, if we should not participate, what we have to do and what we may not do. At that time we were money strapped and it was a mandated federal program but there were tentacles that went with that reducing or eliminating federal funds for transportation or federal funds for human services. Have you been able to find out how

many have tentacles associated with them that expand beyond the \$335 million or would that be part of the study on a case by case basis?

Senator Howard Anderson, District 8: That will be part of the study. That will be an important consideration.

Chairman Flakoll: Which programs do you get most complaints about?

Senator Howard Anderson, District 8: The No Child Left Behind and the School Lunch Program. We should look at what we get from the feds for education.

Chairman Flakoll: In the bill it says \$2 trillion in 1970 and has tripled. I look at our salary and it went from \$5 to \$157 during that same period of time so I don't think we are overpaid.

Senator Howard Anderson, District 8: Some of that history wasn't my idea to put in there. That came from Legislative Council.

Chairman Flakoll: On page 1 line 21 are you wedded to the "barely budgeted" wording or can we change it to more academic.

Senator Howard Anderson, District 8: If you make changes and go ahead with the study, I will be happy with that.

Bob Marthaller, Assistant Superintendent for the DPI: We support the intent for this study. A lot of work will fall back on the DPI but we wish to make this productive. Our objective is to provide quality education and if we can do that better without federal intrusion we are in favor of that. If the state could fund those dollars we could not accept them in the federal program. We support the study and would also want to take a look at if we opt out, what impact that might have on other programs in the state including transportation. We have to be very careful about that. We do support the study and will make it a productive one.

Senator Heckaman: Can you give us a rough estimate of how the \$300 million is allotted?

Bob Marthaller, Assistant Superintendent for the DPI: We can provide those for you later. We don't have them today.

Chairman Flakoll: To what extent would the funds impact private schools?

Bob Marthaller, Assistant Superintendent for the DPI: I believe there would be minimal impact to private schools. There may be some implication with Title one funding though.

Chairman Flakoll: What do you get the most angst over in terms of people calling or writing within the past year or two?

Bob Marthaller, Assistant Superintendent for the DPI: The biggest issue we have heard about is the child nutrition food distribution. No Child Left Behind since its inception, but

now most recently with proficiency rates and school districts having to reach 100% proficiency has been an issue. We know best at the local level what decisions need to be made for our particular communities and the kids we serve.

Chairman Flakoll: How many federal dollars do we get on an annual or biannual basis?

Bob Marthaller, Assistant Superintendent for the DPI: In the child nutrition it is about 40 million and in Title one about 110-120 million in funding. It is important to know most of those dollars go directly to school districts.

Senator Luick: Do you think the main reason for this study is primarily because of the nutrition program?

Bob Marthaller, Assistant Superintendent for the DPI: That has been getting the most press. It has brought the whole idea of federal intrusion on everyone's radar.

Senator Heckaman: In the funding bill HB 1319, are there initiatives in the state funding money to give it to the school districts and let them use it how they like or are there stipulations?

Bob Marthaller, Assistant Superintendent for the DPI: I don't believe there are restrictions. I can't really comment about that. I know it has been said particularly with the property tax relief that we are approaching nearly 80% state dollars that are going to school districts in support of public education so I think everyone understands that with a greater percentage of funding that is going to school districts there may be greater oversight required.

Senator Heckaman: If you get money from the weighting factors must those funds be used in that area?

Bob Marthaller, Assistant Superintendent for the DPI: The weighting factors establish a level for various special needs but those dollars go in foundation aid, the general fund, so they can be used to support all services provided by school districts.

Chairman Flakoll: Are the school districts doing analysis on the school lunch program where they weigh it in and out? Example: If they serve 2,000 pounds and come back with 600 pounds of refuse. Are we getting any of that data?

Bob Marthaller, Assistant Superintendent for the DPI: I am not aware of specific studies being done.

Chairman Flakoll: Closed the hearing on SCR 4012 but moved to discussion

Chairman Flakoll: What are your thoughts on page one line 21? Does anyone have better language? "Barely budged" seems a little pedestrian to me.

Senator Luick: Take 20 and 21 out.

Senator Luick: Move as an amended for SCR 4012 to strike lines 20 and 21 and renumber accordingly

Vice Chairman Schaible: Second

A roll call was taken to adopt the amendment: 6 yeas, 0 neas, 0 absent

Vice Chairman Schaible: Move SCR 4012 as amended for a Do Pass

Senator Luick: Second

Senator Heckaman: I will not support this resolution for the fact that this will put a tremendous amount of requirements on the Department of Public Instruction. We are asking a lot now.

Senator Poolman: I have to agree in terms of the resolution itself. Even if we find many of these are cumbersome regulations, we still have taxpayers who pay federal taxes and those are increasing this year. I feel we are leaving tax payer dollars on the table from a federal perspective to charge more on a state level so I am also not going to support the resolution.

Senator Luick: I understand what you are looking at because I feel the same way but this is just a study to see how many dollars are left on the table and to see how it affects each of those programs. There might be a better way to be doing this.

Vice Chairman Schaible: I don't like leaving money on the table but if this study shows that we are getting less than we are putting in it would be prudent financial management to opt out of the program.

Senator Heckaman: If it was more specific I would be in support. This requires them to study everything. This could be a huge burden for the department and they may not be able to go forward with their new initiatives because of this burden. I would be more favorable if it was to study one or two.

Senator Luick: We are the education committee and this is the department we work with so do we look at it. If we can save money and run the programs better, the other agencies might jump on board.

Chairman Flakoll: Should we narrow the program and come back to this after feedback?

Senator Heckaman: Where are we going to start looking? The lunch program comes from the Department of Agriculture. I am not supporting the bill as a whole. If we start delineating all of the parts, we could have a bill several pages long and a lot of work for the department.

Vice Chairman Schaible: We should gather more information. I **Withdraw my motion**

Senator Luick: Withdraw my second

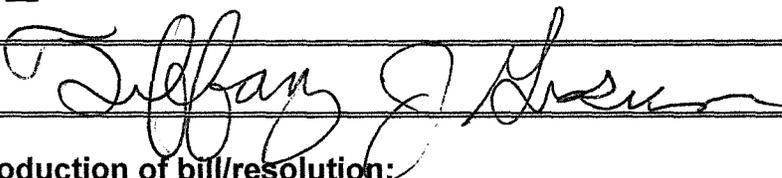
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

SCR 4012
2-20-13
19252

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A concurrent resolution directing the Legislative Management to study state alternatives to the statutory and regulatory requirements placed on North Dakota schools and school districts by the United States Department of Education, determine whether there are viable options to achieve the federal government's goals without having the federal government's oversight and involvement, and determine whether the federal fiscal impact is a significant and necessary factor in assenting to the continuance of federal government involvement in this state's educational process

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll: Senator Heckaman passed amendments out (Attachment #1)

Senator Heckaman: When we heard SCR 4012 I felt that while it was important, it was too broad for the Department of Public Instruction to have to be involved in that. I focused on one of her initiatives and that is early childhood education programs in the state. This moves the focus from everything to early childhood and involves federal, state, and local initiatives.

Senator Heckaman: Move the amendment to SCR 4012

Senator Marcellais: Second

Vice Chairman Schaible: My understanding of the original intent of this study was some other funding including the food service which seemed to be one of the biggest items we are concerned about. This changes the focus.

Senator Heckaman: The intent was to move away from here because if we are going to talk about the food program they certainly aren't under the Department of Education and wouldn't even get touched here but I would appreciate a friendly amendment to do this.

Vice Chairman Schaible: Some of it was all programs related to education and the food program comes out of the Department of Agriculture but it still has to do with education. Being the Senate representation for the Education Coalition of States, I contacted them and asked them is it available to opt out of these federal programs including the Department of

Agriculture's food program and all of the education programs and if we could opt out of one without the other. Some states are currently looking at that also. I asked Kirsten and Mr. Marthaller about how vast and difficult that scope would be and they indicated it wouldn't be that hinder some. Going exclusively to childhood education seems like a radical change of the intent.

Senator Poolman: I love what these amendments say and I am a huge advocate for studying all of this. The head start bill over in the House turned into a study that was not just about head start but also about early childhood education programs. I think it is covered in that bill and we will see that bill come over this way. In talking with Superintendent Baesler she is interested in exploring it, as cumbersome as it may sound to me to look at those programs. She seems interested so I think maybe we should keep the original intent.

A roll call vote was taken to adopt the amendment to SCR 4012: 2 yeas, 4 neas, 0 absent.

Senator Poolman: Did we amend this already once?

Chairman Flakoll: We did amend it.

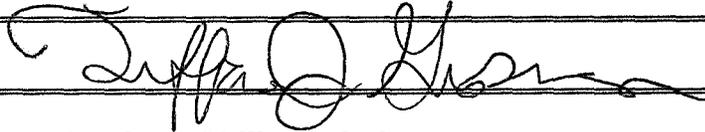
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

SCR 4012
2-20-13
19253

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A concurrent resolution directing the Legislative Management to study state alternatives to the statutory and regulatory requirements placed on North Dakota schools and school districts by the United States Department of Education, determine whether there are viable options to achieve the federal government's goals without having the federal government's oversight and involvement, and determine whether the federal fiscal impact is a significant and necessary factor in assenting to the continuance of federal government involvement in this state's educational process

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll: Opened discussion on SCR 4012

Vice Chairman Schaible: Does Legislative Management have the availability to adjust and adapt these studies or are they at face value?

Chairman Flakoll: I would say they would have some latitude. I'm guessing we could put it in the language.

Vice Chairman Schaible: Move Do Pass on SCR 4012 as amended

Senator Luick: Second

A roll call vote was taken for a Do Pass as amended to SCR 4012: 4 yeas, 2 neas, 0 absent

Schaible will carry

13.3080.01002
Title.02000

Adopted by the Education Committee

February 20, 2013

[Handwritten signature]
2-20-13

PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4012

Page 1, remove lines 20 and 21

Renumber accordingly

4/0/2

Date: 2-10-13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO.

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken adopt amendment

Motion Made By Luick Seconded By Schaible

Senators	Yes	No	Senator	Yes	No
Chariman Tim Flakoll	✓	✓	Senator Joan Heckaman	✓	
Vice Chairman Donald Schaible	✓	✓	Senator Richard Marcellais	✓	
Senator Larry Luick	✓	✓			
Senator Nicole Poolman	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment _____

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

Strike lines 20 + 21

SCR 4012

Date: 2-20-13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO.

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken adopt amendment

Motion Made By Heckaman Seconded By Marcellais

Senators	Yes	No	Senator	Yes	No
Chairman Tim Flakoll		<input checked="" type="checkbox"/>	Senator Joan Heckaman	<input checked="" type="checkbox"/>	
Vice Chairman Donald Schaible		<input checked="" type="checkbox"/>	Senator Richard Marcellais	<input checked="" type="checkbox"/>	
Senator Larry Luick		<input checked="" type="checkbox"/>			
Senator Nicole Poolman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			

Total (Yes) 2 No 4

Absent 0

Floor Assignment _____

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

Moves focus from everything to just early child hood

SUR 4012

Date: 2-20-13
Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO.

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.3080 ⁰¹⁰⁰² ~~01002~~

Action Taken Do pass as amended

Motion Made By Schaible Seconded By Luick

Senators	Yes	No	Senator	Yes	No
Chairman Tim Flakoll	✓		Senator Joan Heckaman		✓
Vice Chairman Donald Schaible	✓		Senator Richard Marcellais		✓
Senator Larry Luick	✓				
Senator Nicole Poolman	✓				

Total (Yes) 4 No 2

Absent _____

Floor Assignment Schaible

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

REPORT OF STANDING COMMITTEE

SCR 4012: Education Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4012 was placed on the Sixth order on the calendar.

Page 1, remove lines 20 and 21

Renumber accordingly

2013 HOUSE EDUCATION

SCR 4012

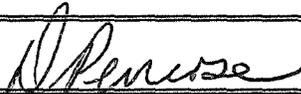
2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

SCR 4012
March 12, 2013
19745

Conference Committee

Committee Clerk Signature



Minutes:

Ch. Nathe: We will open the hearing on SCR 4012.

Sen. Margaret Sitte: Co-sponsor, support. Explained the bill (see attached #1 testimony from Sen. Howard Anderson, prime sponsor). She read page 2, line 1-6. This study came about in part because of a conversation that Sen. Anderson and I had last summer when he was running for election. During the presidential debates, Gary Johnson, who is a ND native from Minot and was a former NM Governor, said that for every 11 cents his state of NM received from the federal government, under "No Child Left Behind" it cost the state 16 cents to implement. That sparked the conversation, how much is it really costing us to implement these programs when the federal government gives us some seed money, are we actually losing money along the way. We've heard from some of the school districts that there is so much paperwork, so much work that goes along with these federal funds that we're wondering if we couldn't do it much better, cheaper in the state ourselves. That's the thrust of this resolution.

Rep. Heller: Isn't this already in HB 1319 in the budget for them to look at federal funding.

Sen. Sitte: I don't, I'm not on the Education committee any more.

Ch. Nathe: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing. What are the committee's wishes?

Rep. Schatz: I move a Do Pass.

Rep. Heilman: Second the motion.

9 YES 4 NO 0 ABSENT

DO PASS

CARRIER: Rep. D. Johnson

Date: 3/12/2013
 Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 4012

House EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Amended Rerefer to Appropriations
 Do Not Pass Adopt Amendment

Motion Made By Rep. Schatz Seconded By Rep. Heilman

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe	✓		Rep. Bob Hunsakor		✓
Rep. Mike Schatz	✓		Rep. Jerry Kelsh		✓
Rep. Joe Heilman	✓		Rep. Corey Mock		✓
Rep. Brenda Heller	✓				
Rep. Dennis Johnson	✓				
Rep. Ben Koppelman	✓				
Rep. Lisa Meier	✓				
Rep. Karen Rohr	✓				
Rep. David Rust	✓				
Rep. John Wall		✓			

TOTAL (YES) 9 (NO) 4 (ABSENT) 0

FLOOR ASSIGNMENT Rep. D Johnson

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

REPORT OF STANDING COMMITTEE

SCR 4012, as engrossed: Education Committee (Rep. Nathe, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4012 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

SCR 4012

Senate Concurrent Resolution 4012

Senate Education Committee

February 12, 2013 at 10 AM

Missouri River Room



Chairman Flakoll and members of the Senate Education Committee, I am Senator Howard C. Anderson Jr. from District 8 and the prime sponsor of this resolution.

Every time I have a constituent complain about the current school lunch program menu, or hear a teacher's frustration trying to comply with the testing requirements of the US Department of Education, I think "We need to study this and look at our options".

I talked with some of the leadership and with Superintendent Baesler, all of whom encouraged me to introduce this so we could discuss the possibilities.

The study will tell us:

Which Federal Programs can we opt out of?

Is it in our best interest to do so?

What would the cost be to do these things ourselves?

How might we do it less expensively?

I explained to Superintendent Baesler that much of the work to answer these questions would be directed to her department and she seemed to welcome the opportunity for this study.

North Dakota currently receives \$335 million per biennium of Federal Money.

We might be able to cut some costs if we did it ourselves. We will need to make some long term funding decisions, but these are things the study will tell us.

I encourage you to support this resolution.

Sincerely,

Howard C. Anderson Jr.

#1

PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4012

Page 1, line 1, remove "state alternatives to the"

Page 1, remove lines 2 through 6

Page 1, line 7, replace "educational process" with "federal, state, and local funding initiatives supporting or encouraging the development of early childhood education programs throughout the state."

WHEREAS, early educational experiences significantly impact a child's cognitive growth, language development, motor skills, adaptive skills, and social and emotional functioning; and

WHEREAS, well-managed and high-quality early childhood education programs support and enhance the role of parents in providing a solid educational foundation for their children; and

WHEREAS, quality early childhood education programs range from large scale federally sponsored initiatives such as head start to significantly smaller local or private initiatives;"

Page 2, line 3, remove "the statutory and regulatory requirements placed on"

Page 2, replace lines 4 through 8 with "federal, state, and local funding initiatives that support or encourage the development of early childhood education programs throughout the state, determine whether the initiatives are being fully utilized, examine their effectiveness, and determine the short-term and long-term viability of such initiatives; and"

Renumber accordingly

#1

Senate Concurrent Resolution 4012

House Education Committee

March 11, 2013 at 9 AM

Pioneer Room

Chairman Nathe and members of the House Education Committee, I am Senator Howard C. Anderson Jr. from District 8 and the prime sponsor of this resolution.

Every time I have a constituent complain about the current school lunch program menu, or hear a teacher's frustration trying to comply with the testing requirements of the US Department of Education, I think "We need to study this and look at our options".

I talked with some of the leadership and with Superintendent Baesler, all of whom encouraged me to introduce this so we could discuss the possibilities.

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I encourage you to support this resolution.

Sincerely,

Howard C. Anderson Jr.