

**2015 HOUSE EDUCATION**

**HB 1380**

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Pioneer Room, State Capitol

HB 1380  
2/2/2015  
23035

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Donna Whetham*

## Explanation or reason for introduction of bill/resolution:

Relating to the required closure of schools; and to amend relating to the rescheduling of classes due to weather.

## Minutes:

**Chairman Nathe:** opened the hearing on HB 1380.

**Representative Kempenich:** District 39. Introduced the HB 1380. This bill gives a path of how to call the school during inclement weather. It can be a safety issue in the country. The bill would let you count those days as a recognized school day.

**Rep. Kelsh:** In section one this bill says they will have to immediately dismiss I assume they would get the buses on the road?

**Representative Kempenich:** Yes, so that they are traveling in the daylight when you can still navigate on the roads. It is aimed at more rural situations.

**Rep. Kelsh:** if you have a no travel advisory would you want the buses on the roads?

**Representative Kempenich:** If it is still daylight it would become a judgement call if things deteriorate, that they would call it off earlier.

**Rep. Hunskor:** If the sheriff notified a superintendent, does professional judgment refer to the superintendent in line 12 of the bill?

**Representative Kempenich:** No it refers to the sheriff's judgment. The sheriff might have more information on the conditions of the roads.

**Rep. Hunskor:** I know there are some superintendents that feel it is taking their decision making away and they feel they are doing a good job?

**Representative Kempenich:** Yes they can feel that way, especially the larger schools. It does become an issue. It is different and there is some more in tune than others.

**Chairman Nathe:** If Burleigh county sheriff calls and says no travel advised school would be closed. Wouldn't the superintendent close the school anyway? Why give the authority to the sheriff?

**Representative Kempenich:** Yes at the end of the day the superintendent would make that call.

**Chairman Nathe:** In your bill if the sheriff did that the superintendent would have not authority to change it the decision will have been made.

**Rep. Zubke:** You mentioned legislating common sense, is there a specific situation you are having problems with?

**Representative Kempenich:** There is one, but some districts are more in tune to this. This is for more rural districts. Part of this bill is trying to change it so that you don't have to use snow days.

**Rep. Koppleman:** In cities there are circumstances where the rural buses leave early. Wouldn't you say local law enforcements would make the call better instead of the county sheriff?

**Representative Kempenich:** There is an issue here because there is no standard here. It interrupts everyone's life, but some systems have only a judgment call from a superintendent others have a system in place. I wanted to craft something that gives you some type of system in place.

**Rep. Schreiber Beck:** I read that you don't have to make up the school day if the sheriff calls school off. Then you would always have the sheriff call it off wouldn't you?

**Representative Kempenich:** Putting a third party in here takes the pressure off the local school system.

**Rep. Schreiber Beck:** Is there a record on how many days are called off over the last 5 or 10 years?

**Chairman Nathe:** We could check with DPI on that.

**Rep. Hunsakor:** Say the superintendent is waiting for the sheriff to call and he isn't calling, but the superintendent's is waiting for the call, could this happen?

**Representative Kempenich:** This bill doesn't stop the superintendent to calling off school.

**Rep. Hunsakor:** My concern is there might be a miscommunication between the superintendent and the sheriff.

**Chairman Nathe:** Have you talked to the sheriff's association is this something they want?

**Representative Kempenich:** I didn't ask them.

**Chairman Nathe:** Any other support for HB 1380?

**Kayla Pulvermocker:** North Dakota Farmers Union: In support of HB 1380. We like the language in Section B. Our policy supports exempting schools from those days when they do call off school. We would have issues with the actual mechanism of Section 1 and how that would actually work.

**Chairman Nathe:** Any support? None. Any opposition to HB 1380?

**Steve Kukowski:** Ward County Sheriff. In opposition to HB 1380. I realize it is a safety issue and I am all in favor of safety. I do not want to interfere with the school system. They have their system and we may not have time to call the superintendent. I don't want to cancel a school day when I don't know what is happening as far as the school's schedule.

**Rep. Mock:** Does any of the rural districts contact you when they are making a decision to cancel school?

**Steve Kukowski:** I know the superintendent very well and I have no problem putting him in the loop to call. We do have that agreement already.

**Rep. Mock:** That is already in place so they know to contact you, and your office is cooperative in terms of advising whether roads are drivable for buses?

**Steve Kukowski:** Yes the DOT was a driving force for that. They made us have a mandatory meeting every fall before the winter weather comes and go over the protocol and abide by that.

**Rep. Kelsh:** Is that an implication of section one of the bill that you would cancel school and to get the buses on the road?

**Steve Kukowski:** I don't want children on the road or county employees on the road. When the wind blows it can cause problems.

**Rep. Kelsh:** If there is a no travel advisory, why would they close the school and have the buses on the road they might as well finish the day? If they are not supposed to be on the road.

**Rep Dennis Johnson:** If the sheriff calls a day of school off, then who would be responsible if a school bus would stall or something?

**Steve Kukowski:** It would be the schools responsibility now, and I would hate to take responsibility for the school system.

**Ben Schafer:** Superintendent of Ray Public Schools. In opposition to 1380.

**Chairman Nathe:** Do you sometimes let the rural kids stay home and have school anyway for the kids who can make it?

**Ben Schafer:** Yes.

**Chairman Nathe:** So we can have a sheriff that says don't travel but he may mean rural not in the city.

**Ben Schafer:** Correct. Often when we don't run buses 60 to 70% of our students show up for school anyway. Then we have school and try to catch those up who didn't make it.

**Chairman Nathe:** How many snow days is there built in your school year?

**Ben Schafer:** We can miss one snow day without making it up and we build in 2 days.

**Chairman Nathe:** Under this bill, if the sheriff says there is no school and say it is 4 days, how does that affect the school because there is so many days of instruction you have to have.

**Ben Schafer:** I think it would affect the education of the students.

**Dr. Larry Nybaldh:** Grand Forks superintendent, in opposition to HB 1461. I received an e-mail from a sheriff saying I am against HB 1380 that is what superintendents are for. Superintendents have been doing this for a very long time. They make the most informed decisions for their schools. The intent of the bill sponsor is good but one person's common sense is another person's bad judgment. Governor does have the authority to forgive days.

**Chairman Nathe:** Any other opposition for HB 1380? Closed the hearing on HB 1380.

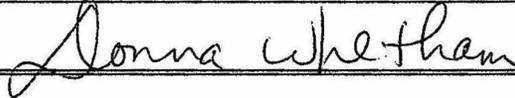
# 2015 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Pioneer Room, State Capitol

HB 1380  
2/4/2015  
23183

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to the required closure of schools; and to amend relating to the rescheduling of classes due to weather.

## Minutes:

**Chairman Nathe:** reopened the hearing on HB 1380. This bill has to do with rescheduling classes due to weather and it pretty much gives the authority to the sheriff.

**Rep. Zubke: Moved Do Not Pass on HB 1380.**

**Rep. Schreiber Beck: Seconded**

**Rep. Schreiber Beck:** Based on the superintendents testimony it reveals it isn't necessary. I do believe there are some problems and maybe this will do something with the problems that exist.

**Chairman Nathe:** The sheriff came and was on the opposing side and said he didn't want it either. It puts the superintendent in a tough position.

**Rep Dennis Johnson:** Superintendents do have a tough job deciding when to cancel school.

**Rep. Mock:** I am glad it was brought to our attention. But I will support the motion.

**Rep. Kelsh:** Superintendents are in a tough spot but this bill doesn't solve the problems.

**Rep. Hunsakor:** There are too many variables here of who is going to make the decision.

**Rep. Rohr:** You are just adding another layer.

**Vice Chairman Schatz:** I will vote no. Primarily because if the roads are bad you should stay home.

**A Roll Call Vote was taken. Yes: 11 No: 1 Absent: 1. Motion Carried.**

**Rep. D. Johnson: will carry the bill.**

Date: 2/4/15  
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1380**

House Education Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep. Zubke Seconded By Rep. Schreiber Beck

Representatives	Yes	No	Representatives	Yes	No
Chairman Nathe	✓		Rep. Hunskor	✓	
Vice Chairman Schatz		✓	Rep. Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Mock	✓	
Rep. B. Koppelman	A				
Rep. Looyen	✓				
Rep. Meier	✓				
Rep. Olson	✓				
Rep. Rohr	✓				
Rep. Schreiber Beck	✓				
Rep. Zubke	✓				

Total (Yes) 11 No 1

Absent 1

Floor Assignment Rep. Johnson

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

**REPORT OF STANDING COMMITTEE**

**HB 1380: Education Committee (Rep. Nathe, Chairman) recommends DO NOT PASS**  
(11 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1380 was placed on the  
Eleventh order on the calendar.