

1999 SENATE EDUCATION

SB 2199

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2199

Senate Education Committee

Conference Committee

Hearing Date 1/20/99

Tape Number	Side A	Side B	Meter #
1	X		0-6185
1		X	0-713

Committee Clerk Signature

Jinda Christman

Minutes:

Senator Freborg called the meeting to order, roll call was taken, all were present.

Senator Freborg opened the hearing on SB 2199.

Senator Ralph Kilzer introduced the bill. Testimony enclosed.

Senator O'Connell: Senator you said in your opening remarks that there is a problem by constituents. Do you relate that?

Senator Kilzer: Yes, there is a young man who will be testifying shortly. His problem was speech competition, he had won at the local level and was to go the state tournament but was not permitted to because of this clause.

Senator Freborg: Any questions for Senator Kilzer? Thank you. Representative Carlisle.

Representative Carlisle: Representative Carlson and I have signed on the bill and I relinquish our time so the gentleman can testify.

Joshua Lawrence spoke in favor of SB 2199. Testimony attached.

Senator Freborg: Thank you young man. It is easy to see why you won some state tournaments. Any questions for Joshua? Joshua, that means you did an excellent job. When they don't ask questions you gave them all the information. Thank you. Who will be next to testify in favor of SB 2199?

Evi Lawrence spoke in favor of SB 2199. Testimony enclosed.

Senator O'Connell: How does this affect you personally and why did you choose to home school?

Evi Lawrence: As to the reasoning I chose to home school, initially we lived in Houston, Texas and our son Joshua was ready to enter kindergarten. He was beginning to do reading and doing a lot of activities and kindergarten in the Houston area was all day and personally as an educator I don't think that five year old children should be in school all day. It was a forty-five minute bus ride for him to get to the school each way. He was going to be getting on a bus for that length of time with 6th grade children. And the fact that it was a "readiness" program rather than a reading program, all combined we thought that at the time it would be in Joshua's best educational interest that we home school. We came up here and we considered public school for a few months and were completely dissatisfied and felt that for us, Joshua's best educational interests would be best served if he was home schooled. And that's what we have done since.

Senator O'Connell: In your daily life now, how does it affect you?

Evi Lawrence: On a practical day to day level it is not affecting me at all, because we had not chose to put Joshua in Shiloh's speech team. We thought that one class was more than we could afford at this time and with the trip back and forth it's just not reasonable because of the distance.

So he is on the Bismarck High speech team and is quite happy. But personally, I feel this is a bill that needs to be passed because I would like all those schoolers to have that freedom to choose religious schools or public schools for these extra curricular activities.

Senator O'Connell: You are an educator?

Evi Lawrence: Yes I am. I have a Bachelor of Science degree in education. I graduated from Southwest Texas State University and I am certified in the state of Texas and I have a teaching certificate in ND as well.

Senator Freborg: Thank you. Senator Kelsh do you wish to testify? Other testimony in favor of SB 2199.

Dr. Lowell Jensen superintendent of schools in the Bismarck school district spoke in favor of the bill. No written testimony. Felt this had the potential of being a win, win situation. Thought this was an opportunity to give students opportunities to compete not only in public schools, private schools and so on. Would be in complete agreement with the bill with the amendment.

Senator O'Connell: How do you monitor legislation like this when they are not in any school at all for eligibility?

Dr. Jensen: It would be handled according to the coaches in the private school. And private schools have to observe the same eligibility as the public schools, so it would be monitored in that way. They are not participating in mathematics or any of those things but if they are on a basketball team then the coach would be responsible for monitoring the activity and making sure that they are eligible. And it may mean that because there are grade eligibility requirements it may mean that that would actually fall to the coach of whatever school-- the same thing applies.

Senator O'Connell: You know that it is a problem with us and it's basically that if that isn't provided there is a certain work out, but I don't see any big problems.

Senator Wanzek: It is my understanding that if a public school does not offer an extra curricular activity are the students from that public school able to attend a neighboring public school that does offer it? For instance, I know in Jamestown it's my understanding that there are some students from Medina or Montpelier that participate on the Jamestown Bluejay Football Team. Is that possible?

Dr. Jensen: It is possible through a cooperative relationship for example I am not sure of the town that you speak of, but if a student in Medina wishes to play football and there is no football team, then Medina can enter into a cooperative relationship with Jamestown and those students can move over to another public school and play. And that happens very frequently.

Dr. Jensen: We have several arrangements with private schools as well. Some of the activities that we have, the private schools in Bismarck cooperate with us and some of those students from private schools are on our teams as well.

Senator Freborg: Dr. Jensen, I have just glanced at the amendment, but would it prevent for instance, this child has selected one school and the family moved, would this amendment prevent that family from selecting another school at midterm?

Dr. Jensen: The rules of the high school activities are if the family moves from one district to another and ultimately moved their place of residence they are immediately eligible in the other school. So that is true. The only time that it would be a problem would be that if they did not move and just decided that rather than play on Shiloh's team that two or three weeks into the

season they decided all of a sudden that they wanted to be on St. Mary's team, that's where it would be a problem.

Senator Freborg: I understand that just so it isn't so restrictive that they don't have the opportunity if they move.

Dr. Jensen: What is it designed to do is to make it an equal opportunity for everyone who is home educated as well as public and private.

Senator Flakoll: The wording in here basically refers to parents. Does that also include legal guardians in these cases? What if the parent isn't the legal guardian?

Dr. Jensen: I of course did not draft the bill and I am not sure, but I believe it would but I am not positive. I am not able to give you a legal answer on that.

June Enget from Powers Lake, ND appeared in favor of SB 2199. She handed out amendments and asked for the favorable vote of the committee. Testimony attached.

Senator Cook: What is the importance of the resident's school board?

June Enget: In many instances, when it is the local school district, where it is grade school that has a huge set of standards and they need to be aware of what is happening. Many times they are not aware of what is happening.

Senator Cook: If it was just the school administrator, doesn't that individual answer to the school board?

June Enget: Yes, he does. Sometimes, perhaps the school administrator would not be available and then they could contact them. But if you want to leave out the school board and only say the school administrator much as you do in Section B, we would be in favor of that.

Senator Redlin: I want to understand what you are pointing out. You indicated this individual you are referring to left the public school, went back to home schooling, and then somebody gave him passing grades so he came back to the public school and said, "Now I am passing." Who has those grades?

June Enget: His mother who was the teacher.

Senator Kelsh: Is the student being monitored? I think the law says they have to be monitored by someone. Is the parent a certified teacher? Basically, what I am wondering, is the law being followed in that case? Is it being enforced by the school district? Or are the parents not allowing the student to be monitored? What do you see as the problem?

June Enget: There are all kinds of problems in this particular case. Yes, the student being monitored, however, it seems as if there are not complete report cards always turned in to the monitor who supervises.

Senator Kelsh: Is it not required of the monitoring of the parent, if they are not a certified teacher, isn't there testing at some point that needs to be done by the monitor to prove that the child is being kept at the grade level that they should be in?

June Enget: I thought there was, but evidently in some instances perhaps some people from DPI could answer that better than I.

Senator Flakoll: Is there a specific period of time, and maybe you don't know this answer, but maybe if someone else who comes up later and testifies would know it, say a student went from one environment to another environment and then they were passing, what is the minimum period of time that they have to be passing before they are eligible within a certain period of

weeks, one report card, I am not really certain of the boundaries or parameters involved in that.

I mean are we one week, are we one month? Do we know this?

June Enget: As reported from another person, they said 90 days for high school activities. I don't think that this applies to grade students?

Senator Freborg: What is the question.

June Enget: The period of time when a student goes from a public school to home school that they- isn't there a waiting period to be ineligible from any participation?

Senator Freborg: Are you talking about being eligible for extra curricular? I know there used to be. I can't answer that. I am reading the section pertaining to your amendment, "children are tested in three grades in the elementary school."

June Enget: I believe there is someone who is able to answer that who is waiting to testify.

Bob Tollefson, superintendent in Washburn appeared to answer that question.

Senator Flakoll: The question specifically was that if you went from a public school where you were failing to a home school and you are now passing, how long do you have to pass in home school before you are eligible?

Mr. Tollefson: Typically what you would look at is from one grading period to the next grading period. And there are schools that have incorporated a no-pass no-play type ruling. In our school we have criteria set up for our high school students. Elementary students if that is what she is talking about, the high school activities association doesn't have a ruling on those.

Senator Freborg: These children are tested in grades three, four, six, eight and 11.

Heather Thomas, a Mandan student who trained on the Shiloh track team last spring appeared.

Testimony enclosed.

Senator Cook: Heather you know you just gave me a reason probably to vote against this because I am from Mandan and I am a big supporter of the Mandan track team.

Martha FritzHuspen appeared before the committee. Testimony enclosed.

Senator O'Connell: Tell me from you own experiences, why do you prefer to be home schooled over the school of your choice and how does it differ?

Martha: Well, I think that it gives me a lot of different choices if I would, for instance, do one subject for a week and something and concentrate highly on that subject I could do that. I wouldn't be able to do that in public or private school.

Senator Freborg: Probably not a fair question, the bill pertains to participating in extra curricular and not other.

Senator O'Connell: When you get into the home part of the public school or private school, does that broaden your aspect? Do you think that is an important part of being able to be part of that public activity?

Martha: I think it is good to be able to go and do the extra curricular at a different school, because then you get to be with other kids you age and you get to participate.

Clyde Bauman appeared in favor of SB 2199. Didn't feel it was right to bar students from participating in activities they are good in.

Jim Hoffman, superintendent of Shiloh Christian School appeared in favor of the bill. Stated that Shiloh would approve of and support an amendment to the bill.

Senator Redlin: Do you agree with some of the amendments that have been suggested? And do you have standards that when a student comes to you to participate, there has to be some kind of proof to you that they are an academic student of some accomplishment.

Jim Hoffman: To answer the first part of your question, I was standing in the hallway so I am not sure of some of the amendments that were added this morning. But, to answer the second part of your question, yes we do, we obviously follow the same standards that the other schools do according to the high school activities association.

Senator Freborg: Dr. Jensen would you come to the podium again please. What about the amendment proposed by June Enget? Have you seen that?

What I am wondering Dr. Jensen, are we being extremely restrictive. In other words, are we doing all this to allow the superintendent of any school district to say no?

Dr. Jensen: My immediate reaction is I guess that the student should have the right to choose, regardless of whether I was the superintendent or any other superintendent or school board would attempt to do so. My reaction is that in some instances and in some cases that this probably can overturn what this whole bill is about.

Senator Freborg: Probably, Dr. Jensen, we have some rare cases of abuse in every situation. Do we not?

Dr. Jensen: I suspect so.

Senator Freborg: My question is if we are going to do all this and then set it up and then any administrator could say no. That, I think, is what this would do.

Dr. Jensen: That is my understanding. I am not sure.

Senator Redling: Do you mean to tell me that the superintendent or the administrator, whoever has the authority looks at the situation like it has been described at Powers Lake, where they were totally..... went for a few weeks to their home school and were told they were passing and then come back in and demanded to play. You believe the superintendent shouldn't have any power to do anything about that?

Dr. Jensen: I believe that the superintendent and the powers that be ought to be able to assess whether the home educational program is successful. And if that program is not successful, in other words, if there are not appropriate standards being met, and the child is not learning, but grades are simply being given above and beyond what ought to be, then the entire home education process ought to be curtailed rather than just court activity. But they are kind of unrelated in a sense in my opinion

Senator Kelsh: I fully agree what kind of an amendment could we put on here that would do that. I'm sure if a teacher at your school is asked to monitor somebody, how do we prevent someone from not being educated and without this amendment what could you do about it if they went home to a home school situation, say they are a passing and come back and play on your team. I agree with you that the whole thing should be curtailed but how do we do it, what kind of an amendment do we need to do that.

Dr. Jensen: Well I'm not sure how this bill gets amended, but the provisions that are in place now to my knowledge are, the teacher doing the teaching in the home school if they have a teaching certificate, there is no monitor. Two separate kinds of situation, if on the other hand the parent does not have an education background then a monitor has to be assigned. If in the case where the monitors are assigned there are standards that we apply and somebody goes out and

visits the classroom on a regular basis and make a determinations as to whether appropriate progress is being made. We need to monitor on a regular basis so we can make a judgment as to the quality of the program and if the quality isn't there then we need to go through the process of shutting the program down and the child goes some where else, neglect reported and someone has to step in and say the child needs to go to another type of program.

Senator Kelsh: It is all in place for the local school to enforce, is that what you're saying? If they are willing to enforce it. The laws are there to stop a situation to stop them from just staying home from school.

Dr. Jensen: Yes, I can think of several instances in the past several years where we've had to step in and say this is not education.

Senator Wanzek: We're starting to debate the merits of home schooling versus public schooling versus non public schooling. I don't think that is the intention of the bill. I somewhat resist the implication that this is the rule rather than the exception. My personal experience in visiting with a lot of these home school parents is that they are dedicated parents that have no wish to cheat their kids. Certainly there are abuses and I think there are mechanisms and testing programs, there are home schooling laws that we can deal with. If they are not tight enough we should take a look at them but I am finding it somewhat offensive the direction we are going and I really didn't care to make a statement but I felt that I wanted to.

Jan Fritzhauspen appeared in favor of the bill. No written testimony enclosed.

Patricia Armstrong appeared in favor of the bill. No written testimony. A parent that has had children in home schooling, private and public schooling. We are sometimes looked upon as rejecting the Public School but that is just the opposite.

Senator O'Connell: Are you aware of how many home schoolers there are in the state now?

Patricia Armstrong: I know it is close to 1,000.

Senator Freborg closed the hearing on SB 2199.

Senator Cook: I move the amendment 90417.0101 be accepted.

Senator Wanzek: 2nd.

Discussion.

Senator Redlin: Where does it talk about just being limited to high school, in the bill itself?

Senator Cook: If I understand the concern is about trying to make sure we have students receiving some degree of academic performance. I would believe that is the policy of every school in the district, public or private.

Senator Wanzek: Understand the concern. Most people are concerned about the children who might not be getting education. Isn't it in the home school law requirement of the local district to work with the testing and somewhat the responsibility of the local to make sure that the child is getting the proper education.

Senator Redlin: Must we accept the responsibility of the constitution, which says every child in ND is our responsibility to see that they get an education by some means?

Roll call vote was taken on a Do Pass to adopt amendment 90417.0101.

ROLL CALL: 7 yes, 0 no.

Senator Cook moved for a Do Pass as amended on SB 2199.

Senator Wanzek seconded.

Senator Wanzek: Just for our understanding on the bill we really are not changing the relationship between public schools and the home schools. What we are trying to address is the

nonpublic school circumstances where there is a requirement to be in one class. Removing that requirement so they can have the same level or same basis to participate nonpublic school as well as public school.

Senator Redlin: As I understand it here. Private or non public school may have some fees in relation to this.

Senator Freborg: The motion for a DO PASS on SB 2199 as amended.

ROLL CALL: 7 yes, 0 no

CARRIER: Senator Wanzek

FISCAL NOTE

(Return original and 14 copies)

Bill/Resolution No.: SB 2199

Amendment to: _____

Requested by Legislative Council

Date of Request: 1-12-99

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

There would be no direct cost to the state. We were unable to identify a fiscal note for local school districts on this bill since it pertains to High School Activities Association sponsored activities. Our experience tells us that the costs would vary considerably depending on the activity and the locality where it is offered. Some schools have participation fees to help defray the cost of the activity others would meet the costs with revenues from the activities or with general fund dollars.

- State** fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Fund	General Fund	Special Funds	General Fund	Special Funds
Revenues:	0	0	0	0	0	0
Expenditures:						


- What, if any, is the effect of this measure on the appropriation for your agency or department:

- For rest of 1997-99 biennium: None
- For the 1999-2001 biennium: None
- For the 2001-03 biennium: None

- County, City, and School District** fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

If additional space is needed, attach a supplemental sheet.

Signed 

Typed Name Roger F. Rieger, Director
 Department Approval and Accreditation Unit
 Department of Public Instruction

Date Prepared: 1-13-99

Phone Number 701 328-2389

January 19, 1999

PROPOSED AMENDMENTS TO SENATE BILL NO. 2199

Page 2, after line 22, insert:

- "4. Once a child's parent has selected the public school district or the approved nonpublic school in which the child will participate for purposes of extracurricular activities, and has provided notification of the selection through the statement required by subsection 4 of section 15-34.1-06, the child is subject to the transfer rules as provided in the constitution and bylaws of the North Dakota high school activities association."

Renumber accordingly

Date: 1/20/99
Roll Call Vote #: _____

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2199

Senate EDUCATION Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Moves to adopt amendment 90417.0101

Motion Made By Sen Cook Seconded By Sen Wanzek

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	✓				
Senator Cook, Vice Chairman	✓				
Senator Flakoll	✓				
Senator Wanzek	✓				
Senator Kelsh	✓				
Senator O'Connell	✓				
Senator Redlin	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

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

Date: 1/20/99
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2199

Senate EDUCATION Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken move Do Pass on SB 2199 as amended

Motion Made By Cook Seconded By Wanzek

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	✓				
Senator Cook, Vice Chairman	✓				
Senator Flakoll	✓				
Senator Wanzek	✓				
Senator Kelsh	✓				
Senator O'Connell	✓				
Senator Redlin	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment Sen Wanzek

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

REPORT OF STANDING COMMITTEE

SB 2199: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was placed on the Sixth order on the calendar.

Page 2, after line 22, insert:

- "4. Once a child's parent has selected the public school district or the approved nonpublic school in which the child will participate for purposes of extracurricular activities, and has provided notification of the selection through the statement required by subsection 4 of section 15-34.1-06, the child is subject to the transfer rules as provided in the constitution and bylaws of the North Dakota high school activities association."

Renumber accordingly

1999 HOUSE EDUCATION

SB 2199

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2199

House Education Committee

Conference Committee

Hearing Date 3-10-99

Tape Number	Side A	Side B	Meter #
Tape # 1	x		9.1 to 27.8
Committee Clerk Signature <i>Joan Diers</i>			

Minutes:

Chairman R Kelsch, Vice Chair Drovdal, Rep Brandenburg, Rep Brusegaard, Rep Haas, Rep Johnson, Rep Nelson, Rep Nottestad, Rep L Thoreson, Rep Grumbo, Rep. Hanson, Rep. Lundgren, Rep. Mueller, Rep. Nowatzki, Rep. Solberg .

Chairman R Kelsch : We will open the hearing on SB 2199 and ask the clerk to read the title.

Senator Kilzer: District 47 (See attached testimony) .

Joshua Lawrence: A Bismarck 8th grader. He was home schooled for nine years. The last year he won several awards in speech. The North Dakota Activities Association notified him that he was ineligible to attend the state speech contest because he was home schooled. He was attending a private school for speech at the time, but had he been attending Bismarck public school for speech he would have been able to compete. The bill that you have before you would allow home schoolers the opportunity to be on private and public school teams. SB 2199 will ensure that

home schoolers would have an equal opportunity to play and compete in the field of academic and athletic events.

Rep Nelson : Were you or your parents advised by the administration at the private school that you had to be enrolled in one class to participate in North Dakota High School Activities sponsored event?

Lawrence: No, we found out two weeks before the speech contest.

Rep Nelson : If you would have known that, was there some class offering that you could have taken to make yourself qualified for that option.

Lawrence: I would like to have done that, but the cost was too great to enroll in one class, plus the cost of driving to the class is prohibitive.

Evie Lawrence: Parent of Joshua and teacher of home schooling. Gave her background in education. The reason that they chose Shilow Christian School to get Joshua involved in the speech class is (1) that is the school that he will be attending when he goes to high school and (2) a number of his home school peers have gone to attend that school. It wasn't until the end of the speech season that the parents found out that there was a rule, that the North Dakota Activities Association had in place for home schoolers participating in extracurricular activities. The Association felt that the student should be participating in the school district in which they reside, because we send in a letter of intent to the superintendent at the beginning of each school year.

Rep. Hanson : Did you check with the Activities Association and ask them to change the rules or regulations so we wouldn't have to have a state law for this?

Mrs Lawrence: Yes, we did, we asked if we could attend the association meeting and speak to the issue, they did so, and were told no, the rule was going to stay in place. The association met again in September, and we asked if we could speak once more, and they still said no.

Chairman R Kelsch : The High School Activity Associations flat out said no, if you want to make a change, take it to the legislature. Have the legislature make a change to the home school section of the century code. Anyone else wishing to speak in support of SB 2199 ? Just as a comment I did receive a letter from Bob King, who wanted to say, that with the amendment that the Senate passed, he did support the bill. Anyone who wishes to appear in opposition to SB 2199? We will close the hearing on SB 2199.

COMMITTEE ACTION

Chairman R Kelsch : What are the wishes of the committee?

Vice Chair Drovdal : Move a DO PASS.

Rep. Mueller : seconded the motion.

Chairman R Kelsch : Committee discussion. Seeing none, the clerk will call the roll on a DO PASS motion. The motion passes 14 YES 0 NO 1 Absent

Rep. Hanson : Should there be an emergency clause on there so he can compete this year?

Chairman R Kelsch : If we put the emergency clause on there, is he competing on a high school team?

Mrs Lawrence: He is competing on the Bismarck high school team.

Chairman R Kelsch : If we put the emergency clause is it too late for this year?

Page 4

House Education Committee

Bill/Resolution Number Sb 2199

Hearing Date 3-10-99

Mrs Lawrence: The private school is class B and Bismarck is class A. So he would not be able to switch over.

Chairman R Kelsch : Because the bill was already voted on, we need to bring the bill back before the committee.

Vice Chair Drovdal : Move to reconsider the committee actions on SB 2199.

Rep Haas : seconded the motion.

Chairman R Kelsch : Voice vote on the motion. Carries.

Vice Chair Drovdal : Move that we add the emergency clause to section three of SB 2199.

Rep. Lundgren : seconded the motion.

Chairman R Kelsch : Committee discussion, hearing none, voice vote on the amendment.

Motion carries.

Vice Chair Drovdal : Move a DO PASS as amended on SB 2199.

Rep. Mueller : seconded the motion.

Chairman R Kelsch : Committee discussion. The clerk will call the roll on a DO PASS as amended on SB 2199. The motion passes 14 YES 0 NO 1 Absent

Floor assignment Rep Nelson .

Date: 3-10-99
Roll Call Vote #: /

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB-2199

House Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Drovdal Seconded By Mueller

Representatives	Yes	No	Representatives	Yes	No
Rep. ReaAnn Kelsch-Chairperson	/		Rep. Dorvan Solberg	/	
Rep. David Drovdal-Vice Chair	/				
Rep. Michael D. Brandenburg	/				
Rep. Thomas T. Brusegaard					
Rep. C. B. Haas	/				
Rep. Dennis E. Johnson	/				
Rep. Jon O. Nelson	/				
Rep. Darrell D. Nottestad	/				
Rep. Laurel Thoreson	/				
Rep. Howard Grumbo	/				
Rep. Lyle Hanson	/				
Rep. Deb Lundgren	/				
Rep. Phillip Mueller	/				
Rep. Robert E. Nowatzki	/				

Total (Yes) 14 No 0

Absent 1

Floor Assignment _____

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

VR
3/10/99

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2199 **Edu 3-11-99**

Page 1, line 3, remove the first "and"

Page 1, line 4, after "education" insert "; and to declare an emergency"

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2199 Edu 3-11-99

Page 2, after line 28, insert:

"**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Date: 3-16-99
Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB-2199

House Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 90417.0201 .0300

Action Taken Do Pass as amended

Motion Made By Drovdal Seconded By Mueller

Representatives	Yes	No	Representatives	Yes	No
Rep. ReaAnn Kelsch-Chairperson	/		Rep. Dorvan Solberg	/	
Rep. David Drovdal-Vice Chair	/				
Rep. Michael D. Brandenburg	/				
Rep. Thomas T. Brusegaard					
Rep. C. B. Haas	/				
Rep. Dennis E. Johnson	/				
Rep. Jon O. Nelson	/				
Rep. Darrell D. Nottestad	/				
Rep. Laurel Thoreson	/				
Rep. Howard Grumbo	/				
Rep. Lyle Hanson	/				
Rep. Deb Lundgren	/				
Rep. Phillip Mueller	/				
Rep. Robert E. Nowatzki	/				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Nelson

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

REPORT OF STANDING COMMITTEE

SB 2199, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2199 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and"

Page 1, line 4, after "education" insert "; and to declare an emergency"

Page 2, after line 28, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

1999 TESTIMONY

SB 2199

TESTIMONY FOR SB 2199

Prepared by Senator Ralph Kilzer

Tuesday, January 19, 1999

Mr. Chairman and members of the Senate Education Committee. My name is Ralph Kilzer, Senator from District 47, which is the northwest part of Bismarck. I'm happy to be the prime sponsor of SB 2199. This bill is submitted because of a problem brought forth by one of my constituents in District 47. This bill concerns the topic of participation in extra curricular activities by children who are being home schooled. The first section of the bill pertains to the ability of children to list nonpublic school offerings of extra curricular activities. The second section of the bill refers to the participation in these activities by a child receiving home education. It allows participation in extra curricular activities under the auspices of the child's school district of residence or an approved nonpublic school. Participation in the activities of the nonpublic school must be permitted by the administrator of the school. We have put in this clause because of the financial considerations of the school. For example, schools obviously must pay for speech and athletic team coaches. It would be unfair for these school services to be usurped by families who are not reimbursing the school. Additional conditions refer to the requirement that a child participating under the auspices of the child's school district of residence is under the same standards of participation as those requirements of full-time students in the district,

I am proposing an amendment to this bill which would be listed as number 4 under section 2 and would start on a new line, 23. This fourth item under section 2 is to prevent home school students from jumping from school to school for various extra curricular activities. No one wants this to occur.

This completes my testimony, Mr. Chairman. I would be happy to answer any questions.

Respectfully submitted by:

Senator Ralph Kilzer
District 47

Good morning Mr. Chairman and members of the Education Committee.

My name is Joshua Lawrence of Bismarck, North Dakota. I am 13 years old and in the 8th grade. I have been home schooled for nearly nine years, including kindergarten.

Last year I earned several awards through winning speech tournaments -- including this -- a first place finish at the Mandan Invitational, qualifying me for the State Class B Tournament. However, several weeks before the State Meet, the North Dakota High School Activities Association told me that I could not compete on Shiloh Christian School's team because I was home-schooled. My medals became null and void, and my speech season came to an abrupt halt. I never made it to State. I was frustrated even further to learn that had I chosen to be on a public school team, I would have been able to compete.

I could have just let the books close on that year. After all, I am now on Bismarck High School's speech team, and I can't resurrect the previous speech season. But I won't leave footprints in the sands of time by sitting on my butt. And I sure don't want to leave my butt prints in the sands of time. Character is the discipline to follow through with resolutions long after the spirit in which they were made has passed. My previous speech season has passed, but today we all have a chance to make tomorrow better. I am speaking to you today not only on my behalf, but, more importantly, on behalf of all home-schoolers in this state.

The bill which you have before you will allow home schoolers the opportunity to compete on private as well as public school teams. Competing in extracurricular activities provides students with social, career and economic advantages. A home-educated child should not be denied the opportunity to take part in these advantages. A student is a student, whether he is schooled at a private school, a public school, or at

home. Senate Bill 2199 will insure that home schoolers will have an equal opportunity to play and compete in the fields of academic and athletic events.

In the classic ALICE IN WONDERLAND, Alice asks the Cheshire cat:

“Would you tell me please which way I ought to walk from here?”

The cat answered “That depends a good deal on where you want

“I don’t care much where,” replied Alice

The cat answered “Then it doesn’t matter which way to walk.”

Today, each of you will determine which way we home schooled students will walk. North Dakota has a long history of the pioneer spirit. Of cultures forging together to make the state and her people the best they can be. Lewis and Clark marveled at this great state, and though they were men of a different race and language, bonded with a Native American named Sakakawea through harsh winters and glorious summers. In that same spirit, let North Dakota embrace this bill, and show other states that we proudly stand behind our state motto:

“Liberty and Union, now and forever, One and inseparable.”

Thank you.

Lawrence

Mr. Chairman, Committee Members. Good Morning!

I want to thank you for the opportunity to discuss with you the merits of Senate Bill 2199. It has been a long time coming and I feel honored to be here today.

I speak to you today as a parent, but also as an educator. I have a Bachelor's of Science degree in education and have taught in public, private and now home school for many years. I have long been involved in the education arena and feel well qualified to speak to you today as an educator, parent, and citizen of this great state.

It is my goal to assuage fears that we home schoolers are mavericks out to destroy the school system. Nothing could be further from the truth. We are merely concerned, tax-paying, voting, educators who want what everyone here today wants. The best well rounded educational opportunities for our children who represent the future of this great state.

With that in mind, let us remember the words of the late John F. Kennedy.

“ Let us think of education as the means of developing our greatest abilities, because in each of us there is a private hope and dream which fulfilled can be translated into benefit for everyone and greater strength for our nation. “

It was seven years ago when I first began home schooling my oldest son Joshua. As a certified teacher I was hesitant to place him in what often is thought of as unorthodox, stifling and limited.

Contrary to the picture of the isolated boy stuck in his bedroom reading everyday, home school children explore the world around them daily.

As my sons advanced in grade levels, I then began to face the challenge all home schoolteachers face-- what about intramural opportunities? Because a well rounded education is more than the three R's

Although they participated in the Science Olympiad, National History Day, and Boy Scouts, older grades face other challenges.

It is this challenge that brings us here today.

In the words of noted author and esteemed educator John Holt "People should be free to find or make for themselves the kinds of education experience they want their children to have."

Note that Mr. Holt is not concerned with past formalities, archaic policies and unknown statutes, but with the parent's rights to freely choose the education experiences for children.

And that is all we request today. That is at the heart of Senate Bill 2199.

Rights.

Fairness.

Freedom.

Arguments rage over whether or not a child that is home schooled can participate in extra curricular activities outside the public school district in which they reside.

In the past few months, we have seen examples of the dissection of words and narrowing of definitions to the point of insanity. Let us not become embroiled in that today.

The North Dakota High School Activities Association seems to feel that home school students are an extension of public schools. And as such, may only participate in the district in which they reside.

In fact, we cannot be considered an extension. In the letter of intent home school teachers submit each calendar year, it states the intent to home school and that the teacher, in this case myself, is the supervisor. The Superintendent of North Dakota public schools is not the supervisor.

Although some feel strongly about this “extension theory”, which is not law, by the way, Ms. Heidi Hidecamp, our own attorney general thinks otherwise. She does not agree with that interpretation and has said [so].

As further proof that we are not a public school extension, and are recognized as our own body, look at a recent grant award to the Bismarck-Mandan Home School Association from NDSU. We were given these funds to further our science studies. It made no mention, nor alluded to, any public school “extension”. We were considered a school in our own right. Fully capable to meet the needs of the children we educate.

The North Dakota High School Athletic Association has raised the argument about grade monitoring. The association feels that by teaming with private schools, grade standards will no longer be honored.

I take great offense to that statement and so, I am sure, do the private schools. If a public school can monitor grades of home schooled children then why can't private schools? And more to the point, what makes any association feel that parent teachers of their children would not pull their children from participation if they realized their grades were not to standard? Because we home school does not mean we overlook grades, conduct, or good citizenship.

This also seems a moot argument because; for the record, in the past years that my son Joshua has competed in speech, I have NEVER been asked by the Bismarck School District to submit grades for verification or any other purpose.

Other home school parents and I would gladly submit our children's grades to show that they meet the standard qualification to participate

in extra-curricular activities. Just like any other school, we keep track of test scores, grades, and the like.

Another flag that has been unfurled is in regard to the evils of recruiting. It is feared that allowing homeschoolers the opportunity to select the school in which they wish to compete will cause recruiting efforts to rear its ugly head.

There are concerns that this is a bad thing and also unlawful, because home school students must compete only in the district in which they reside. I find this attitude appalling and alarming for two reasons.

Number one: Is not America founded on a free enterprise system? How can competition and the freedom to choose be bad? Are our students suddenly going to be offered money or cars like we here about at the college or NBA level? I don't think so.

Number two: If a student is enrolled in the public school, said student has the choice- the right and the freedom- to choose another school district in which to enroll and participate in extra-curricular activities.

The opposition's arguments don't end there. Concerns over switching schools throughout the school year have also been raised. This again, is a moot point.

If any student in the public school wishes to play football for one school and then after the season is over, transfer to another school he may. However, he must wait 90 days before engaging in any extra curricular activities. That would therefore prohibit school district hopping for the purpose of the after school events. The same would obviously hold true for home school students.

Finally, and perhaps the point that disturbs me the most, goes to the core on which this great nation was founded. Religious liberty.

How can the state of North Dakota deny a parent the right to affiliate their child with a Christian or any other religious based school?

Parent educators have been told that if they want their child to compete with a private school such as Shiloh Christian, they must enroll that child in at least one course. It is further stipulated that that course must be an academic course and not 'soft education'. Enrollment is also stipulated to not the calendar year, but during the time that they are competing. This is extremely difficult when a school such as Shiloh Christian and others, operate on a semester basis. Parent educators are then forced to pay for a class they may not have chosen originally, just to meet the rigid and unequal guidelines. And why is that in the best educational interest of the child? Having to teach them for 3 hours, drive to the school for one course, drive back home to finish and then back again for football or speech practice is hardly in the student's best interest, and is much less practical.

In glaring contrast, no public school classes are required to be taken for participation in after school sports or other activities. None. EVER.

It would seem, in my estimation, that home school students are protected under the equal protection clause of the 14th amendment. Because a student wishes to align himself with a private religious school his or her right to the free exercise of that belief is halted by the prohibition of access to the private school activities.

Equal and fair.

I ask you, have any requests you have heard today from homeschool proponents seem unfair or unequal?

Is the desire to provide the best in education opportunities for your child unfair? Is asking to compete on the same level and to grant adherence to religious liberties a reflection of unequal treatment?

Ladies and gentlemen. Thank you for your time and attention as you consider this historic legislation.

I ask only that you remember the ideas and facts presented today. The idea that children deserve the best in the completion of their choice with out roadblocks. That children deserve to be treated fairly and have equal access regardless of how educated.

In a spirit that reflects the best interest of all children, let's forge ahead in the interest of merging diverse educational choices – home school, private, public and parochial – so that all are on equal footing. Where would we be if Lewis and Clark had not listened to Sakakawea and adapted? Let us show the United States that education is not about district confines, money, and head counts, but about as President John F. Kennedy said “ the means of developing our greatest abilities...” Our children's future. Our children's rights, and liberties and a great joining of a union of well rounded educational opportunities.

Thank you.

Chairman Freborg and members of the Senate Education Committee, I am June Enget of Powers Lake, ND, I appear before you in favor of SB 2199 with amendments one of which I will propose to you.

There is a case in Powers Lake where a young person is being switched from public to home school much like a yo-yo. This past fall he was enrolled in the public school his grades were failing in every subject so he was eneligible to play basketball. He was taken out of the public school and home schooling began. His grades were then passing so he was able to participate in basketball.

The school administrator feels strongly that this is not fair to others who struggle to keep up their grades and be able to participate in extra-cirricular activities.

You all have a copy of the proposed amendment which I gave to your clerk.

Thank you for your attention to my testimony and I do hope you will give a Do Pass to SB 2199 with the amendments.

SENATE EDUCATION COMMITTEE

PROPOSED AMENDMENT TO SB 2199

SB 2199, relating to home education:

Page two; line 12 , delete semi-colon and or; insert: the residence school board and if permitted by the administrator of the school; or

My name is Clyde Bauman, and I live at 816 North 12th Street in Bismarck. I am speaking in favor of Senate bill 2199

I have very little to say on the matter currently before this committee, except that I have witnessed firsthand several of the events that gave rise to this bill.

It was an incident surrounding a high school speech meet that provided the impetus for the introduction of this bill. I have served as a judge at a number of such speech meets in the past year, and I have judged Josh Laurence in competition, in addition to many other students who have had home school, public school, or private school education.

It seems to me that the primary issue is not where a particular student is being educated, but whether that student will have the opportunity to participate in activities where they show a notable amount of talent or promise. In a speech meet, the students, whatever their school environment, are ultimately judged on their talent and excellence of preparation and presentation. It is the same in any area of extracurricular involvement, whether it be athletic, musical, scholastic, legislative, entrepreneurial, organizational, or a dramatic/presentational activity such as a speech meet, and the deciding factor in student participation should be whether the student has the talent and the will to excel in a certain area, not what their school environment is.

There is every indication that this bill will remove a rather large obstacle to a rather small problem, and it should be passed. Thank you.

It is a matter not of ability, for the students who are there are there because of the promise they have already shown. but of accessibility, and in such extracurricular activities as these, which exist solely to provide an organized forum for the expression and development of notable talent in various areas, I do not believe it is wise to maintain artificial barriers that bar students who seem in every way more than fit to participate.

My name is Martha FritzHuspen. I am here to testify on behalf of SB 2199.

I have had a variety of schooling experiences. I was home-educated through the 4th grade. I then went to Ft. Lincoln Elementary School in Mandan for 5th and 6th grade.

For Jr. High I choose to return to home-education. I have also chosen to enroll in a few classes at Hughes Middle School here in Bismarck. Last year I took Band and Earth Science, as well as participating in track. This year I am taking Band, Choir, and Computer keyboarding. I plan on participating in track this spring.

Recently, I was chosen as the 1st chair French Horn player in the North Dakota Junior High All-State Band. Would I have been awarded 1st chair if I was solely home-educated?

Next year, for 9th grade, I plan to attend Saint Mary's Catholic High School. I considered joining their speech team last year, but then decided against it. Century or Bismarck High would have allowed me to be in their extra-curricular activities, just as Hughes does. If I am able to participate by my choice in various activities at Hughes, then I believe that I, and other home-schoolers, should be able to participate in extra-curricular activities at the private schools of our choice, even without being enrolled in any classes. Will we be allowed the freedom to choose? Thank you.

Mr. Chairman , and Members of the Education committee,

My name is Heather Thomas from Mandan ND .

Last spring I trained on the Shiloh Christian School track team here in Bismarck. Shortly before our first meet, my mother received a phone call from Mr. Hofman, the administrator at Shiloh. He apologized but said that I could no longer compete on the Shiloh team because of a ruling by the NDHSAA which stated that in order to compete on a private school team I would have to be enrolled in at least one class at that school. This made me angry and I felt discriminated against. I could have run for Mandan Jr High, my home school district, without being enrolled in any academic classes. I had chosen to compete on the Shiloh team because my older sister was attending school there and I was planning to attend the following year.

Now I know that not always getting everything we want builds character and I'm not asking for extra privileges, all I'm asking for is fairness and that home educated students get to compete with private school teams under the same terms as public school teams.

Please pass bill 2199. Does anyone have any questions? Thank you.

TESTIMONY ON SB 2199

PRESENTED BY SENATOR RALPH KILZER

MARCH 10, 1999

Good morning Madame Chairman Kelsh and members of the House Education Committee. For the record, my name is Ralph Kilzer, Senator from district 47, which is the northwest part of Bismarck.

I appear before you as the prime sponsor of SB 2199. This bill was submitted because of a problem brought forth by one of my constituents in my district. The bill concerns the topic of participation in extra-curricular activities by students who are being home schooled. At the present time, the policy of the North Dakota High School Activities Association is to allow home schoolers to compete on non-public school teams only if the home schooled student is enrolled in at least one course in the non-public school. Home schooled students are able to participate on public school teams without being enrolled in courses.

In looking at the bill, you can see that the first section pertains to the ability of students to list non-public school offerings of extra-curricular activities. The second section of the bill refers to the participation in these activities by a student receiving home education. It allows participation in extra-curricular activities under the auspices of the student's school district of residence or an approved non-public school. Participation in the activities of the non-public school must be permitted by the administrator of the school. We have put this clause in because of the financial considerations of the school. For example, schools obviously must pay for speech and athletic team coaches. It would be unfair for these school services to be usurped by families who are not reimbursing the school with their tuition payments. Additional conditions refer to the requirement that a student participating under the auspices of the child's public school of residence is under the same standards of participation as those requirements of full time students in the district.

In addition, the last section designs to prevent home school students from jumping from school to school for various extra-curricular activities. No one wants this to occur.

This completes my testimony Madame Chairman. I would be happy to stand for any questions. Additional testimony will be given.

Respectively submitted by Ralph R Kilzer, Senator, District 47.