

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1130

2001 HOUSE EDUCATION

HB 1130

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1130

House Education Committee

Conference Committee

Hearing Date 01/23/01

| Tape Number                                  | Side A | Side B | Meter #      |
|----------------------------------------------|--------|--------|--------------|
| #2                                           | X      |        | 1537 to 3120 |
| #2                                           |        | X      | 1 to 855     |
| Committee Clerk Signature <i>John Albert</i> |        |        |              |

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunskor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will now open the hearing on HB1130.

Rep. Hanson: (District 48) I introduce this bill on the request of the Jamestown public school district, because of the recruiting of students from our districts to other districts. At the present time, there are 54 students from the Jamestown districts going to other districts surrounding our district, and thirty of those are bused from right out of downtown Jamestown to this other town. Probably in the future, as these schools probably lose enrollment, they might even offer scholarships to go to their schools and so on. The Jamestown school district has no problem in having these kids go to other schools, they actually grant permission for them to go, but the problem we have is the busing that is coming into our district. West Fargo could go into Fargo

and drive a bus in and pick kids up, Castleton go into West Fargo, New Salem could come into Mandan, and this probably could create problems in these districts.

Superintendent Loison: (Superintendent of Jamestown schools) Right before Rep. Hanson came to introduce himself to me, I had gotten a call from parents saying, 'my son wants to go to another school, and he says because he only has to walk one block to catch the bus to this other school' and I said, 'well, I don't believe that's true', because when you come to a new state you have to learn the new laws, but I was used to the laws in Iowa which stated that the school district has to have permission to transport students out of your district into another one before they were allowed to go, which is what this bill says. I checked into it, and it's true that three blocks from my office, a bus in the morning loads 30 children on it, and those 30 ride the bus out to a district that's 21 miles away. They not only ride it, but the state provides them with \$4500. to the best of my knowledge, so they ride the bus with moneys provided by the state to go to that school. I'm not at all opposed to the parent's right to an education at another school. I think it's very healthy and I applaud ND for having an open enrollment law that allows them to choose what school they want to go to. I am opposed to the recruiting of students out of the district, because that's how the bus started. I'm also not opposed to a bus coming into our district if a student is on the fringe of our district. We have one town, where most of the children in that town go to a school south of us, and it's shorter ride for them, and I think that's good. When they come in, and the kids live a block from where they load the bus and they are trying to convince other kids that they should ride the bus, because they don't have to walk as far, because they have to walk four blocks to our school, that's not a real good educational sound reason for

going to that other school, and the other thing I'm opposed to is paying for the transportation for open enrollment in other districts.

Rep. Thoreson: If they would request this, you would perhaps deny this request to come into your district?

Loison: If a student lived a block from our school and requested transportation be provided with a bus coming into Jamestown, I can't say what the school board would do, but I would recommend that they would not allow them to have that transportation. Not right beside our schools, when we're providing a solid education. I think a solid education is based on how well we do in test scores and the credibility we have to offer.

Rep. Thoreson: You would deny them open enrollment?

Loison: I would deny them transportation. I would never deny them open enrollment.

Rep. Nottestad: You're saying you would agree to provide transportation out of Ypsilanti, just not out of Jamestown, and yet wouldn't you say that you're providing just as good of education for the Ypsilanti kids as you would from down the street, yet you would discriminate against the kids in your district for transportation?

Loison: I grew up in a small town in ND, I see nothing wrong with small town education. The culture in a small town is different than the culture in Jamestown. I don't think it's a bad culture, but in Ypsilanti, they only have to ride, but if they came to James town, we'd have ten or fifteen miles. I would say less time in a bus is better for me.

Rep. Nottestad: But that's the point. You're using one criteria for one group, and another for another. To that parent, they consider where they're going has to be the best for their child, and

to approve a bus ride for one and not another, we're getting into opinions of what it is, you're talking about miles, they maybe are looking at it for other reasons.

Loison: Maybe it's because of what I'm used to, because of where I'm from, if they lived in the fringe areas, our school district defended the fact that they're closer to the town and they have less bus driving, and they should go there, but we didn't allow the buses to come all the way into the town, although the state of Iowa didn't provide them with monetary reimbursement.

Joe Secora: (School district business manager for Jamestown public schools) I've overseen our transportation for the last five years, and the first thing I would like to comment on is the Ypsilanti part of it. Some of our rural bus routes last upwards of 45 minutes to an hour and for a bus to go to the Ypsilanti area, those kids are going to be on a bus for approximately an hour every day in the morning and in the afternoon, in comparison to a five minute bus ride into the neighboring towns. In Jamestown, our buses do not go into other districts to pick up other students. There has been one exception, of asking another district, and that was a case where a mother was hurt and she worked in Jamestown and had an agreement between schools, and the child was dropped off at school. She was hurt for a couple of weeks. I guess, all this bill is asking, school districts, out of common courtesy, should get approval from other school districts, in terms of transportation, driving across school district lines.

Chairman Kelsch: Anyone who wishes to appear in opposition to HB1130?

Tom Dekker: (DPI) \*Please refer to written testimony\*

Rep. Hanson: There are three districts surrounding Jamestown that runs ads in the newspaper, the one that has forty in high school is the one that sends the bus into Jamestown, and they're picking up thirteen to fifteen high school students, so about a third of their high school comes out

Page 5  
House Education Committee  
Bill/Resolution Number HB1130  
Hearing Date 01/23/01

of Jamestown, and without these students it would be a very small high school, so we're maybe prolonging the agony for those schools to stay open by recruiting out of another district.

Chairman Kelsch: Anyone else wishing to appear in opposition to HB1130?

Rep. Nelson: Just for those that have been on the committee awhile, the handout that Tom gave, would he explain the columns?

Decker: The handout that I gave you is the current year printout of open enrollment. The first column is open enrollment into those districts. The second column is open enrollment out of those districts. The next column gives you the K-12 enrollment of the district and the percent in and the percent out. The printout is ranked in terms of percent open enrolled in, so you see them in that order.

Chairman Kelsch: We'll close the hearing on HB1130.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1130 A

House Education Committee

Conference Committee

Hearing Date 02/07/01

| Tape Number                                      | Side A | Side B | Meter #      |
|--------------------------------------------------|--------|--------|--------------|
| #2                                               |        | X      | 5026 to 6200 |
| #3                                               | X      |        | 1 to 139     |
| Committee Clerk Signature <i>Lisa Gilbertson</i> |        |        |              |

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunskor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will now take up HB1130. What are the wishes of the committee?

Rep. Brusegaard: I move a DO NOT PASS.

Rep. Hanson: Second.

Chairman Kelsch: Committee discussion.

The motion of DO NOT PASS passes with 13 YAY 1 NAY 1 ABSENT.

Floor Assignment: Rep. Bellew



Date: 2/7/01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1130

House House Education Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Rep. Brusegaard Seconded By Rep. Thoreson

| Representatives                  | Yes | No | Representatives      | Yes | No |
|----------------------------------|-----|----|----------------------|-----|----|
| Chairman-RaeAnn G. Kelsch        | X   |    | Rep. Howard Grumbo   | X   |    |
| V. Chairman-Thomas T. Brusegaard | X   |    | Rep. Lyle Hanson     |     | X  |
| Rep. Larry Bellew                | X   |    | Rep. Bob Hunskor     | X   |    |
| Rep. C.B. Haas                   | X   |    | Rep. Phillip Mueller | X   |    |
| Rep. Kathy Hawken                | X   |    | Rep. Dorvan Solberg  | X   |    |
| Rep. Dennis E. Johnson           | X   |    |                      |     |    |
| Rep. Lisa Meier                  | X   |    |                      |     |    |
| Rep. Jon O. Nelson               | X   |    |                      |     |    |
| Rep. Darrell D. Nottestad        |     |    |                      |     |    |
| Rep. Laurel Thoreson             | X   |    |                      |     |    |
|                                  |     |    |                      |     |    |
|                                  |     |    |                      |     |    |
|                                  |     |    |                      |     |    |
|                                  |     |    |                      |     |    |

Total (Yes) 13 Click here to type Yes Vote No 1 Click here to type No Vote

Absent 1

Floor Assignment Click here to type Floor Assignment Rep. Bellew

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

**REPORT OF STANDING COMMITTEE (410)**  
February 8, 2001 8:41 a.m.

**Module No: HR-23-2666**  
**Carrier: Bellew**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1130: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS**  
**(13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1130 was placed on the**  
**Eleventh order on the calendar.**

2001 TESTIMONY

HB 1130

**TESTIMONY ON HB 1130  
HOUSE EDUCATION COMMITTEE**

**January 23, 2001**

**By Tom Decker, Director of Finance and Organization**

**328-2267**

**Department of Public Instruction**

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I am here to speak in opposition of House Bill 1130.

The public school open enrollment may well be the best legislation adopted in the nineties by the North Dakota Legislature in terms of opportunity for students and their parents. The legislation was passed in 1993. This year there are 2236 students open enrolled around North Dakota. The attached printout gives you a district-by-district breakdown of the number of students open enrolled in and out of each district.

When the open enrollment law was passed in 1993, other sections of the law required a transportation agreement in order for a school district to bus from one district to go into another district to pick up a student. Our experience was that the statute requiring transportation agreements quickly began to be used by school districts to frustrate the open enrollment law. Students who open enrolled from one district to another were unable to get transportation to their school of choice because their district of residence refused to allow buses into their district to transport them to school. In many cases without access to transportation they could not exercise their choice of open enrollment.

The legislature repealed the transportation language in 1995 and replaced it with language that says that either the receiving district or the resident district may transport a student under any of the circumstances through which students can legally attend school in a district other than their

district of residence. While this change did not guarantee that all students that open enrolled would have access to transportation, at least it made it possible for either district involved, the resident district or the receiving district, to transport the student if they thought it were feasible.

HB 1130 would take us back to an environment similar to the one before 1995 in which transportation agreements were required. It would effectively frustrate the open enrollment law, and students and parents who choose to exercise open enrollment would be denied transportation in many cases. We believe the law is working as it is and should be left as it is. A better approach to managing open enrollment is to limit recruiting of students for open enrollment by school districts.

I have been involved with the discussion about open enrollment since it was first purposed in North Dakota some time in 1990 or 1991. It seems very clear to me that throughout the discussion about open enrollment the intent was to make open enrollment available to parents and to students. There was never any intent to allow or tolerate recruiting of students for open enrollment purposes. As I see it, the current problem has to do with districts recruiting students for open enrollment. I do not believe that we will have a problem with open enrollment in North Dakota if parents and students are simply allowed to make choices on information that is available from districts. While there is a fine line between providing information and recruiting, I believe that we should try to draw that line because I believe that is the real issue.

