

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
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ROLL NUMBER

DESCRIPTION

1320

2001 HOUSE EDUCATION

HB 1320

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1320

House Education Committee

Conference Committee

Hearing Date 01/24/01

Tape Number	Side A	Side B	Meter #
#1		X	14 to 2900
#2	X		1 to 3113
#2		X	1 to 222
Committee Clerk Signature <i>Jim Kelsch</i>			

Minutes:

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

Chairman Kelsch: We will open the hearing on HB1320.

Rep. Grande: If funds appropriated by the Legislative Assembly, there is remaining, after completion of all statutory obligations by the superintendent of public instruction, have been distributed, partial tuition reimbursement to parents will be provided by this section. The parents of the students who attend nonpublic schools may apply for a partial reimbursement of the funds expended by the parent on behalf of the student. They must submit a receipt showing payment of full tuition owed for their current school year. Ways this reimbursement could take place would be the lesser of the three options: a 10% of the tuition paid to the school by the parent, the amount of the state tuition fund apportioned per student by the superintendent of public

instruction, the amount available under this section prorated among all the students qualified under this section, and as you are familiar with, section 2 is just the rewrite if you guys pass the other bill. I feel that education should be thought of as, what can it do for the learning opportunities for the children. Many will tell you that this money will take money from the public schools, but this bill is not directed at that money, it is directed at the money that will be left after the state payments have been made. The obligations have been made and paid to the public schools. This small amount before you will enable more families to take advantage of the wide range of educational opportunities in their communities. Today a voice cries out for justice. It is the voice of tax paying parents who are funding two school systems. They are just calling for some equity. The state tuition fund apportioned per student by the legislator goes to the student's school district, even though these students are attending the school, and we are not proposing that we receive those funds. We are asking for the surplus dollars.

Rep. Nottestad: I don't see a repealer in the bill in any way to repeal the bill we passed last session that would require all leftover foundation aid money to be distributed on an ADM basis.

Rep. Grande: When I had asked council to put this together, it was understood that, yes, that money would still go back in as a reapportionment, but before that, this option would come in.

Chairman Kelsch: So, your intent is to, during the last legislative session, we took the turn back moneys, and we distributed those based on reorganization of school districts, and then whatever was leftover beyond that was redistributed to the school districts based on ADM, so which part of this would it be replacing?

Rep. Grande: It was my understanding that the first portion would be taken care of that you just spoke of and it's before the second.

Jack McDonald: (SANS) \*Please refer to written testimony

Rep. Hawken: The goal in ND is to provide 60% to 70% of the cost of local school districts. We fall very short with that. Would you be in agreement that if the state meets that goal, because we aren't really in a surplus, we aren't even come close to what we have said as a state that we are going to provide for public education.

McDonald: We would not be opposed to that if you determined by the end of the session what your level of funding is going to be and how close to that 60% to 70% you can come, I don't know if they've ever tied the turn back moneys to that 60% to 70%. What we're saying is that if there turns out to be a surplus, then we would like the opportunity to apply for it.

Rep. Sandvig: (District 21) my children went to nonpublic schools, and I feel that these parents should get something back, because they are still paying their taxes.

Elizabeth Gross: (Principal of Cathedral School) \*Please refer to written testimony\*

Rep. Nelson: In your estimate of the \$16 million saved in the foundation payment, was there any consideration as to the money that the local property tax payers have saved with the building and the construction of buildings. Is there any way of getting a number of that?

Gross: I would be more than happy to get that for you.

Rep. Mueller: Are we also talking about home schooled individuals?

Gross: This is not a home school bill. We are talking about the non public schools.

Rep. Nottestad: With the money comes expectations, if the state of ND starts to send money into the parochial schools, don't they have then, some expectations? Are you prepared for that type of thing?

Gross: I think that is a question that we would want to explore. In terms of expectations, one of the biggest differences is that the ability to promote it and religious beliefs in our school systems, and I feel that we could keep it separate.

Rep. Hawken: For clarification, one of the main differences is that public schools are required to deal with the special education needs and those kinds of things. What is your responsibility as far as following those federal mandates?

Gross: We have a great responsibility for taking care of students of all ability levels in our schools, and we work very closely with the public school districts to provide particular services for our students inside and outside of our buildings as well.

Rep. Hawken: Both of which are paid for by the public schools.

Gross: Those schools are funded by the public schools, yes.

Roman Weiler: (SANS Executive Committee) \*Please refer to written testimony\*

Rep. Nelson: The public schools, declining enrollment has hit almost every school, the projections are that it won't be long and we'll be under 100,000 students in the state. What has happened in the nonpublic arenas?

Weiler: It's declining as well, I think in proportion with the public schools.

Rep. Hanson: Do any of the nonpublic schools in the state have the right to decline enrollment?

Weiler: I imagine we would, I don't know what instances we would do that.

Christopher Dodson: (ND Catholic Conference) \*Please refer to testimony\*

Rep. Mueller: HB1320 does not take away from money away from the public schools, now given the current set of statutes that we're working with, I'm not sure if I understand your

comment. It's designed now for those extra moneys to go back to the public schools, and that's the pool that you, in this bill, are suggesting we use for the reimbursement.

Dodson: I'm not sure if I can help you understand it, because I'm from nonpublic schools, I'm not entirely familiar with the public schools. My understanding was this was surplus money.

Chairman Kelsch: Those dollars result from, when we at the beginning of a biennium, say, this is how many students are going to be enrolled in our k-12 public schools, and at the end of the biennium, due to declining enrollment, that number of students have gone down, so the school districts, while they receive all of the money that are due to them, may not receive all of it that they thought they were going to receive because they maybe lost 100 students. That money comes back to the general fund, and typically this body has body has determined to either redistribute those moneys back to the school districts or to hold it over and put it back into the public education system for the following biennium, so to say that it's not taking away from the public school system is somewhat erroneous, because it's money that's always gone back into the public schools system.

Rep. Nottestad: Do you wish and think that this bill is passed without increasing enrollment?

Dodson: We don't care. When I talked to principals, they weren't interested in increasing enrollment, what they're interested in is that they're making sure that the members of the communities can come.

Rep. Nottestad: But if it does increase enrollment, then I would have problems with your last statement, and it would impact public schools contrary to what you say in here.

Dodson: Wouldn't the aid payments be advised accordingly?

Rep. Nottestad: Then the money would go back to all the schools, and the money wouldn't be available to you.

Dodson: I'd have to do some more work on the financing.

Rep. Brusegaard: I'm a little disappointed in a reference you made in the second paragraph of your testimony, and I'm curious, do you find our inability to pass legislation in past years, do you find us an anti-Catholic body?

Dodson: No, not with past legislation, historically, in how this system was set up has its roots in anti-Catholic sentiment. In the late 19th century, mostly dealing with anti-Catholic and anti-Irish and anti-immigrant sentiments. A system was set up in a way that the public school was segregated.

Rep. Nelson: ND, I think we've run our schools on a per student basis, and when the number of dollars that we decide to put in to our schools on that basis is met, arguably, wouldn't that meet the state's obligations? Anything that's left in that fund is excess, some years there hasn't been any and I don't think that's been in question, but the fact is, once we've met those numbers, that the state has met its obligation and that would be the premise that you would argue that it isn't costing our public schools. Would you agree?

Chairman Kelseh: If that's how you perceive it that's fine, but I think that you've been on the education committee and you know that those moneys always go back into public education. Mr. Dodson, you have stated in here that it's difficult for some individual to attend a nonpublic school, due to the cost. Do you turn people away who have chosen to go to a nonpublic school, because they cannot pay?



Dodson: I'd think we'd have to ask individual principals if they've turned anyone away.

Perhaps some people don't even apply because they think they don't have the ability to pay.

Steve Brannon: (SANS Executive Committee) To quote Bush, 'One size does not fit all when you're talking about a student's education'. I have been privileged to always be in a community that always offered opportunities and choice for families. We're asking for a do pass so that the parents who make that choice have some option, I know that not all parents will apply, in some situations it would be quite small, \$40 for a parent paying full tuition. I think it would be a tremendous opportunity for this group to make a statement. We have never turned away a single student. We've lost some students because their families inability to pay, we've lost a lot more students because they feel other educational opportunities will meet their needs better.

Rep. Nelson: There's a 65 nonpublic schools, are they all credited by DPI?

Brannon: I don't have that knowledge. I know that not all of them are members of SANS, and all of their members are accredited.

**Written testimony submitted by Mark Knell**

Chairman Kelsch: We will now take testimony in opposition to HB1320.

Max Laird: (NDEA) \*Please refer to written testimony\*

Richard Ott: (ND Council of Educational Leaders) The comment was made that parents have a right to choice, and the government has a responsibility then to fund that choice, I only agree with the first part. Another statement was made that this was a gentle step. I feel very strongly that the private schools have a very definite role in the state. The state of ND has the responsibility to fund the public school, and the responsibility to allow an alternative system to develop and flourish if the people choose. The responsibilities of a private school are different

than the responsibilities of a public school. The public school has to take all comers and has to provide a valid education program. There's nothing wrong with that, and then people who want an alternative certainly have the prerogative of getting that. Again, I don't think it's the governments responsibility to fund all of the alternatives that we, as private citizens, choose.

Shelly Seeberg: My daughter does attend private school and this becomes a discussion of private versus public. We made a choice in our family for our daughter to attend private school, and it was a good choice, the school is excellent, the teachers are excellent, but it's a choice we made, and it's a choice that we paid for. I think that public moneys need to be used for public good, and that means providing public education at the highest standard that we can. Today, we're struggling on how to make some really good public schools available and funded at the levels they need to be funded at. As a parent who has decided to put a child in private school, that is my choice.

Bey Nielson; (ND School Board's Association) In the past, we've had this discussion about turnback money and this has nothing to do with the public/private school issue, but it does have to do with gaining support for the concept that the legislature appropriates about the amount of money that they think they can afford out of their state budget for public schools, we only use the per pupil payment, because we have to have some number to facilitate the distribution of that money. Whether or not this particular plan would meet constitutional muster, I don't know, because we've seen several bills that are splitting constitutional bills in the way that it's worded, but in my opinion when you read lines 17 and 18, it's very clear that while the money isn't paid directly to the schools, that reimbursement can only be expected if the parent can prove that the money went to a private school.

Dean Bard: (ND Small Organized Schools) \*Please refer to handout, number 11\*

Dan Hufflman: (resident of Fargo) The Fargo school district does in fact receive tuition apportionment money for all children who are residents of our school district regardless of whether or not they attend the public school for their education. If there are children in the private school environment in our community that require special needs services, they're delivered by the public school at public expense, and those tuition apportionment moneys received along with any other federal dollars still only provide a fraction of the cost of those services we provide. Bottom line is that those dollars are provided to public schools for services that we are required, by law to provide. There is also a suggestion that as a parent, they have made a choice that they are paying for twice. They're paying for the public setting while also financing the private setting. I'm a tax payer too, and that same argument can be made for every service that's provided by government, my tax dollars provide public health care, yet I pay for my own health care with private dollars, public health care provides for food assistance, eating assistance, housing subsidies, that's all public dollars. That's the nature of how our government funds those things that are public responsibility.

Chairman Kelsch: We will now close the hearing on HB1320.

