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HB 1371

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1371

House Education Committee

Conference Committee

Hearing Date 01/29/01

Tape Number	Side A	Side B	Meter #
#1		X	710 to 6162
#2	X		1 to 1062
Committee Clerk Signature <i>Jean Albertson</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 not open the hearing on HB1371

Rep. Disrud: (District 21) I responded to a request that the issue of age of a child's age of entry into school would be addressed. School to me means kindergarten, which is scheduled by the local school district. Being responsible for a child includes the concern and action on behalf of the educational, emotional, psychological, intellectual and social well-being of a child. I am a parent of four adult sons and four grandchildren, and to me, their future and their lives is the most important thing. I've dedicated my whole life to children. I have been focused on the care, but especially the care of a child whose life situation is in need of advocacy, and in many ways, I saw this bill as one of advocacy. There will be a couple of concerns in regards to writing this for

school, and we will be addressing it. An amendment has been written that will address some of the issues of concern that we have already discussed. Children of this era are learning earlier than ever, they in their toddler years, can operate a computer. They have been exposed to a wide variety of stimulus. The intention of HB1371 is to ensure that each child has the opportunity to receive the best chance that they can have to get a good start in life.

Rep. Hanson: Can you tell me what 15.1-20-02 exempts? I'm trying to find it in the Century Code and all it says is it's been reserved.

Rep. Disrud: Would you allow me to defer that question to the experts that will follow me?

Chairman Kelsch: I think that Section 2 deals with in case HB1045 does not pass, so I think that she's adopting it into there.

Larry Klundt: (Executive Director of the ND Council of Educational Leaders) The ND Association of Elementary School Principals are very interested in this bill. Simply put, the bill reduces the age from seven to six for compulsory education, and there appears to be a couple of difficulties that principals and teachers deal with regarding that. I had the opportunity to attend a meeting last summer, John Goodlan, Professor of Education of University of California Los Angeles, was one of the speakers at a banquet where he was being honored for doing a lot of work in education. What he said that struck me, he said, 'You know, as educators, we don't often make decisions based on research, we make them mostly on opinions'. And I think that's true, and then he went on to say, 'If we really based decisions on research, we would start children at age four in our schools, because they're maturing so much sooner, and we would graduate them at age sixteen, and we'd organize them into age groups. When the elementary

schools approached the council about introducing legislation relative to that, reducing to age six, I thought of that.

Rep. Mueller: I haven't seen the amendments referred to, but what is your reaction to those folks who are saying, 'my young person is just not ready to go to school at six years old'. Maybe they will be ready at age seven. Can you respond to that?

Kludt: I guess we would be very interested in finding out whether or not that's really true, whether they would be mature enough or not mature enough. Today, nearly all of the six year olds are in school. Most start when they're five in kindergarten some place, and they're in the first grade at age six, so maturity level is OK. I think kids are maturing. The exception that Mr. Hanson was talking about. I think they include things like home school and private school and things like that.

Rep. Mueller: Maybe that's part of the point I might make. If most of them are in school are in six, which I believe is correct, I guess there must be some good reason why there are very few that aren't, and maybe that's where I'm having some questions.

Kludt: I suspect the two principals here may have some insight to your question.

Rep. Hunsakor: We're all interested in making a child into an adult who can function at the maximum in society, but it isn't all academic. I believe what happens in the heart of the child is learning from mom and dad in the home is part of that, and you used the figure of four years of age. It seems like these kids are thrust into the academic area, some of them, before they're ready, and they need home experiences.

Kludt: I believe strongly that the first teachers are parents. Parents have a great deal of influence, and a great deal of responsibility in getting children ready for school. Mr. Goodlan's

research suggests that kids mature a lot sooner now than they did 20 and thirty years ago, and he thinks that four years is appropriate. I'm not sure of that. We see kids at five and they're in first grade at six, what our problem is, we don't have a compelling reason to keep them in school at six, and parents are able to take them in and out, and we have no teeth in the laws that deals with that.

Rep. Hunsakor: Should parents be forced to have their kids in school at age six, even though, in their opinion their child is not ready?

Kludt: Yes.

Rep. Meier: Is this intended for home education and private schools also?

Kludt: I think that there are exceptions in the law, I think those exceptions that were talked of were except home schools. You don't have to make it so you can be in a home school and you can be in a private school, but I think that the intention is that they would start receiving instruction at age six, at home school and at private school.

Rep. Meier: So, you are definitely stating that that would include home education?

Kludt: I believe so, I would have to reread those sections, but I think that's what it means.

Chairman Kelsch: On page 45 of HB1045, the exceptions that Rep. Hanson alluded to.

15.1-20-02, these are the exceptions: The child is in attendance for the same length of time at an approved, non- public school, the child has completed high school, the child is necessary to the support of their family and the child's family, a multidisciplinary team that includes the child's school district superintendent, the director of the child's special education unit, the child's classroom teacher, the child's physician, and a child's parent has determined that the child has a disability that renders attendance or participation in a regular special education program in

expedient or impractical or the child has been receiving home education, provided that this exception is not available if the child has multiple disabilities, as are determined in section 25, which is the home school section. So, they would be exempted from this.

Klundt: As long as they are getting services at home.

Tom Conlon: (Elementary school principal in Mandan) *Please refer to written testimony*

Rep. Thoreson: Is there a minimum age a student can go to kindergarten?

Conlon: Right now, kindergarten is typically for a five year old. A child who will turn five between August 31 and January 1 may opt to petition the school district and go through a process that's approved through DPI, to advance a student, so that student might be able to get in if that student will turn five within that deadline, otherwise, you have to be five years old by August 31.

Rep. Hunsaker: When a child is six years old, the parents have the choice then, to put the child in kindergarten or first grade, as long as they attend the full duration of kindergarten or first grade, am I understanding you correct?

Conlon: That's what our intention is with this, and that's what we're concerned with, with the way it was written, someone might be determine that that six year old would have to be in school every day, all day for 173 days, and that's not the intention that we have.

Rep. Solberg: How often does this occur? That parents sends their kids to school and then is out a large number of days?

Conlon: No, it doesn't happen very often, in fact, most kids are enrolled in school, and most parents will send their kids to school regularly. We do have some parents who do not, for some reason, send their children to school regularly. Maybe today is Monday, and we had a big weekend, and we didn't get around to sending our kid to school today, whatever the situation.

What happens is, a few of our kids that do not come to school regularly, because their parents do not send them regularly for no apparent reason, so when we have that situation, again, what we do as principals and teachers, we try to confer with that parent and we try to encourage them and we try to let them know about the importance of attending school on a regular basis, and when that doesn't happen, then we have no other alternative. We've written them letters, we've conferred with them, but that's as far as we can go.

Rep. Nelson: If this bill passes, what procedure would you have in your hands for that parent who decides still, whether it's compulsory or not, what will you have that will make that student go to school on a more regular basis?

Conlon: We would do with what we do with the kids now that are seven and above. Call social services and other agencies to send that school regularly. It would be like educational neglect if that child was not sent to school regularly.

Rep. Nelson: Do you use social services now, if in your opinion, their missing too many days? Don't you have that option now?

Conlon: We do have that option for 7 through 16 year olds. We do not have that option for 6 year olds, because right now, it's not mandatory for those children to be in school, so when we call social services, they say, there's nothing we can do, they don't have to be in school until they're seven. They could take their child out of school all together.

Rep. Haas: What procedure do you have in place at your school, for a parent who comes to you now, and let's say that the child is six by August 31, and the parent comes to you and says, 'I don't think that my child is ready to be in the first grade, I'd like to wait a year'.

Conlon: We have kindergarten for them, and I've never had a parent not opt to do that. I've had lots of parents who have said that their child isn't ready, or they haven't even contacted us, and they decide that they're child is not ready, and then when they're six, they come to us and automatically register for kindergarten. I may say that because kindergarten is not compulsory, that parent may say that they've been working with that child at home and say that their child is ready for the first grade, and we would place them in first grade.

Buster Langowski: (Elementary principal in Hazen) We happen to be in a category, in ND, where 26 states that have a compulsory attendance law that is at age 7. There also happen to be 17 states that have a compulsory attendance law at age 6, and mind you that there are four states that have a compulsory attendance law at age 5. Also, the oldest law in record was established in WA in 1871, and the newest law was established in 1929 in AK. Our present law was established in 1886. I look at it from the standpoint of an opportunity. Presently, all our children have opportunities to go to school, but it isn't necessarily always the case that they're there all the time, and in the past 10 years there have been tremendous research done on the development of the brain. I attended a conference by a women who has done extensive brain research. One of things that I have taken on as a goal is to try to make our school a more brain compatible school. Simply because of the technology out there today, they can see what is happening with the brain in terms of learning. If a child were not stimulated, the neurons in the brain will find a different pathway, and in some instances, will not pick up the needed information it should have to learn in a certain way. If a child was never exposed to language, by the age of 10, those neurons that transmit that into learning will have faded away, and the likelihood of that child learning after that point in time is almost nil. I refer to that as a window of opportunity. Another way that

children learn is through multi-sensory sensory information. There are nineteen different senses used in terms of how we learn. All children start out with a female brain, whether they are male or female, and research strongly suggests that girls surpass boys at a particular point. It may take a boy, for instance, a longer time to learn how to read, simply because their brain does not have the mechanical function to process language as easy as girls. In some of the research, a child's brain actually emits 225% more energy than an adult brain. The problem is that there's so much energy that it's difficult for the child to focus on what needs to be accomplished and what doesn't need to be accomplished. We talk about windows of opportunity for children, and the window of opportunity for a child in motor development is from zero to six, emotional control is zero to three, vocabulary is zero to four, a second language zero to ten, math and logic is zero to four, music is zero to ten. In terms of what I am proposing and why I feel support is needed for this piece of legislation is the fact that I look at it as an opportunity. We need to give kids all the opportunities that we can provide them. We all realize that there are a number of dysfunctional homes in every community, and if a child is just sitting and watching TV or playing Nintendo, we also know that that child is not being stimulated the way that he/she should be stimulated in terms of providing the best opportunity for the child to learn. The school can provide that opportunity, and by having this law on record, would provide us some latitude to take and put a little teeth in the law with the people who are reluctant to send their children. I ask for some assistance, and I was told that because compulsory attendance law is age seven, there wasn't anything they could do for me, and that was a six year old first grader. They weren't coming to school regularly.

Rep. Hanson: If most kids are already are starting at six, and just a small number at seven, what is the percent start at seven and what percent start at six?

Langowski: We have very few, probably less than one percent that are starting at age seven. Most of them are starting at age six.

Rep. Solberg: Has this become quite a big problem in your district?

Langowski: It has not been a tremendously big problem in our area. Where we run into the most problems, is because we're in the energy area, people are constantly moving into the area, and we have difficulty tracking children down, and when we do, keeping them in school. I think, though, if all the school districts in ND only had one situation to deal with in a year, though, that's a number of children.

Bev Nielson: (School Board's Association) When the law was written, I think that they just arbitrarily picked age seven. I think it just seemed like a good age. I don't think there's anything magical about seven, or six, or five, or four, or eight. We picked an age, and it was in the law. In those days, we didn't have the number of preschools we have now, we didn't have the number of kindergartens we have now. I think it's at least worthy to at least have this discussion, we do have some discrepancies in the law. We will always have truancy issues, and no state's attorney wants to prosecute on truancy issues, so we deal with that all the time. However, the first year of school; think about the message that we send: positive or negative. The first message they get in an instance like this is, at school, you can come and go as you please. This is a cognitive message, and in our opinion, it's a negative cognitive message. Also, if the child has to be held back then, because of excessive absences, or needs tutoring, or somehow gets singled out because of that. Then, I think we create an emotional negative feeling for education, so in that

