MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M

ROLL NUMBER

DESCRIPTION

3202

2001 SENATE EDUCATION

SB 2202

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2202

Senate Education Committee

☐ Conference Committee

Hearing Date 01-23-01

Tape Number	Side A	Side B	Meter #
1	x		40.7 - end
1		x	0 - 18.6
2(1-24-01)	x		47.8 - end
2(1-24-01)		x	0 - 36.0
2 (01-29-01)	x		0 - 2.4
2 (01-30-01)	x		9.5 - 18.3
Committee Clerk Signature			

Minutes: CHAIRMAN FREBORG called the hearing on SB 2202 relating to compulsory attendance of students.

Testimony in support of SB 2202.

SENATOR COOK , District 34, testified in support of the bill and explained the bill. He stated the bill makes attendance in school compulsory for children between seven and sixteen years of age and also mandates attendance for special service children for any school year in which they start school, even if it is before they turn seven. This bill does not change the compulsory age of attendance. There are no rules in place to require parents to have their children, under seven, continue to attend school once they start.

Written testimony was presented from SENATOR TRAYNOR, District 15. (see attached).

TOM CONLON, representing North Dakota Association of Elementary Principals, presented testimony.(see attached). He proposed amending the bill to state compulsory attendance for

children attending school is age six. Discussion ensued on starting dates for school, ages for starting school, laws dealing with compulsory attendance, children attending kindergarten, and individualized education programs. SENATOR COOK asked if the committee was to amend the age from seven to six, would that eliminate the need for subsection 2 of the bill. This bill would be all inclusive of six year olds if amended. SENATOR WANZEK asked if there are any good reasons for parents to not send their child/children to school. MR. CONLON responded that some people keep their children home for various reasons, a day here and a day there, which adds up to many days by years end.

SENATOR CHRISTENSON asked if/when this bill goes into effect, would it fall under the definition of truancy, if the child does not attend, or is that a term applied to older children. He answered Yes, it would fall under truancy, because the current law does not make it mandatory to be in school until age seven. He feels the threat of social service intervention has been effective for lower grades.

Written testimony was presented from JULIE SCHULER, President of the ND Assoc. of Elementary Principals. (see attached). SENATOR WANZEK read Ms. Schuler's testimony and stated it looked like it would be mandatory for even three year olds to stay in school, once they start. MR. CONLON stated that was not the intent of the bill.

GARY GRONBERG, Department of Public Instruction, explained a potential consequence of the bill as he sees it. It looks as if a child enters any kind of a program, in terms of enrollment, and a pre-school child with a disability can enter and enroll at age three, eligible for foundation aid, the parent would now be able to be reported or prosecuted to the Dept. of Human Services for educational neglect if the child did not attend the programs all the way through, even at age three. More discussion by the committee on the age of starting school (six or seven), age of

special service children (age 3 - 5), and when the child should start school, (law now states the child must start school in the school year following their seventh birthday). MR. CONLON explained the intent of changing the age from seven to six was because of children in IEP (individual education plan).

CHAIRMAN FREBORG stated the bill actually broadens the scope of this to all children.

There was no opposition to the bill.

The hearing was closed on SB 2202.

01-24-01, Tape 2, Side A, 47.9 -end, Side B, 0 - 36.0

SENATOR COOK presented amendments to SB 2202. (10395.0101). He stated the intent of the amendment is to change seven to six. It offers clarification stating if a child is enrolled in kindergarten in a public school, the child must be in attendance for the duration of the kindergarten calendar established by the board of the school district. Discussion by the committee on the cost of IEP and the compulsory attendance for a six year old. Is this mandating attendance for kindergarten. If the age is changed to six, can a child go to first grade without kindergarten. Are we able to accomplish what we intend with just changing six to seven.

SENATOR COOK moved to adopt the amendments **excluding** (pg 1, line 14 after "year" insert "If the child....." And page 2, line 3 after the period insert "If the child...". SENATOR CHRISTENSON seconded. This amendment simply changes the age from seven to six.

Roll call vote: 7 YES. 0 NO. 0 Absent. The amendment was adopted.

More discussion. GARY GRONBERG stated that as the bill is written with the amendment, a child must be in first grade by age six.

SENATOR COOK moved a DO PASS AS AMENDED. Seconded by SENATOR WANZEK.

The motion was withdrawn.

SENATOR WANZEK moved an amendment "on page 1, line 14, after "public school" insert "or enrolled in a kindergarten program" and "on page 2, line 2, after "public school" insert "or enrolled in a kindergarten program". Seconded by SENATOR FLAKOLL.

Roll call vote: 7 YES. 0 NO. 0 Absent. The amendment is adopted.

SENATOR COOK moved a DO PASS AS AMENDED. Seconded by SENATOR WANZEK.

Roll Call Vote: 7 YES. 0 NO. 0 Absent. Motion Carried.

CHAIRMAN FREBORG STATED THE BILL WILL BE HELD UNTIL THE COMMITTEE CAN LOOK OVER THIS BILLAND APPLY THE AMENDMENTS.

Carrier: SENATOR WANZEK

01-29-01, Tape 2, Side A, 0 - 2.4

SENATOR COOK moved to reconsider the action on SB 2202. Seconded by SENATOR FLAKOLL. SENATOR COOK is working on amendments to the bill and presented them to the committee to study.

Roll Call Vote to Reconsider. 7 Yes. 0 No. 0 Absent. Motion Carried.

01-30-01, Tape 2, Side A, 9-5 - 18.3

SB 2202 was reconsidered.

SENATOR COOK moved to remove the amendments on SB 2202

and bring back the original bill. Seconded by SENATOR FLAKOLL.

Roll call vote: 7 YES. 0 NO. 0 Absent. Motion carried.

SENATOR COOK moved the amendments 10395.0102. Seconded by SENATOR FLAKOLL.

The amendment changes compulsory education from 7 - 16 years old to 6 - 16 years old. This still allows parents to use their judgment as to when to send their child to school.

Roll call vote: 7 YES. 0 NO. 0 Absent. Motion Carried.

SENATOR COOK moved a DO PASS AS AMENDED. Seconded by SENATOR FLAKOLL.

SENATOR COOK asked the intern to find out how many states require compulsorary education for six year olds.

Roll Call Vote: 7 YES. 0 NO. 0 Absent. Motion Carried.

Carrier: SENATOR COOK

10395.0101
Title.

Prepared by the Legislative Council staff for
Senator Cook
January 24, 2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2202

Page 1, line 8, remove "1."

Page 1, line 10, overstrike "seven"

Page 1, line 11, after "~~to~~" insert "six"

Page 1, line 14, after "year" insert ". ~~If the child is enrolled in kindergarten at a public school, the child must be in attendance for the duration of the kindergarten calendar established by the board of the school district.~~"

Page 1, remove lines 15 through 20

Page 2, line 1, remove "1." and overstrike "seven" and insert immediately thereafter "six"

Page 2, line 3, after the period insert "~~If the child is enrolled in kindergarten at a public school, the child must be in attendance for the duration of the kindergarten calendar established by the board of the school district.~~", remove the overstrike over "~~section~~", and remove "subsection"

Page 2, remove lines 5 through 10

Renumber accordingly

Date: 01-24-01

Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2202

Senate Education Committee

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number 10395.0101

Action Taken Do Pass on amendment

Motion Made By Sen. Cook Seconded By Sen. Christenson

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: Changes mandatory age from age seven to age six. Removes line 15-20 pg 1 and lines 5-10 pg 2.

Date: 1-24-01
Roll Call Vote #: ~~2~~

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2202

Senate Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Sen. Cook Seconded By Sen. Wanzek

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman			Senator Christenson		
Senator Flakoll - Vice Chairman			Senator Kelsh		
Senator Cook			Senator O'Connell		
Senator Wanzek					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Motion withdrawn

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

Date: 1-24-01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Education Committee

☐ Subcommittee on

or

☐ Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass on amendment

Motion Made By Sen. Wanzek Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment

If the vote is on an amendment, briefly indicate intent: line 14 after "public school insert "or enrolled in a kindergarten program" also on pg 2, line 2, insert "or enrolled in a kindergarten program".

Date: 1-24-01
Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Education Committee

☐ Subcommittee on

or

☐ Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass as amended

Motion Made By Sen. Cook Seconded By Sen. Wanzek

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Wanzek

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

Date: 1-29-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2202

Senate Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken to reconsider SB 2202 as amended

Motion Made By Sen. Cook Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 1-30-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2202

Senate Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Minor amends on SB2202

Motion Made By Sen. Cook Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 1-30-01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2202

Senate Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken ~~DP~~ Adopt amend 10395.0102

Motion Made By ~~Sen.~~ Cook Seconded By ~~Sen.~~ Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: delete lines 15-20 (Section 2). Creates a new Sec. 2. Changes it to ~~a~~ six years old for compulsory attendance at school. (either in kindergarten or first grade)

CONT

NEXT FICHE

Date: 1-30-01
Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2202

Senate Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DPA

Motion Made By Sen. Cook Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen ~~Dotzenrod~~ Cook

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

REPORT OF STANDING COMMITTEE

SB 2202: 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 2202 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "seven"

Page 1, line 11, after "~~te~~" insert "six"

Page 1, line 15, replace "If a child is enrolled in a public school prior to reaching the age of seven, evaluated" with "If a six-year-old child is in attendance at a public school kindergarten for the duration of time established by the board of the child's school district of residence, the person having responsibility for the child is deemed to be in compliance with the requirements of subsection 1."

Page 1, remove lines 16 through 20

Page 2, line 1, overstrike "seven" and insert immediately thereafter "six"

Page 2, line 5, replace "If a child is enrolled in a public school prior to reaching the age of seven, evaluated" with "If a six-year-old child is in attendance at a public school kindergarten for the duration of time established by the board of the child's school district of residence, the person having responsibility for the child is deemed to be in compliance with the requirements of subsection 1."

Page 2, remove lines 6 through 10

Renumber accordingly

2001 HOUSE EDUCATION

SB 2202

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2202

House Education Committee

☐ Conference Committee

Hearing Date 03/06/01

Tape Number	Side A	Side B	Meter #
#1	X		2450 to 6200
#2		X	1 to 535
Committee Clerk Signature	Lisa Gilbertson		

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 SB2202.

Tom Conlon: (Mandan Principle) We want to leave no child behind. The present situation may allow some children to be left behind. The problem is not that our six year olds aren't in school, the problem is we have some of the parents that enroll their child, don't send their child on a regular basis. We've had children that miss 30, sometimes 40 days of school, because their parents aren't sending their children to school. This bill changes the compulsory education law from 7 to 16, to 6 to 16, and then it further declines that a parent does have choices.

Rep. Bellew: Is this basically stating that there is mandatory kindergarten?

Conlon: School would be mandatory with this. Most parents would be sending their child to school, kindergarten as a five year old, first grade as a six year old.

Rep. Bellew: If Subsection 2 is instituted, and a six year old is in compliance with the law, then isn't that not true that the state is required to pay for busing too?

Chairman Kelsch: It would be exactly the same. Nothing would change by the way this bill is written. Mr. Conlon, we passed a bill, and we amended it, which of the bills do you prefer?

Conlon: A couple of concerns we had with that language was the trial period. We really think that educators need to get together and make some decisions for kids and not try out a situation for kids. It seems like it might be a negative start for that child. We would say, try to make the best decision that you can as a parent, and then we need to modify so that we allow that child to be successful with that placement. The HB doesn't define what the duration of the school year is, so we're saying, 'the duration of the school year, as outlined by the local school district'.

Rep. Nottestad: How much of a burden issue was this at your annual principle's meeting?

Conlon: We have about two or three issues that are concerning us, and this was one of the two or three issues.

Rep. Brusegaard: Isn't this kind of a brace for board policy, doesn't board policy say that the students are only allowed two absences?

Conlon: Right now, if I have a six year old child in our school that has missed out 20 days of school, my recourse is to call a parent, then it's up to the parent what they want to do, I have no recourse. With this law, I'd be able to contact social service agencies.

Chairman Kelsch: Anyone who wishes to appear in opposition to SB2202?

Pam O'Keefe: I think it's kind of silly to make a law to change something for the most part isn't broken. Rep. Nelson asked me a question, 'what should he do, then, about those students that aren't showing up?', and I thought about it and, as a teacher, you are obligated by law to report that you remotely suspect may be neglect or abuse in any circumstance, so if the only problem is the child is enrolled and not showing up, then maybe that is a problem, but if the administrator's concerned that there might be some abuse and neglect, I could see that there would be some concern, but there are already means under the law to address that. This bill makes the assumption that all six year olds are created equally when they aren't. When my son was six, he would have been eaten alive if he would have started school. I think this further encroaches on parent's rights. In the state of Rhode Island, which currently has age 6 as their beginning age, last year in their House, which would have mandated full day kindergarten for four year olds. To me, this bill is just a foot in the door to lower it even further.

Roger Sayler: (CPA) I believe this takes away parent's rights. All of my children started, with the exception of one, start at age 7. We started our first child in kindergarten at age five. After three or four weeks, it was not working, then we held her back until the age of seven. She and her brother are both college students and both National Merit Scholars. They worked hard, but they also have the opportunity to be mature when they started. I think there may be an issue of getting the dollars.

Chairman Kelsch: Do you agree with the concept if a child is started in kindergarten or first grade at that age, and determined at that age, and they are at a level that they can be in school at that age, do you agree that that child should be in school?

Sayler: Yes. They should either be in or they should be out, but that should be the parent's decision.

Rep. Nottestad: Going back to that then, if a parent keeps a child out at 20%-30% of the time, and that child becomes very frustrated in school, is it then expected of the teacher to provide the extra practice with that child to eliminate the frustration?

Sayler: I feel that the parent needs to take their responsibilities seriously. I don't think that it's a big enough problem to have to be addressed with a law.

Rep. Hawken: This bill is not about money. It's about whether or not a child is going to be in the right place for school.

Rep. Mueller: There isn't a money issue the way that I see it, and I'm not too sure that a principle is going to benefit greatly in a monetary fashion.

Sayler: Does not the school get paid per day that the student in the school? Per head?

Rep. Mueller: That's correct.

Sayler: That was my thinking along those lines.

Rep. Hunskor: If the child is not, in the opinion of the parent, ready at age 5 or 6, would you tell us how important interaction with the parent would be in bringing that child to the maturity level?

Sayler: I believe that would be of the most importance in the parent's regard.

Cathy Schlenker: My experience tells me that not all six year olds are physically or developmentally ready for learning. There's a relationship between the increased percentage of dyslexia and nearsightedness and in correlation with early childhood entrance. *Quote from 'Better Late Than Early' by Dr. Raymond and Dorothy Moore* I have tutored children who have

late birthdays that were very frustrated and struggled academically and they have total sense of failure. You can't teach readiness. Readiness is when the light comes on, it's when the maturity level is there. When they are able to receive the skill and knowledge that are given to them.

Bernice Thomas: I'm standing in opposition to this bill.

Rep. Mueller: I'm not so sure, in the present form, talks about any requirement of the student to be in school at age six. I think it says, 'if the student is in school'.

Chairman Kelsch: What the Senate did was that when we were talking about saying, if a person decides to put a child in at age six that they needed to comply with the compulsory attendance laws, but the compulsory attendance laws say 'age seven through sixteen', so what the Senate did was they said, we'll take the compulsory attendance age and put it at six, but there's not mandate that says you have to start that child at six. Either bill, there are no mandates in there that says that you must have a child in there at six, unless you choose to start you child at age six.

Cam Leedahl: *Please refer to written testimony*

Chairman Kelsch: We will now close the hearing on SB2202.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2202 A

House Education Committee

☐ Conference Committee

Hearing Date 03/12/01

Tape Number	Side A	Side B	Meter #
#1		X	135 to 1313
Committee Clerk Signature			

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 SB2202.

Rep. Solberg: I move the amendments.

Rep. Brusegaard: Second.

Rep. Solberg: I move a DO PASS AS AMENDED.

Rep. Meier: Second.

Chairman Kelsch: Committee discussion.

The motion of DO PASS AS AMENDED passes with 15 YAY 0 NAY 0 ABSENT

Floor Assignment: Rep. D. Johnson

Date: 3/12/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2202

House House Education Committee

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. Solberg Seconded By Rep. Meier

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

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep. D. Johnson

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

REPORT OF STANDING COMMITTEE

SB 2202, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2202 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~seven~~"

Page 1, line 11, remove "six"

Page 1, line 14, replace "year" with "calendar"

Page 1, line 15, replace "If a six-year-old child is in attendance at a public school kindergarten for the" with "If a person enrolls a child of age six in a public school, beginning thirty days after the date of enrollment the person shall ensure that the child is in attendance at a public school for the duration of the school calendar."

Page 1, remove lines 16 through 18

Page 1, line 23, remove the overstrike over "~~seven~~" and remove "six"

Page 2, line 1, overstrike "year" and insert immediately thereafter "calendar"

Page 2, line 3, replace "If a six-year-old child is in attendance at a public school kindergarten for the" with "If a person enrolls a child of age six in a public school, beginning thirty days after the date of enrollment the person shall ensure that the child is in attendance at a public school for the duration of the school calendar."

Page 2, remove lines 4 through 6

Renumber accordingly

2001 TESTIMONY

SB 2202

Senator John T. Traynor
District 15
P.O. Box 838
Devils Lake, ND 58301-0838

NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

COMMITTEES:
Judiciary, Chairman
Natural Resources

TESTIMONY OF SENATOR JACK TRAYNOR

SENATE BILL NUMBER 2202

MEMBERS OF THE SENATE EDUCATION COMMITTEE:

I INTRODUCED SENATE BILL NUMBER 2202 AT THE REQUEST OF THE PRESIDENT OF THE NORTH DAKOTA ASSOCIATION OF ELEMENTARY PRINCIPALS, JULIE SCHULER, WHO IS ALSO PRINCIPAL OF THE PRAIRIE VIEW ELEMENTARY SCHOOL IN DEVILS LAKE.

CHILDREN UNDER SEVEN YEARS OF AGE, WHO ARE ENROLED IN SCHOOL, BUT WHO DO NOT ATTEND SCHOOL REGULARLY, PRESENT A PROBLEM TO THE SCHOOL. SCHOOL STAFF MUST BE AVAILABLE TO PROVIDE EDUCATIONAL SERVICES TO THE CHILDREN; BUT BECAUSE THE CHILDREN ARE NOT SEVEN YEARS OF AGE COUNTY SOCIAL SERVICES CANNOT BE UTILIZED TO REQUIRE ATTENDANCE. SENATE BILL NUMBER 2202 ADDRESSES THIS PROBLEM. SEVERAL SCHOOL PRINCIPALS ARE PRESENT TO AMPLIFY THE SERIOUS PROBLEMS CONFRONTING OUR ELEMENTARY SCHOOLS IN THIS AREA.

IF THE COMMITTEE HAS ANY QUESTIONS I WILL BE HAPPY TO RESPOND.

January 23, 2001

Senate Bill 2202
Compulsory Attendance

My name is Tom Conlon. I am an elementary principal representing the North Dakota Association of Elementary Principals. The purpose of this testimony is to clarify the position of NDAESP on compulsory attendance. Before I do this, I want to thank Senators Traynor, Cook and Holmberg for introducing this bill. The NDAESP supports this bill but would like it to be more inclusive so that all six year children are protected.

Problem 1:

Presently the law states that children need to be in attendance at school from the ages of seven to sixteen. This law was written before the days of kindergarten and before recent studies of the importance of learning at an early age.

Most parents enroll their children for kindergarten when they are five and of course most of these students are enrolled in first grade when they are six. The problem is that a few parents, though they enroll their children, do not SEND their six year old to school regularly and these students are not getting the education they deserve. Some of these students will miss as many as thirty days of school in a school year. Some students are retained mainly because they were not in school on a regular basis.

The teacher and the principal may attempt to hold a conference, or may write the parent letters relative to the importance of attending school regularly, but the present law does not make school attendance mandatory for six year old children.

Solution:

Change Century Code on compulsory attendance for children attending school from ages seven to sixteen, to ages six to sixteen.

Problem 2:

When the law was written, parents made decisions relative to the readiness of their child and began their child's educational experience at six and placed them in first grade. If the parents believed their child was not ready to begin school, they waited a year and then placed the child in first grade as a seven year old. In today's schools, we have kindergarten for five year old children and the typical child begins school at age five. Parents making readiness decisions, might hold their child back for a year and place their child in kindergarten at age six.

The problem is that present law further states that children attend school for the duration of the school year. Presently kindergarten is held on a half-day basis, an every other day basis, one semester only, or I believe, for only six weeks in some school districts. This necessitates language change to allow the six year old child, not ready to begin his formal education at age five, to attend kindergarten as an educational option.

Solution:

Add the words "as outlined by the local school district" to the bill.

The bill would read as follows:

" Any person having responsibility for a child between the ages of six and sixteen years shall ensure that the child is in attendance at a public school for the duration of each school term as outlined by the local school district."

SECTION 7. Chapter 15.1-20 of the North Dakota Century Code is created and enacted as follows:

15.1-20-01. Compulsory attendance. Any person having responsibility for a child between the ages of seven and sixteen years shall ensure that the child is in attendance at a public school for the duration of each school year. This section does not apply if a child is exempted under the provisions of section 15.1-20-02.

15.1-20-02. Compulsory attendance - Exceptions.

1. The provisions of section 15.1-20-01 do not apply if the person having responsibility for the child demonstrates to the satisfaction of the school board that:
   a. The child is in attendance for the same length of time at an approved nonpublic school;
   b. The child has completed high school;
   c. The child is necessary to the support of the child's family;
   d. 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 the child's parent has determined that the child has a disability that renders attendance or participation in a regular or special education program inexpedient or impracticable; or
   e. The child is receiving home education; provided, however, that this exception is not available if the child has developmental disabilities as defined by subsection 1 of section 25-01.2-01.
2. A decision by the board of a school district under subsection 1 is appealable to the district court.

15.1-20-03. Compulsory attendance law - Enforcement. Each school board member, school superintendent, principal, truant officer, teacher, and county superintendent of schools is charged with the enforcement of compulsory school attendance provisions. The compulsory school attendance provisions are applicable to any child who is offered school facilities by a school district, regardless of whether or not the child actually resides in the district. Each individual listed in this section shall investigate any alleged violation of the compulsory attendance provisions and shall obtain from the parent of any child not attending

January 23, 2001
Senate Bill 2202
Compulsory Attendance

Senator Freborg and Education Committee Members,

My name is Julie Schuler. I have served as an elementary principal in the Devils Lake School District for fifteen years. I am also a member and current President of the North Dakota Association of Elementary Principals. I am very appreciative of Senator Traynor's efforts to sponsor Senate Bill 2202 which I am here to speak in favor of. I have additional concerns for students who are age six, but who have not been identified with a disability, however.

How does this bill help the schools?

Presently, the school I serve houses a classroom for the Preschool Special Needs Program for our district. This program serves children ages 3-6 who have been identified with a disability through the Individuals with Disabilities Education Act. In some cases it is more appropriate for the child to receive services in the home or day care setting or a combination of the school and home. The delivery model is determined by the child's educational team. These services are required for all identified children in our state. Often, the children have services already in place through the Infant Development program prior to age three or they are referred to us through other agencies such as Early Tracking, Head Start, or the Preschool Screening Program for our school district. Their disability requires an Individual Education Plan for goals and objectives for concerns such as speech and language, occupational therapy, physical therapy, emotional and cognitive delays. As the enrollment for this program is developed through the spring and summer, schedules for staff which include Preschool certified teachers, speech and language, occupational and physical therapists, are developed. Unfortunately, when parents do not send their child to school or if they choose to not open their door for the scheduled appointment, we have personnel who waste their time and services.

This year I have a student who is served through a school and home model. She has been absent from her kindergarten class on 19 days and tardy an additional 9 days. She attends the afternoon class which begins at 12:40 and has arrived at 2:00 on many occasions. She has missed an additional 14 sessions of her home program because the parents have not opened the door for the teacher. She turned six last October and is severely behind her kindergarten peers. She will enter first grade with limited skills. Because she turns seven in October she will not be eligible for the Preschool Special Needs program. She will then be served by the Special Education staff hired for students in grades 1-4. We have missed an important window of opportunity for this youngster. She is sensing her lack of progress in comparison to the other children and is becoming irritable and uncooperative when she does come to school. While social services has been involved with the family, they have no recourse for the educational concerns for lack of attendance as she has not turned seven.

What is missing in this bill as it is written?

We have increasing numbers of students coming to school with learning and behavior concerns. Our society which includes more working parents, one parent families, and increasing numbers of parents with drug/ alcohol problems has negatively affected the ability of children to come to school ready to learn. While many of us visualize preschoolers at home with their parents receiving nurturing and rich experiences, this scenario is not typically the case. Most six year old are presently in a school setting. But some six year olds whose parents have not sent them to school are likely home watching TV and playing nintendo. Many of these students will end up on IEP's or in remedial programs when they do attend school on a regular basis. They are significantly behind their peers and struggle with the daily expectations of school. Their attitudes for learning are greatly affected by this time and again, we have missed a valuable "window" for learning. Research tells us that the 3-5 years are the most important for the child's learning.

Solution:

The compulsory age of attendance to school should be age six.

So in review, I am here in support of Senate Bill 2202. While it may not go as far as I would like, it is an important step. Then if this committee or other persons would be interested in going a step further to reduce the compulsory age of attendance to six, I would support those efforts. Thank you.

Testimony Against SB 2202 Cam Leedahl 645-2578

Madam Chairman and members of the committee:

My name is Cam Leedahl from Leonard. I am here today to speak against SB 2202.

As I understand the history behind this bill, the original concern was with a few children under the age of seven that had enrolled in the public school and required special services. The parents of these few children were not ensuring that they were in school regularly, creating a burden on a school that had provided special services that were not being properly used. The school could not enforce the attendance because the student was under compulsory school attendance age. This created a waste of taxpayer dollars and frustrated the time of the professionals.

And so, someone thought one approach to fixing this problem would be to make a law that would require those students to stay in school. The first bill was written to address those particular children. However, it was amended to the current version, which made an encompassing sweep of all six year old children.

If an estimated 10,000 children turn six years old by September first, and 99% are enrolled in a school, that leaves one hundred children that are kept home an extra year by their parents. The concern that prompted this bill was over two or three children in one or two schools. Should the problems caused by the parents of five children outweigh the concerns of the parents of 95 children?

Dr. Jean Piaget, the famous and well respected developmental psychologist, found a child's cognitive abilities usually show maturity between the ages of seven and nine. Seven and nine! Think of all the children enrolled in school right now who are being forced to learn what they are not ready for. They are singled out, being given expensive IEP's and special services for a problem that has been caused simply by being in school too soon. Talk to kindergarten and first grade teachers and they will tell you what they have told me, that many of the learning problems

they see are really just the kids being forced to learn what their brains are too immature for. And now the compulsory attendance age is being lowered some more?

I can understand that a school district can have valid frustrations and problems with some parents. However, to make a law that encompasses a far greater percentage of parents and children who are *not* problems is not a fair law. This bill would deny the parents' compelling interest to make these educational choices for their children, children that parents know better than any one else does. It will burden taxpayers. And it may inadvertently create learning problems in young children that needed that one extra year.

Who primarily benefits if this bill is passed into law? The taxpayer? No. The parents of the children who they believe would be best off at home an extra year? No. The child who needs another year or two to mature, as Dr. Jean Piaget would attest to? No. So, who benefits from the law? The educational establishment is all that is left. The educational establishment that is supposed to be serving educational needs, not creating educational needs.

Please give a do not pass recommendation to 2202.