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Dennis Ball
Operator's Signature

10/2/03
Date

2003 HOUSE EDUCATION

HB 1155

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Dorena Hall
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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1155

House Education Committee

Conference Committee

Hearing Date January 14, 2003

Tape Number	Side A	Side B	Meter #
1	x		3250-6211
1		x	00-3277
Committee Clerk Signature <i>Linda Guenther</i>			

Minutes:

Chairman Kelsch open hearing on bill.

SUPPORT

Rep. Larry Bellew, District 38, NW Minot, NW Ward County.

Introduced bill for an institution that resides in my district. I have brought an expert to testify before you. I recommend a DO PASS on this bill.

(3375-5512) Gary Crowdus, Minot, Superintendent/Principal of Dakota Memorial High School located in Minot on the campus of Dakota Boys Ranch. See Attached Testimony

Our student population that have refereed to us through the court system. We serve students that are mild Mental Retardation and Emotional Disturbed of Bis/Mandan area. We also serve students in the Minot area who are severally emotional disturbed and sexual perpetrators, alcohol and drug issues and every kind of behavior issue you can think of. We also have a day school in Minot, students come to us during the day from the Minot system.

Gave examples of different situations that have occurred in the past.

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Dorinda Hallmark
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1/12/03
Date

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Read parts of letter written to Dan Ruby and Larry Bollew, enclosed.

Referred to a letter written to Dr. Wayne Sanstead, State Superintendent, enclosed.

Basically we provide a service that I think is needed by the state of North Dakota. We have 16 beds that are constantly full. Two years ago we started a facility for the MRED kids because the state had been placing them out of state at the time, we wanted to keep them home and also wanted to keep the costs down. All we are looking for is that we get our tuition because we are providing an education for these students. And that we come to some determination as to a clearer picture where the student resides at the time of placement. Now there was a letter from the states attorney, dated Feb. 25 2002, that defined clearly what the intent of the legislation was when they talked about where a child resides. But from my discussion with a couple of superintendent they say that is just an opinion and that it's not the law. I'm asking that we look at these two parts of the code and clean them up It would sure help not to incur any costs that we can't recuperate. It is not fiscally responsible of me as a Superintendent to keep writing off \$30,000 a year in tuition aid. What we do not do at the ranch is kick anyone out because schools don't pay. That's not what we are about.

Rep. Norland: Is this determined after the student is there, or prior to receiving student?

Crowdus: It is usually determined by the referral agents who is usually the division of juvenile services. We do send out a letter to the schools letting them know that there is a placement. The letter is basically asking them to agree to these costs. We have two situations: yes they will or no they won't. The are emergency placements where children have been taken out of the home because of things that are happening and arrive before the paperwork. And then they refuse to pay.

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Donna Bollew
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(5731) Jerry Coleman, Department of Public Instruction.

we are in support of this bill. Additional information on this bill. After the placement is made the districts responsibility in these matters is limited to state average costs. The state actually picks up the excess cost reimbursements. We do allow them, because they are financially responsible for those students to claim them for Foundation Aid as if they are still a member of that school district. So in the current school year, the financial responsibility for a school district is never more than \$5,532 for elementary, \$5,771 high school and in addition to that it is offset by claiming Foundation Aid. Mr. Crowder was saying that their rate is \$95 per day, these school districts responsibility is much less than that, I think the state average is \$45 per day.

Rep. Williams Kids are coming in to live with their Grandmother or someone else, we would not take them, we would send them out because there was legal guardianship. If you follow the letter of the law, you do not have the Mandan situation explained earlier. Does this happen quit often, where students wander in and out of districts?

Coleman: yes it happens quit a bit.

Chairman Kelsch There are certain populations that it happens more frequently in. And that is why you see Attached Testimony the Mandan situation and around the reservations.

Coleman: and the guidance we have used is an old supreme court ruling that the student resides where it is living to be raised as criteria to establish residency.

flip tape

Rep. Hawken: Are there remaining dollars in a special fund that could be used for this?

Coleman: Out of the Foundation aid moneys, and there is also Special Education dollars available.

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Rep. Jon Nelson: Why can't you be the referee?

Coleman: Residency determination of fact, we place the responsibility with the placing agency because they are out there, they know the situation best.

Chairman Kelsch so the placing agency could be social service, the court.

Coleman: At the time placement is made, they are required by the section of the law to notify all parties concerned.

Rep. Jon Nelson Before the placement they don't have any problem accepting the aid, seems they can not accept the responsibility to pay. If we make this change will it help clear this up?

Coleman: The changes will say we will only make that determination one time. This would fix it firmly to the resident district.

Chairman Kelsch and if the tuition isn't being paid you will have the hammer to withhold funds on that child.

Rep. Williams In looking at the line 27 section 5, Who is making the determination?

Coleman: DEPARTMENT OF PUBLIC INSTRUCTION

Rep. Williams You are willing to referee?

Coleman: In that case, yes. We would honor the determination made by the placement agency and we will withhold any payments until this problem has been resolved.

Chairman Kelsch the difference in this would be that you would withhold all the payments not just that for the one student.

Coleman: there is currently no incentive to solve this issue.

Rep. Haas Tuition becomes due upon the placement of the student by the sending district.

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