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10/2/03
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2003 HOUSE EDUCATION

HB 1237

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2003 HOUSE STANDING COMMITTEE MINUTES
 BILL/RESOLUTION NO. HB1237
 House Education Committee

Conference Committee

Hearing Date January 27, 2003

Tape Number	Side A	Side B	Meter #
1	x		3100- end
1		x	00-1132
Committee Clerk Signature <i>Linda Fiechter</i>			

Minutes: Chairman Kelsch opened the hearing on HB 1237

Rep. Nottestad, District 33, SW side of Grand Forks

Hog House amendment. passed out.

Loop hole in the law, pertaining to the expulsion policy practiced by some school districts. The original bill hit a problem, I met with Mr. Gary Thune and we felt it would be easier to put a hog house amendment and correct it entirely then to tray to make amendments on to it.

Gary Thune, Legal Counsel to the ND SBA

I urge your support as amended on this bill. Change it from 4 sections to 2 sections. Thune went through the amendments as passed out by Rep. Nottestad.

(4004) Rep. Williams In Section 2, 'shall' How many school districts have this policy?

Thune: This has been in law for some time, School boards and districts must adopt their own policy. I'm not aware of anyone not having a policy in place.

Rep. Herbel For my information, What is the federal policy?

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Thune: I don't have a copy of it, it has been in our law for quit some time now. Sub section 6 of the second page of this bill, says firearms have a meaning provided in public law 90-351.

And it does involve a weapon that discharges. Weapons are defined by the local district. There is a problem that if you don't have in your policy and your student handbook a fairly clear definition of what a weapon is, that is maybe subject to challenge in court.

Chairman Kelsch Gave an example of sending a knife to school with her son to cut a baked good that she sent.

Rep. Mueller This issue has been with us What is your sense on the enforcement of this policy on school grounds? Intent of the law and practicality.

Thune: No major problem in North Dakota. But knives and small weapons has a 12 month suspension, which may be to much of a penalty. To have the flexibility, in nature, to deal with the problem.

Rep. Hunskor If a student has possession of a weapon in May, they could start school in September then, with the firearms you would have to wait the full 12 months?

Thune: That is correct. The weapons offense if that student is expelled for bringing the knife, it could be until the end of the calendar year. It could be for 12 months an also depending on the circumstances of the event. For a more sever penalty if it is more than the first offense. Lesser for the first offense.

Rep. Haas 19.10 subsection 2, modify the expulsion which would make it less than a year. But on the condition that it be done with some predetermined criteria. Is that not a little bit ambiguous?

Thune: That is the language in the current law

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Rep. Haas I know it is,

Thune: and I think it is very workable as I would see it. School board/ principal has the authority to modify that mandatory year, case by case.

Rep. Jon Nelson Indian reservation, do they comply to this or the federal law?

Thune: If the school received state funds, yes if not no, then it rolls to the federal.

Chairman Kelsch Definition of firearm, read from law.

Rep. Herbel Are BB guns and pellet guns included?

Chairman Kelsch school district defines weapon.

Rep. Aarsvold: District 20, rural area between Grand Forks and Fargo

Support of the HB 1237. The is deals with how school districts deal with weapons violations. I

helped draft this legislation. by amending it we are critiquing our work.

Bruce Murry, Neutral Employee of Protection and Advocate

Very narrow subsection page 4, line 2 discusses the possibility of a school 'shall' provide education. The hog house page 2, sub 3 top of page says 'may' authorize services.

END OF TAPE

(90) Linda Johnson, Director of School Health Programs, Department of Public Instruction

See Attached Testimony

Rep. Mueller School district does allow for education, 'may' or 'shall', you would prefer it to be shall?.

Johnson: Correct, every child needs an education.

Rep. Herbel Do you want to go to the home where firearms are legal?

Johnson: I would have to be faced with the situation before I could comment.

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Gloria Lokken, President of the ND Education Association. support of bill as amended.

Safety issue, modifications so that they have flexibility to deal with the situation. Situations do come up and we need to be flexible. In home education will need to be addressed. If it is dangerous in the school, and we have to send teacher to the home, it will still be dangerous.

Rep. Jon Nelson Does your organization prefer 'may' or 'shall'?

Lokken: Certainly we want every child to be educated, but we want the district to make that decision as they see fit. We are comfortable with 'May'.

(850) Rep. Hunsakor (of Johnson) On page 2 of your chart, 11% or is that 11 out of 100 student in ND were had some kind of physical fight.

Johnson: yes in grades 9-12., national data, we are within the National average.

OPPOSITION - none

(1132) Closed hearing on HB 1237.

Rep. Haas assigned to review the amendments

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