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10/3/03
Date

2003 HOUSE EDUCATION

HB 1361

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2003 HOUSE STANDING COMMITTEE MINUTES
 BILL/RESOLUTION NO. HB 1361
 House Education Committee

Conference Committee

Hearing Date February 3, 2003

Tape Number	Side A	Side B	Meter #
1		x	5100-end
2	x		00-3685
Committee Clerk Signature <i>Sandra Siechtner</i>			

Minutes: **Chairman Kelsch** opened HB 1361

Rep. Haas, District 36

I think that when this issue came up, I felt that it was an issue that needed some consideration by this committee. I think as we go into the future with regards to elementary and secondary education in the state of ND and in view of requirements of NCLB, There are a multitude of reasons I believe that this legislation and this amendment should be considered.

(5350-end) Marilyn Lestmeister, Halliday, See Attached Testimony

packet includes letters from Nancy Bogers, Amy Ferebee, Tim and Roberta Wasem, Sandra Rohde, parents of open enrolled students, Jim and Karol Keller, concerned parents in Halliday, Marolynn Lesmeister, information sheets, Ken and Susi Welsz.

filp tape 00 Rep. Williams : That is powerful story. Refer to the Halliday/ Kildeer reorganization failed, When are you planning the next reorganization.

Lestmeister: Well the school board has to approve to go through it again in, the whole new school board is against it and wants the school to stay open, at whatever cost to the students.

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Rep. Sitte Section 2, Only if application results in an reduction of the number of students in enrolled in the district by more that 20% of the average daily membership in the previous school year. That leaves me to believe that another 17 can transfer out.

Lestmeister That is correct, but my daughter is going to be a sophomore next year she has to wait another year, then what are we going to do. I want her to have the choices now.

Rep. Sitte Will that same list students be kept or will you have to sign up again.

Lestmeister I 'm not sure how that works, the ones that open enrolled will just move up. But there are still, there are 37 students, it is going to take them three years to get them to a school where they want to be. We feel very strongly about our children's education. We want more than what they are getting. It should be our choice, if you are happy in a small school, stay, but if not don't impose regulations on us by the school board or Legislature saying that we don't have the choice. And Halliday is a very turmoil district right now. The town is divided, people don't talk to one another, boycotting business. It is awful to be in this situation, because you want something better for your children.

Rep. Herbel What electives are being taught in Halliday in Math and Science?

Lestmeister We have 7 ITV classes, if we would go to a larger school such as Kildeer, they may offer the same classes as we do, but there will actually be a teacher in the classroom. And that is one of our big concerns. As far as the classes, they rotate, one year they will do Geometry and then the next year Algebra II.

Rep. Herbel So how much Calculus and advanced math is offered?

Lestmeister This year they are offering Geometry, Algebra I ,and Pre-calculus. I lot of times there is a conflict in schedule. Sometimes you don't have a choice.

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Rep. Herbel How about in the sciences & how many are offered by a teacher in the class room?

Lestmeister Physics and Chemistry and advanced Biology, these three are by classroom.

Rep. Jon Nelson Has this always been a concern of yours that the school district no longer offer a quality instruction, or was it always there? And if it was, why were you not on the first of the list to open enroll out, prior to the 19 families that beat you.

Lestmeister Because I was on the reorganization plan, and I really believed that the school board were doing the right thing for our children. A guess I didn't think it would fail.

Rep. Williams You mentioned ITV, refer to emergency teachers, Do you have any

Lestmeister Yes, we have 2. They shouldn't be a teacher because they say they have had some classes in the field, there is more to teaching, you need to know how to present the material to the students, how to learn. This is a difficult situation for small school districts.

Rep. Williams I understand, sec 2, sec 15.1-31 07, read.

This section is only relating to a reorganization yet on the bottom we are getting rid of the 20% cap, why is this bill only relating to the dissolution?

Vice Chair Johnson Tom Decker, will you come forward and address this issue.

Tom Decker, Department of Public Instruction

There are two parts to this bill. The first part is what the testimony has been on so far the repeal of the 15.1-31-02. 15.1-31-07 deals with a narrow piece of business you have passed legislation in the past that says when a student is in a district that is reorganized or dissolved, they have a choice of school districts. It is simply a choice not open enrollment. Choice of school of attendance. So that striking the last sentence means that for purposes of determining how many

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students can open enroll, students can choose another district under that provision, aren't counted in average daily membership.

Rep. Meier What courses is your daughter taking on ITV?

Lestmeister She is taking Art, Chemistry I and Math. It is hard to take Art with no one in the class and do it over a monitor. **Rep. Hanson** This repealer is only the 20%.

Susi Welsz, Halliday parent, See Attached Testimony, read 1400-1688

Tom Decker, Department of Public Instruction

Open enrollment is ultimate form of local control. It is letting parents make the decision for the best setting for their children's education. When we set up open enrollment in 1993, we put the 20% cap on for pragmatic political reasons to get the bill passed. There should be no limit on open enrollment, if we believe in the concept of letting parent make the choice, any cap is artificial. Over the history of open enrollment, after the first year very few school where it rose to the 20% cap. The first year we had a back log of student who were in other school districts on tuition agreements or waivers. They converted to open enrollment that was about 1/2 of the number the 1st year. Every year we have one or two situations where this cap has been a crisis, where parents have been put in a position of having to make difficult decisions about the education because of the 20% cap existed. If we believe in open enrollment, if we believe it is important for parents to choose where their students will get the best education, we should remove the cap. It will have very little effect on the vast majority of schools in ND. I should point out that any school board in ND is free to go beyond the 20%. I have talked with a lot of school board members personally, if you want to live there you don't vote to beyond the 20% cap. We support removing this cap.

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Rep. Williams many of us felt for a long time we need more consolidations in the state. yet we run into local control issue. If this bill passes, and take the cap off, will this force some to consolidate due to loss of numbers?

Decker: I don't think that in the history of open enrollment that would indicate that is the case. We have had any instances where numbers exceed the 20% cap want to open enroll out in any given year. There is a steady pattern of increasing numbers of students open enrolling. Overall direction is smaller to larger districts. More districts, regardless or weather we act here to mandate or speed up consolidation, will be going out business, because of declining enrollment. This is really a chicken or egg argument. The pattern that we see is that as districts numbers get smaller and if there is any discussion of consolidation, open enrollment immediately increases. In any case, it is in this circumstance that parents need the choice most.

Rep. Sitte Can students open enroll for just a few classes, example for the vo-tech classes.

Decker: we have provisions in ND law to pay prorated foundation aid, for any student who want to attend a public school on a part time basis. It is also allowed under ND law, that school districts can reduce there scope of k-12 to k-6 or 8, and tuition there students out. Practically speaking in rural ND, the kind of course work that students want to go to another school for, may not be available. In much of ND we do not have good access to vocational programing and AP and high end course work.

Vice Chair Johnson If we were to remove caps and school boards doesn't agree to reorganization, how are they going to address the open enrollments when they come in, will they eliminate teachers?

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Decker: Right now the 20% cap the district of residence has no choice in weather or not they let students go. If you remove the cap they will have no choice, in the number of student, as long as the student apply for open enrollment through the correct process by the deadline. It will make them rethink their staffing. We have set the timelines so that they can plan for that through the spring.

Rep. Williams Is optional for school districts to participate in open enrollment?

Decker: It is optional on the receiving end. They may still choose not to take in students who are open enrolling. If they take in they need to establish a policy, class size, program size criteria, and how many they take based on that criteria.

Rep. Jon Nelson How many cases has there been where the 20% cap a problem:

Decker: A print out, it is a very small number, some as small as 20% of 6 students.

Rep. Jon Nelson The 20% rule as a tool is turning into a weapon in some cases.

Decker: Who is holding who hostage, School boards can deal with this before it gets to this level.

OPPOSITION

(2890) Dean Bard, Association of Small Organized Schools

When open enrollment first came into being back 8 years ago, we did not oppose the open enrollment concept because there were certain safe guards built in at that time, one being that there is a deadline only one time in the year. And then 20% requirement so that a district could not be drained to where it would make it difficult to function. I sympathize with this situation that is occurring. By in large it is not a good idea to pass legislation because of one situation. There are avenues available for pupil movement from one district to another.

NEUTRAL

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