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La Costa Richard
Operator's Signature

10/16/03
Date

2003 HOUSE EDUCATION
HB 1450

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Salvatore Riccardi
Operator's Signature

10/16/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1450

House Education Committee

Conference Committee

Hearing Date January 29, 2003

Tape Number	Side A	Side B	Meter #
1		x	4000- end
2	x		00- end
Committee Clerk Signature <i>Linda Fuchter</i>			

Minutes: **Chairman Kelsch** opened hearing on HB 1450.

Rep. Haas, District 36

The bill is very brief and self explanatory. Philosophical issues that keep bringing this bill in front of us. The are primarily centered around the states responsibility for elementary and secondary education for every child in the state. And also centered around the issue of equity in school districts. The early to mid 90's that state was faced with a law suit regard the equity of the whole delivery system of education in ND. I was conclusive that the system is flawed deeply, in many respects. This bill from a philosophical standpoint helps address that issue. There are school districts in the state banding together to bring legal against the state of ND to have courts declare our method of delivering education unconstitutional. It is the belief of many in the legislature that all of the land should be used in an equitable fashion as possible to support k-12 education. By having the fragmentation that we have with regards to elementary districts we do not even come close to achieving that goal. And that is one of the primary reasons for this bill. The single most primary concern expressed is the idea that if this happens our school will close.

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That is a very grave misunderstanding. Because we can pass this bill and assure the people that have this concern, we can amend this bill in such a way that we accomplish this goal and support all k-12 in ND, with all of the real estate resources that we have in ND, and still keep those schools open. The passage of this bill doesn't mean that the school districts that we are referring to, those school buildings, will be closed at all.

OPPOSITION

Richard Ray, Principal at Manvel Elementary School

I have testifying against this bill since 1977. It doesn't talk about closing schools. The reason why all these people keep coming is because that's is really what will happen to many of the schools. And it boils down to the neighborhood concept of schools. It is the same thing in the rural areas as it is in Bismarck. Why do we have a multitude so small elementary schools? We want that in the rural area to. And once the land is split up, this will be the possible closing of the schools. What is a solution. You keep schools open that offer a quality education. And with NCLB there is a lot of focus on quality education. Over all the years that I have heard testimony on this bill, nobody is in favor, we all oppose it. We talk about the cost of education, whether it is equitable because the land is not in a High school district. We pay a tuition rate according to the state formula. This is not something that cooked up between school districts. To make this bill go away, monitor the quality of schools. If the quality is good why bother. If not the natural closing will occur. School boards are not going to run schools that don't do the job, why would they do that to their children. As far as the equity goes, the land and the graded elementary schools it is going to be such a minor issue in the future, compared to the equity problems that

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we have in the state, do it all at once. Look at graded elementary as you look at the whole system of education in ND.

Chairman Kelsch When you talk about test scores, do you have those tests scores that would compare your school district to the school districts around you? Whether or not your school has a higher quality kids then the school next door.

Ray: I don't have those with me but if you go to the Department of Public Instruction web site, school profile, district performance. The information is all there.

Rep. Hawken: How do you pay to have your students go to the high school in Grand Forks?

Ray: I don't have the exact figures, but approx. 3800 per year, per student, plus the Foundation for the student that goes to the high school district, approx. 5800 per year.

Rep. Herbel: You indicated that this particular situation would eventually close your school, is that your main concern?

Ray: Yes. My major concern is that small towns are going to loose their schools. We pay the tuition. A big percentage, 1/2 of our mill rate goes to education goes to educate approx. 1/3 of our kids because they go to the high school. If we had to dissolve most of our land would go into Grand Forks district and most of the kids would too. The mill rate in Grand Forks is a lot different. The point is who and how would we keep our school open, 178 kids, how can we do that if Grand Forks decided it would just be easier to bus them to Grand Forks.

Rep. Herbel If we mandate in this bill, that the only way your school can close is by a vote of the people within that district, themselves. You would be not nearly as reluctant to opposite this bill.

Ray: I agree with that, but that is a slippery slope. Because what will happen there is you are going to have some elementary schools that should close, that they are to small or whatever. Are

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you going to keep them open forever, when the controlling district. How are you going to do that, it is a tough one.

Rep. Herbel if we said in this bill, and we could amend it in, the only way your school or any other elementary school in the state can be closed is by the vote of the people in that district, that becomes part of statute. That gives you local control. My concern here is that from what I am hearing on e-mail, the bottom line is always 'we don't want to close our schools'. I have one of the districts in my area. I do believe that they should be part of our school district because there are some economics that don't enter into the unfunded issue of bonding, buildings, upkeep.

From what I am hearing is that the main issue is keeping the school open.

Ray: That is the main issue, but it is complicated.

Rep. Herbel That comes down to a fairness issue, does it not, , for me as a taxpayer, should my high district, pay more taxes because this district over here has an elementary. Is that a fairness issue.

Ray: What we pay Grand Forks is the cost of education, plus capital improvements as by the state formula. Grand Forks is not suffering by educating our kids. We are paying the amount according to the formula that they are requesting. The lower end part of it, the difference is at the elementary school, we put as much into elementary as Grand Forks does per student. So I don't think there is an augment here.

Rep. Jon Nelson Would you levy in your school district 205 mills, Grand Forks is approx. 250.

Ray: yes

Rep. Jon Nelson to continue the point form Rep. Herbel is making: You are paying your fair share. The future building projects to bring the future needs of the district into a entire district.

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You would be required to be part of that, with this you could be excluded from this, in this where you would want to be?.

Ray: As far as paying for their buildings, we feel we are doing it through the tuition of the formula. Some one from Department of Public Instruction can maybe address that better than I can on how the formula actually works. If the issue is fairness for building projects, then maybe the formula needs to be changed.

tape 2

Ray: There is two issues as I see it:

1. is local schools in local towns. 2. a matter of money.

Rep. Mueller Do you have a suggestive solution. Lets say there is no chance other than by local control to close your school. You would have a common mill levy with the districts that you send your students to. How would you feel about that?

Ray: I don't have a problem with that, except for the mill rate farmers is going to go up 50 mills, and it is to going up because of the high school, it is going up because now you are part of the Grand Forks public. There might be a plus side to this, if there is extra money, they can provide some of the things in the elementary school that we have never been able to do.

Rep. Mueller Is that what this bill is really about, is equity?

Ray: About equity and the issue you just brought up. The issue of maybe there are some things that are happening over there that we want to be part of, and maybe there are some things happening out at Manvel, that are some advantage to Grand Forks.

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Ray: Well there is no question that if you spend an extra 1000/2000 per kid per year on instruction, there are good things that come out of that. There is a comfort level in each district at the elementary level that you want to provide for your kids.

Rep. Haas: When you were asked the question about whether or not it would be more acceptable to put a qualification on the bill, an amendment that required a vote of the people within the existing district prior to closing, you said you would find that more acceptable, but if brought up the problem of then having the school stay open forever, possible, when it should not be open. Is there in your mind a minimum enrollment for the school that gets to this point, it is no longer a viable institution and should be closed, in this k-8 configuration?

Ray: I don't know that I have a minimal enrollment, I think that the circumstances vary greatly. I would approach that question more with quality. When the quality of education is not sufficient, that's the minimum enrollment.

Rep. Haas Would it would be logical to trust that decision to the people of that district?

Ray: Yes if the people in that district make that decision.

Rep. Norland If people in the district that now exist, had the vote to say, we all know what that vote would be. If the amendment moves that after the district dissolves, it wouldn't be there.

Senator Tom Seymore, District 5

Your committee consists of many education leaders. You will note that school around Minot - Bell, South Prairie, and Midrose - have more students than many ND high schools. This a poorly designed bill. And should be given an immediately DO NOT PASS.

Lori Anderson, Slope & Bowman County, See Attached Testimony

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