

2019 HOUSE EDUCATION

HB 1125

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau Room, State Capitol

HB 1125
1/14/2019
30752

- Subcommittee
 Conference Committee

Committee Clerk: Bev Monroe by Marjorie Conley
--

Explanation or reason for introduction of bill/resolution:

Relating to plans for cooperating school districts

Minutes:

Attachment 1,2

Chairman Owens: Opened hearing on HB#1125.

Rep. David Richter: (Attachment 1). (:27-6:38)

Chairman Owens: Are there any questions by the committee? Does this interfere to work with K-8?

Rep. Richter: It does because of the administrative requirements. Minot and Dickinson are K-12's.

Chairman Owens: Focus is on K-12? The problem is strictly administrative?

Rep. Richter: That is correct.

Chairman Owens: Anyone in support of HB#1125?

Aimee Copas, Executive Director of the North Dakota Council of Educational Leaders: (Attachment 2) We are in support of HB#1125. This bill will probably not be widely used throughout the state. It will help the communities that are directly affected through tremendous growth. A proactive approach is the most prudent in your situation, but we also understand the intent of the bill as a positive one.

Rep. Denton Zubke: Is there anything that would prevent the two districts from deciding themselves who would carry the bond issue and who would be in charge of the management?

Aimee Copas: Absolutely not. They could do that.

Chairman Owens: Are there any further questions?

House Education Committee

HB#1125

1/14/2019

Page 2

Chairman Owens: Anyone else stand in support of HB#1125? Anyone in Opposition to HB#1125? Any neutral for HB#1125?

Hearing closed on HB#1125.

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau Room, State Capitol

HB 1125
1/15/2019
30834

- Subcommittee
 Conference Committee

Committee Clerk: Bev Monroe by Marjorie Conley

Explanation or reason for introduction of bill/resolution:

Relating to plans for cooperating school districts

Minutes:

Chairman Owens: Are there any questions for HB#1125?

A motion was made by Rep. Pyle to Do Pass and seconded by Rep. Zubke.

Rep. M. Johnson: What is the reason the taxable property located in the same city as the other school district may not be required to share administrative personnel under the cooperative plan?

Rep. Longmuir: The reason is that the city has tremendous growth but yet the district has not.

Chairman Owens: Any further questions? Any other in support of HB#1125? Any opposition? Any neutral?

Roll call vote. Yes 13 No 0 Absent 1

Rep. Longmuir is the Carrier.

Hearing on HB#1125 closed.

Date: 1/15/19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1125**

House Education Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Pyle Seconded By Rep. Zubke

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	✓		Rep. Guggisberg	✓	
V. Chair. Schreiber-Beck	✓		Rep. Hager	✓	
Rep. Heinert	A				
Rep. Hoverson	✓				
Rep. D. Johnson	✓				
Rep. M. Johnson	✓				
Rep. Johnston	✓				
Rep. Longmuir	✓				
Rep. Marschall	✓				
Rep. Pyle	✓				
Rep. Strinden	✓				
Rep. Zubke	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. D. Longmuir

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

REPORT OF STANDING COMMITTEE

HB 1125: Education Committee (Rep. Owens, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1125 was placed on the
Eleventh order on the calendar.

2019 SENATE EDUCATION

HB 1125

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1125
3/6/2019
33327 (11:52)

- Subcommittee
 Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to plans for cooperating school districts.

Minutes:

Att.#1, #2, #3-Richter; Att. #4-Copas

Vice-Chairman Fors: We will open the hearing for HB 1125.

(0:30) **Representative David Richter:** *See Att. #1, Att. #2, #3.*

Vice-Chairman Fors: Are there any questions? Thank you.

(9:02) **Amiee Copas, Exec. Director, NDCEL:** *See Att. #4.*

Senator Oban: Can you tell me what unduplicated grade level services are?

Amiee Copas: To be in a cooperative agreement, that would mean that – for example New District 8 is operating a K-8 and Williston also has elementary schools, so they are duplicating their grades K-8. So to have a cooperating agreement, they wouldn't be able to do that in more than four grades.

Vice-Chairman Fors: Are there any questions? Thank you. Any other testimony for the bill? Agency testimony? Is there any opposition testimony? If not, we will close the hearing on HB 1125.

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1125
3/26/2019
34220 (8:44)

- Subcommittee
 Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to plans for cooperating school districts.

Minutes:

No Attachments.

Chairman Schaible: Committee, we are looking at HB 1125. Subsection 2 of section one, my understanding of this is that right now we have – if you have corporate agreement – you cannot have unduplicated grade level services and have to share administrative services. What this is for, is an exemption to that within the same city limits. My understanding is that this is for a city that has more than one school district in their city that if they want to do a cooperative agreement, they will not be hampered by these two provisions. Is that the way everybody else looks at it?

Senator Rust: Let me tell you where I see this being a good deal. In my particular district in Williams County. We could use this in relationship to two districts that are contemplating on building a school. I believe – like the Williston School District is planning to build one and going to have a bond issue within a month. I think the same with District 8. I could see where it would be possible – because all of the high school kids from District 8 to Williston #1 where it is possible for those two districts could build a school together and operate it together. Is there going to be a little bit of hassle to do that? Probably, but you might be able to meet the needs of both places through that shared services. Of course, right now, in order to do that, you can only have one administrator. I think you can't have unduplicated grade levels. I think it is a pretty good bill. I am not so sure we shouldn't tack on an emergency clause – simply to make sure that if they wanted to get past those things, they could go ahead and move forward with it. I don't know if that would be necessary, and could get it done anyway.

Chairman Schaible: It wouldn't have to be a school building, it could be a bus barn, it could be gymnasium, it could be a variety of other options as well.

Senator Rust: It wouldn't even have to be buildings; it could be-

Chairman Schaible: Right, it could be any other kind of shared service of some kind, too.

Senator Rust: As the city of Williston has grown, they have grown into District 8. That is what is confusing for people. You move to Williston and that is what is confusing to people. You move to Williston, you think the kids will be going to Williston #1 and they aren't. You can have people across the street from each other in that city with one going to District #8 and the other going to District #1 (Williston). There are some things that they could do as they grow. The question is should a guy tack on an Emergency clause? That prolongs this process a little bit, and sends it back to the house otherwise if we pass it this way, it goes to the governor. Right?

Chairman Schaible: Yes, and I don't see any objections – it passed the House pretty decently, so-

Senator Rust: You have any thoughts on it?

Senator Davison: The more I think about it, I think about Fargo and West Fargo. West Fargo has a lot of Fargo land in their school district. I see some other benefits to it now that you start to explain it a little bit better. I would be for putting an Emergency clause on it.

Chairman Schaible: I have no objection to that, the other thing is - are we defeating the purpose of what the original intent was? I am looking for the down side of this. The caveat is that you have to have – part of the district has to be in the same city. There aren't a lot of districts that we have like that – that is the biggest thing. I am just trying to think of – you know – Minot, Fargo and West Fargo, Williston, - even Bismarck and Mandan are two separate cities, so there couldn't be a cooperative agreement for that.

Senator Davison: Is your point that you don't see a downside because –

Chairman Schaible: So far I don't, but that is usually what I do is look for a downside.

Senator Davison: Yes, that is what I have been doing.

Chairman Schaible: It is funny how they pop up after you have passed it. (laughter). As far as the Emergency clause, that is entirely up to you. If you want to add an amendment, that is fine. Hugh (the intern) can do it. He can take it up there and get it done.

Senator Rust: I think I would like the Emergency clause so that – cause I know both of the – Williston has one coming up next month and I think District 8 is within a month after, so if those two schools could somehow or another get themselves together to at least discuss the possibility of doing something jointly, maybe that would be beneficial for both, it opens – it's one more tool that they have as opposed to not having.

Chairman Schaible: That is fine. You can draft the amendment and get it through upstairs (Legislative Council) and all that.

Hugh Grindberg (the intern): Unless you want to vote on it and then you don't have to bring it back.

Chairman Schaible: Is that legal?

Senator Rust: I move an amendment to add an Emergency clause to the bill.

Senator Oban: Second.

Roll Call Vote: Yeas: 7; Nays: 0; Absent 0.

Motion by Senator Rust to Do Pass as Amended.

Second by Senator Elkin.

Roll Call Vote: Yeas: 7; Nays: 0; Absent 0.

Motion Passes; Senator Elkin will carry the bill.

March 26, 2019

SK
3/26
1801

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1125

Page 1, line 2, after "districts" insert "; and to declare an emergency"

Page 1, after line 21, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1125: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1125 was placed on the Sixth order on the calendar.

Page 1, line 2, after "districts" insert "; and to declare an emergency"

Page 1, after line 21, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2019 TESTIMONY

HB 1125

HB 1125
#1
1/14/19
page 1

House Bill 1125
Testimony of David Richter
House Education Committee
January 14, 2019

Chairman Owens members of the House Education Committee, thank you for the opportunity to testify before the committee. My name is David Richter, Representative District 1. HB 1125 creates an exception to Admin Rule 67-13-01-05 numbers 1 and 2 (Attachment 1) for school districts that have taxable property located in the same city. Administrative Rule 67-13-01-05 lists the five criterion which school districts must meet in order to entire into a cooperative agreement for programs. HB 1125 removes the requirement for shared administration and unduplicated grade level services for at least four grade levels.

I worked with Legislative Counsel and after their research they determined that a bill was the best way to address this.

In the 1940s there were over 2,000 school districts in ND, mostly one-room schools in rural areas. In 1947 the 13th Legislature passed the Act to Reorganize School Districts based on nine criteria. To meet the criterion, the cities with larger populations ended up with less land area than the lower population districts around them. School district consolidation has continued to this day but larger city districts tend to be the smaller school districts in land area than the smaller towns. Attachment 2 is a map of ND school districts.

School district boundaries do not expand in correlation to city boundaries. As a result of population growth over the last several decades, and in some cases the last ten years, cities have expanded and now have two or more school districts within the city limits. Attachment 3 is a chart of the population of select cities and counties in 1950 and estimated population in 2017 (US Census). The criterion of shared administration and unduplicated grade level services is a obstacle to cooperation between school districts in the same city.

The school districts that would take advantage of the exception created by this bill are all growing viable districts so consolidation is not necessary.

**ARTICLE 67-13
SCHOOL DISTRICT COOPERATIVE AGREEMENTS**

Chapter
67-13-01 School District Cooperative Agreements

**CHAPTER 67-13-01
SCHOOL DISTRICT COOPERATIVE AGREEMENTS**

Section	
67-13-01-01	Purpose
67-13-01-02	Approval
67-13-01-03	Withdrawal
67-13-01-04	School Districts
67-13-01-05	Cooperative Program
67-13-01-06	Agreements

67-13-01-01. Purpose.

School districts cooperating with another school district or districts for the purpose of providing joint educational opportunities to the students as established by North Dakota Century Code section 15.1-27-16 may receive additional per student payments as provided in North Dakota Century Code section 15.1-27-16.

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-02. Approval.

Cooperative agreements of education must first receive the approval of the superintendent of public instruction and shall be effective beginning July first of the year approved, upon the approval of the school boards of the member districts. The agreement may be changed only by a majority vote of each board signing the agreement and the approval of the department of public instruction. Any change to the agreement requires submission to and approval from the superintendent of public instruction prior to the change becoming effective.

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-03. Withdrawal.

Any district wishing to withdraw from the cooperative agreement must submit its intent to the other cooperative members in writing by January fifteenth. Withdrawal will become effective June thirtieth of the same year. The superintendent of public instruction must be notified in writing thirty days prior to the termination of the agreement.

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-04. School districts.

Cooperating school districts must agree to equitably share expenses of the cooperative agreement, to inventory all equipment used by the cooperative, and to provide appropriate transportation.

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-05. Cooperative program.

The school district cooperative must address the following:

1. A plan for providing unduplicated grade level services for at least four grade levels;
2. A plan for sharing administration, at a minimum a shared superintendent;
3. A plan for sharing cooperative expenditures between the member districts;
4. A plan for sharing cooperative revenues upon termination of the cooperative; and
5. A plan for the changing of the agreement.

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-06. Agreements.

The following areas must be discussed with hopes of arriving at written agreements. However, written agreements are not required for:

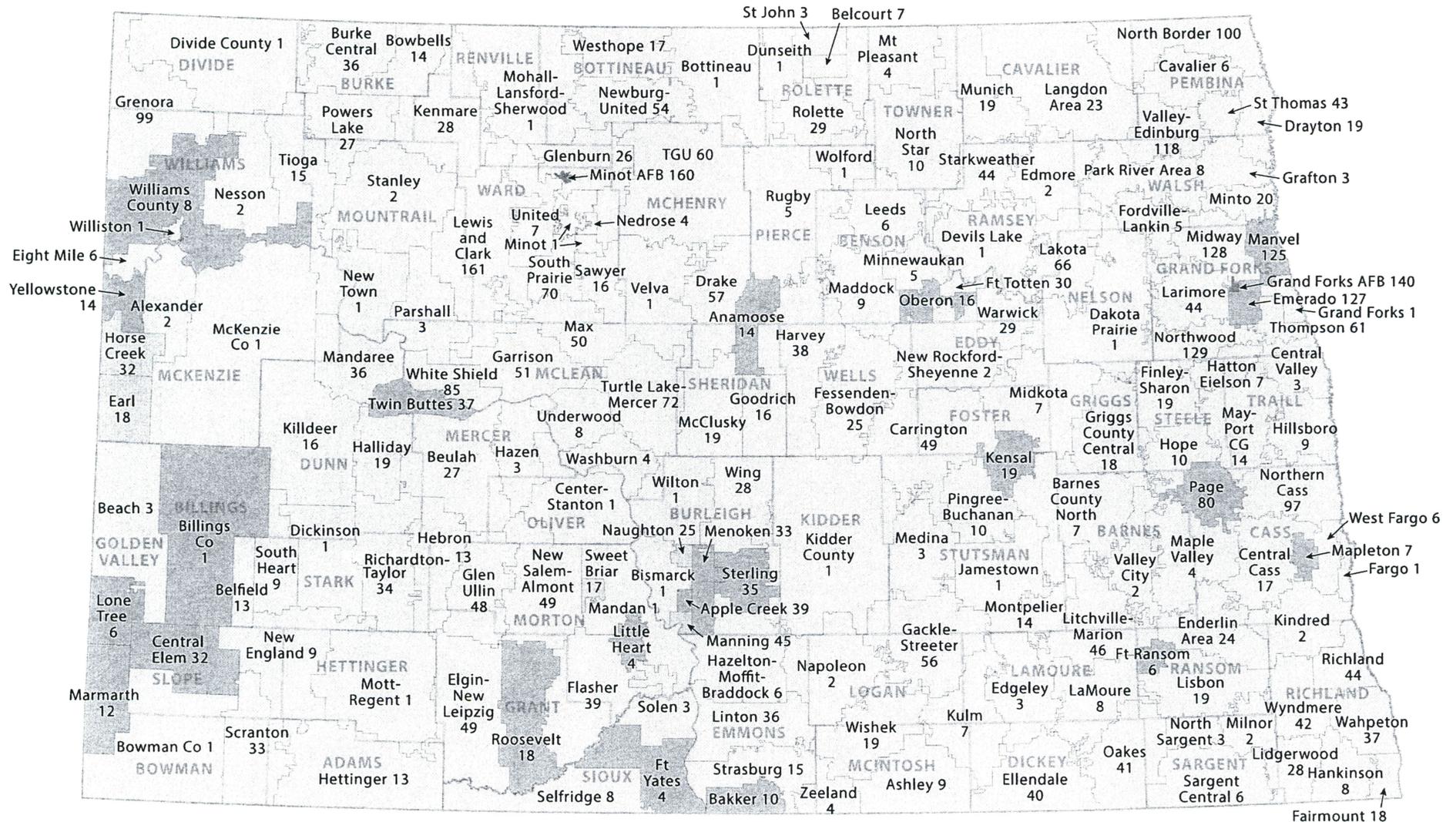
1. Identification of the location of education and grade level services programs;
2. Provisions for curriculum integration;
3. Site utilization regarding partial usage or closure;
4. Provision for sharing of extracurricular activities; and
5. The number and timely manner in which the school boards will meet jointly during the duration of the agreement.

History: Effective May 1, 1999; amended effective January 1, 2018.

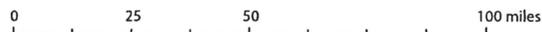
General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

North Dakota School District Boundaries, 2017-2018



Graded Elementary LEA
 Rural LEA
 Counties
 High School LEA
 Nonoperating LEA



HB1125
 1/14/19
 Attach #1
 Page 4

HB 1125
1/14/19
Attachment 1
page 5

	1950	2017 est
Burleigh County	25,252	95,030
Bismarck	18,544	72,865
Cass County	57,903	177,787
Fargo	37,981	122,359
West Fargo	1,033	35,708
Grand Forks County	39,190	70,795
Grand Forks	26,617	57,056
Morton County	19,242	30,796
Mandan	7,268	22,228
Stark County	16,121	30,209
Dickinson	7,457	22,186
Ward County	34,631	68,946
Minot	21,924	47,822
Williams County	16,402	33,349
Williston	7,353	25,586

1950 Census of Population
US Census quick facts: 2017



HB 1125
1/14/19
Attach #2

HB1125 – Plans for Cooperating School Districts

Testimony in Support

Good afternoon Chair Owens and members of the House Education Committee, my name is Aimee Copas – I am the Executive Director for the North Dakota Council of Educational Leaders which is the organization that serves our school Superintendents, Principals, CTE Directors, Technology Directors, AD's, County Superintendents, Business Officials and truly every school leader with the exception of teachers and school board members. We stand before you today in support of the positive intent behind HB 1125.

The bill, while potentially not widely used, and not a fix to a problem between districts, may assist communities who deal with issues directly associated with tremendous growth. Ultimately, school districts that have outgrown district attendance lines will need to continue discussions to ensure that residents are not caught in a quagmire as to where their children attend school, and what opportunities are afforded to them. We, as educational leaders, would prefer to be involved in the ground floor of these discussions. We believe a proactive approach is most prudent in this situation. We understand that the intent behind this bill is a positive one and may potentially provide some assistance and alleviate some concerns about potential partnerships in certain scenarios within our state.

HB 1125
3-6-19
Att # 1
p 1 of 1

House Bill 1125
Testimony of David Richter
Senate Education Committee
March 6, 2019

Chairman Schaible members of the Senate Education Committee, thank you for the opportunity to testify before the committee. My name is David Richter, Representative District 1. HB 1125 creates an exception to Admin Rule 67-13-01-05 numbers 1 and 2 (Attachment 1) for school districts that have taxable property located in the same city. Administrative Rule 67-13-01-05 lists the five criterion which school districts must meet in order to entire into a cooperative agreement for programs. HB 1125 removes the requirement for shared administration and unduplicated grade level services for at least four grade levels.

I worked with Legislative Counsel and after their research they determined that a bill was the best way to address this.

In the 1940s there were over 2,000 school districts in ND, mostly one-room schools in rural areas. In 1947 the 13th Legislature passed the Act to Reorganize School Districts based on nine criteria. To meet the criterion, the cities with larger populations ended up with less land area than the lower population districts around them. School district consolidation has continued to this day but larger city districts tend to be the smaller school districts in land area than the smaller towns. Attachment 2 is a map of ND school districts.

School district boundaries do not expand in correlation to city boundaries. As a result of population growth over the last several decades, and in some cases the last ten years, cities have expanded and now have two or more school districts within the city limits. Attachment 3 is a chart of the population of select cities and counties in 1950 and estimated population in 2017 (US Census). The criterion of shared administration and unduplicated grade level services is a obstacle to cooperation between school districts in the same city.

The school districts that would take advantage of the exception created by this bill are all growing viable districts so consolidation is not necessary. Thank you

I will stand for any questions.

HB 1125
3-6-19
Att # 2
A.1 cF2

**ARTICLE 67-13
SCHOOL DISTRICT COOPERATIVE AGREEMENTS**

Chapter
67-13-01 School District Cooperative Agreements

**CHAPTER 67-13-01
SCHOOL DISTRICT COOPERATIVE AGREEMENTS**

Section	
67-13-01-01	Purpose
67-13-01-02	Approval
67-13-01-03	Withdrawal
67-13-01-04	School Districts
67-13-01-05	Cooperative Program
67-13-01-06	Agreements

67-13-01-01. Purpose.

School districts cooperating with another school district or districts for the purpose of providing joint educational opportunities to the students as established by North Dakota Century Code section 15.1-27-16 may receive additional per student payments as provided in North Dakota Century Code section 15.1-27-16.

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-02. Approval.

Cooperative agreements of education must first receive the approval of the superintendent of public instruction and shall be effective beginning July first of the year approved, upon the approval of the school boards of the member districts. The agreement may be changed only by a majority vote of each board signing the agreement and the approval of the department of public instruction. Any change to the agreement requires submission to and approval from the superintendent of public instruction prior to the change becoming effective.

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-03. Withdrawal.

Any district wishing to withdraw from the cooperative agreement must submit its intent to the other cooperative members in writing by January fifteenth. Withdrawal will become effective June thirtieth of the same year. The superintendent of public instruction must be notified in writing thirty days prior to the termination of the agreement.

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-04. School districts.

Cooperating school districts must agree to equitably share expenses of the cooperative agreement, to inventory all equipment used by the cooperative, and to provide appropriate transportation.

HB 1125
3-6-19
Att #2
p.2 of 2

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-05. Cooperative program.

The school district cooperative must address the following:

1. A plan for providing unduplicated grade level services for at least four grade levels;
2. A plan for sharing administration, at a minimum a shared superintendent;
3. A plan for sharing cooperative expenditures between the member districts;
4. A plan for sharing cooperative revenues upon termination of the cooperative; and
5. A plan for the changing of the agreement.

History: Effective May 1, 1999; amended effective January 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

67-13-01-06. Agreements.

The following areas must be discussed with hopes of arriving at written agreements. However, written agreements are not required for:

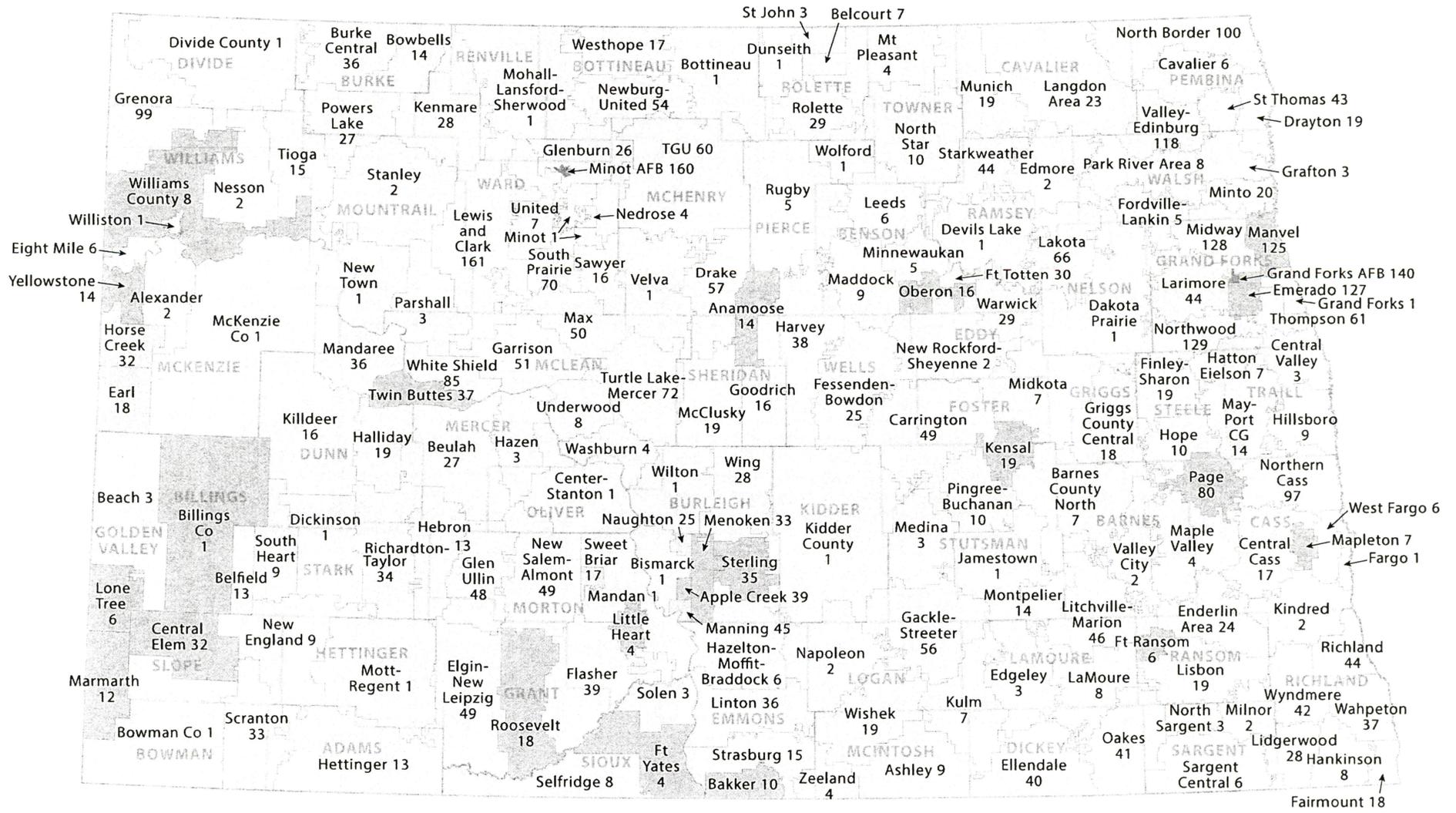
1. Identification of the location of education and grade level services programs;
2. Provisions for curriculum integration;
3. Site utilization regarding partial usage or closure;
4. Provision for sharing of extracurricular activities; and
5. The number and timely manner in which the school boards will meet jointly during the duration of the agreement.

History: Effective May 1, 1999; amended effective January 1, 2018.

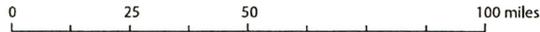
General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-27-16

North Dakota School District Boundaries, 2017-2018



Graded Elementary LEA
 Rural LEA
 Counties
 High School LEA
 Nonoperating LEA



HB 1125
 3-6-19
 Att #3
 P 1 of 2

HB 1125
3-6-19
AH #3
p. 2 of 2

Attachment 3

	1950	2017 est
Burleigh County	25,252	95,030
Bismarck	18,544	72,865
Cass County	57,903	177,787
Fargo	37,981	122,359
West Fargo	1,033	35,708
Grand Forks County	39,190	70,795
Grand Forks	26,617	57,056
Morton County	19,242	30,796
Mandan	7,268	22,228
Stark County	16,121	30,209
Dickinson	7,457	22,186
Ward County	34,631	68,946
Minot	21,924	47,822
Williams County	16,402	33,349
Williston	7,353	25,586

1950 Census of Population
US Census quick facts: 2017



SB. HB 1125
3-6-19
AH #4
P1 of 1

HB1125 – Plans for Cooperating School Districts

HB 1125

Testimony in Support

March 6, 2019

Copas - NDCEL

Good afternoon Chair Schaible and members of the Senate Education Committee, I stand before you on behalf of NDCEL which is the organization that serves our school Superintendents, Principals, CTE Directors, Technology Directors, AD's, County Superintendents, Business Officials and truly every school leader with the exception of teachers and school board members. We stand before you today in support of HB 1125.

This bill, while potentially not widely used, and not a fix to a problem between districts, may assist communities who deal with issues directly associated with tremendous growth.

Ultimately, school districts that have outgrown district attendance lines will need to continue discussions to ensure that residents are not caught in a quagmire as to where their children attend school and what opportunities are afforded to them. We as educational leaders, would prefer to be involved in the ground floor of these discussions. We believe a proactive approach is most prudent in this situation. We understand that the intent behind this bill is a positive one and may potentially provide some assistance and alleviate some concerns about potential partnerships in certain scenarios within our state.