

2023 HOUSE EDUCATION

HB 1132

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1132
1/16/2023

Relating to virtual instruction of military-connected students; and relating to compulsory school attendance
--

2:15 PM

Chairman Heinert opened the hearing. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Heilman, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons. Members absent: Representatives Hauck and Hoverson.

Discussion Topics:

- School-year transitions
- Virtual academy

Representative Brandy Pyle- Bill sponsor #13298

Major Jay Sheldon, Strategy/Policy Officer, North Dakota National Guard- #13450

Kevin Hoherz, North Dakota CEL Government and Special Projects- #13321, #13322

Amy DeKok, General Counsel, ND School Board Association- Spoke in Support

Steve Snow, Assistant Director, School Approvao and Organization, ND DPI- Spoke in Support

Aimee Copas, Executive Director of NDCEL- Spoke in Support

Closed hearing at 2:40 PM.

Kathleen Davis, Committee Clerk
By Bev Monroe

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1132
1/17/2023

Relating to virtual instruction of military-connected students; and relating to compulsory school attendance
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2:54 PM

Chairman Heinert opened the hearing. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Heilman, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons. Members absent: Representatives Hauck and Hoverson.

Discussion Topics:

- Proposed amendment to HB 1132
- Committee action

Representative Hoverson, moves to amend HB 1132 (#13471).

Representative Timmons seconded the motion.

Voice vote: Motion Carries

Representative Marschall moved a Do Pass As Amended with # 23.0411.01001.

Representative Hoverson Seconded.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	Y
Representative LaurieBeth Hager	Y
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	Y
Representative Anna S. Novak	Y
Representative Kelby Timmons	Y

House Education Committee

HB 1132

1/17/2023

Page 2

Motion Carries 14-0-0.

Representative Hoverson: Carrier

Closed hearing at 3:02 PM.

*Kathleen Davis, Committee Clerk
By Bev Monroe*

January 17, 2023

JA 1/17/23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1132

Page 1, line 8, after "students" insert ", students with a medical condition, or students moving out of state"

Page 1, line 11, after "student" insert ", a student with a medical condition unable to physically attend school, or a student moving out of state"

Page 2, line 10, after "installation" insert ", a student with a medical condition unable to physically attend school, or a student moving out of state"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1132: Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1132 was placed on the Sixth order on the calendar.

Page 1, line 8, after "students" insert ", students with a medical condition, or students moving out of state"

Page 1, line 11, after "student" insert ", a student with a medical condition unable to physically attend school, or a student moving out of state"

Page 2, line 10, after "installation" insert ", a student with a medical condition unable to physically attend school, or a student moving out of state"

Renumber accordingly

2023 SENATE EDUCATION

HB 1132

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1132
3/6/2023

Relating to virtual instruction of military connected students; relating to compulsory school attendance.

11:30 AM Chair Elkin opened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Stress reduction for military families
- Medical conditions and virtual learning
- Language for migrant workers

Rep Pyle, Dist 22, bill sponsor testified in support #21402.

Major Jay Sheldon, ND National Guard, testified in support #21498

Kevin Hoherz, ND Council Education Leaders, testified in support. No written testimony.

Alexis Baxley, ND School Boards, testified in support with no written testimony.

Kevin Hoherz answered Sen Axtman question.

Dr Alyssa Martin, ND Distance Education Director, testified in support #22090.

Adam Tescher, Finance Officer Dept of Public Instruction, testified neutral #22137.

Additional written testimony:

Dr. Aimee Copas, ND Council Education Leaders, in support #21400.

Michelle Richart, Dept of Defense, Washington, DC in support #21289.

12:05 PM Chair Elkin closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1132
3/7/2023

Relating to virtual instruction of military-connected students; relating to compulsory school attendance.

10:45 AM Chair Elkin opened committee work. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Committee action

Sen Beard moved a DO PASS.

Sen Conley seconded the motion.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Elkin will carry the bill.

10:50 AM Chair Elkin adjourned the meeting.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1132, as engrossed: Education Committee (Sen. Elkin, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1132 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1132

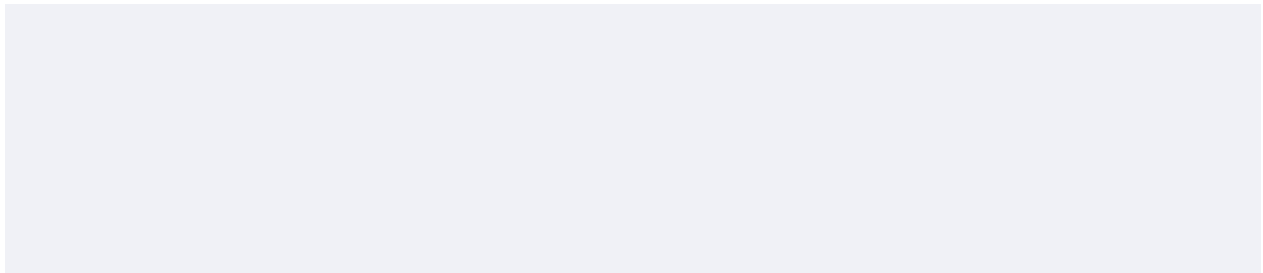
Virtual Instruction of military connected students
Rep. Brandy Pyle
House Education Committee
January 16, 2023
2:00 p.m.

Good afternoon, Chairman Heinert and House Education Committee. I am State Representative Brandy Pyle from District 22. I am here today to introduce HB 1132.

Members of the committee, this proposed legislation is the product of hard work between our North Dakota military members and the Department of Public Instruction to provide a continued quality education for our children who move base to base and post to post with their military parents.

This proposed legislation allows students who attend, or will attend, a North Dakota public school virtually, if desired by the family and approved by the school board of that district. Families move with their servicemember to the next assigned duty station when ordered. This can create a disruption in the child's education if moved mid school year. The average military-connected child will experience 6 to 9 different schools during their K-12 education experience. With more than 1.1 million such students attending schools across the nation, issues surrounding school transition have become a top priority for the ND Guard, families and some schools. Students from military families can also be affected by parents' deployments

Members of the committee this is a great bill to not only for the opportunity for a continual quality education for our students, but also ensures that our service members AND their families come first during their time here in North Dakota.



Demographic Data

State residents include:

- 7,272 active-duty service members
- 2,218 active-duty spouses
- 4,268 active-duty children
- 5,555 National Guard and reserve members
- 2,402 National Guard and reserve spouses
- 4,226 National Guard and reserve children

Data source: DMDC, Dec. 31, 2021.

[North Dakota Military Legislation & Policies | Military State Policy \(militaryonesource.mil\)](#)

Again, many thank yous to the ND Guard and DPI for working through the wording of this bill so we could present this to the committee for consideration. It is a simple bill that will create a positive impact for our military connected kids and their families.

I stand for any questions.

23.0411.01000

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1132

Introduced by

Representatives Pyle, Cory, Ista, Longmuir, Mock, Roers Jones, M. Ruby
Senators Burckhard, Dever, Meyer, Weber

1 A BILL for an Act to create and enact a new section to chapter 15.1-07 and a new section to
2 chapter 15.1-29 of the North Dakota Century Code, relating to virtual instruction of military-
3 connected students; and to amend and reenact section 15.1-20-02 of the North Dakota Century
4 Code, relating to compulsory school attendance.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Virtual learning - Military-connected students, students with medical condition, or**
9 **students moving out of state - School district policy.**

10 1. For purposes of this section, a "military-connected student" means a student impacted
11 by a military-directed reassignment or mid-year relocation.

12 2. A school district may allow a military-connected student, a student with a medical
13 condition unable to physically attend school or students moving out of state to enroll early or
14 remain enrolled and attend a school by engaging in virtual instruction.

15 3. The period of virtual instruction permitted under this section may not extend beyond
16 the current school year.

17 4. If the board of a school district that operates a physical plant chooses to provide virtual
18 instruction under this section, the board shall adopt a local policy.

19 **SECTION 2. AMENDMENT.** Section 15.1-20-02 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **15.1-20-02. Compulsory attendance - Exceptions.**

22 1. ~~The provisions of section~~ Section 15.1-20-01 does not apply if the person having
23 responsibility for the child demonstrates to the satisfaction of the school board that:

24 a. The child is in attendance for the same length of time at an approved nonpublic

25

school;

26

b. The child has completed high school;

- 1 c. The child is necessary to the support of the child's family;
- 2 d. A multidisciplinary team ~~that includes~~including the child's school district
- 3 superintendent, the director of the child's special education unit, the child's
- 4 classroom teacher, the child's physician, and the child's parent has determined
- 5 that the child has a disability that renders attendance or participation in a regular
- 6 or special education program inexpedient or impracticable; or
- 7 e. The child is receiving home education; or
- 8 f. The child is a military-connected student engaging in virtual instruction under
- 9 section 1 of this Act at the educational entity of the gaining or losing military
- 10 installation and virtual instruction is allowed by the gaining or losing educational
- 11 entity.
- 12 2. The period of virtual instruction under subdivision f of subsection 1 may not extend
- 13 beyond the current school year.
- 14 3. A decision by the board of a school district under subsection 1 is appealable to the
- 15 district court.

16 **SECTION 3.** A new section to chapter 15.1-29 of the North Dakota Century Code is created
17 and enacted as follows:

18 **Military-connected student - Average daily membership.**

19 A military-connected student engaging in virtual instruction under section 1 of this Act
20 qualifies for average daily membership in the school district.



1 HB 1132

2 Testimony in Support – House Education committee

3 Chairman Heinert and members of the House Education Committee. For the record my
4 name is Kevin Hoherz– I am here representing the North Dakota Council Leaders
5 supporting all the school administrators and school leaders in K12 across the state. I
6 come to you with support and a suggested amendment to HB 1132. I’ve visited with the
7 prime sponsor of this bill to gain approval to suggest this amendment.

8 The need to support our students to the end of a school year if they are unable to end
9 their physical presence in our building happens in our schools, and often it is in the best
10 interest of the student to allow the student to continue their education with their district
11 of residence through the end of that school year before they officially transfer out of our
12 school systems or return to our schools.

13 The instances of this sometimes occur within our schools for some of the following
14 reasons. The first I will mention is the initial reason for the bill – military students
15 transferring during the school year. Another viable reason is regarding students who
16 have a health concern or a health issue during the school year making it difficult or
17 impossible for them to physically attend the school. And another is our migrant students
18 who enter our districts in the fall, end up having to leave for the back half of the school
19 year (often not enrolling in another school out of state) and then come back to us again
20 for the next migrant season through the summer and fall. In all these instances, the
21 ability to smoothly continue their education with their teachers, their content, and their
22 classes makes the most sense for these students and this would be a wonderful show of
23 support to them and their families. Please note that the amendment expansion does

*NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education
for all students in North Dakota.*

Executive Director: Aimee Copas-----Government Lead and Special Projects: Kevin Hoherz



- 1 limit this ability to military students, students moving out of state, and students with
- 2 medical reasons for the need to shift to virtual instruction. The school leaders I represent
- 3 have indicated that this amendment would greatly help many students.

- 4 I ask that you please consider this amendment as you discuss this bill.

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Executive Director: Aimee Copas-----Government Lead and Special Projects: Kevin Hoherz

TESTIMONY OF
MAJ JAY SHELDON
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
HOUSE EDUCATION COMMITTEE
16 JANUARY 2021
HOUSE BILL 1132

Good afternoon, Chairman Heinert, members of the committee, I am Jay Sheldon, Strategy and Policy Officer for the North Dakota National Guard (NDNG) and administrator for the Task Force for Military Issues in North Dakota (TF MIND). I am here today to testify in support of House Bill 1132.

I would like to take a moment to explain TF MIND. It is a Governor's appointed task force chaired by the Lt. Governor with members from around North Dakota with a focus on Minot, Grand Forks, Fargo, and Bismarck, communities with the largest military footprint. The group normally meets twice a year and discusses issues that impact military members and their families in North Dakota. TF MIND has used a Department of Defense website that lists the top issues, heavily focused on occupational licensing and military children to guide its efforts.

The adoption of bills like HB 1132 moves North Dakota in a positive direction.

Military members endure numerous hardships associated with their service to the country while their families endure unique hardships as well. Although this legislation may occasionally impact National Guard members and their families it would most often affect active-duty members and families.

North Dakota is home to two active-duty Air Force bases, over 7,000 active-duty members, 2,000 spouses, and 4,000 children. It is estimated that 2,000 Airmen transition into North Dakota bases each year. Most of those transitions occur during the summer months, but occasionally military re-assignments do occur during the school year.

The intent of HB 1132 is reducing the stress on students of military members. Allowing military connected children the option to start their education virtually at a North Dakota school prior to arriving or to complete the semester with a North Dakota school after their parent's re-assignment would relieve some stress from this situation.

We are grateful for the tremendous effort that North Dakota has made to support our military members and their families through helpful state policies. Thank you for your consideration of this issue. I will stand for questions.

23.0411.01000

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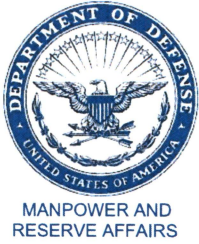
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OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
 1500 DEFENSE PENTAGON
 WASHINGTON, D.C. 20301-1500

March 1, 2023

Chairman Donald Schaible
Chair, Senate Education Committee

Remarks of
Michelle Richart
Midwest Regional Liaison
United States Department of Defense-State Liaison Office

Support of: HB1132 – A Bill relating to virtual instruction of military-connected students; relating to compulsory school attendance

Testimony

The Department of Defense is grateful for the opportunity to support policy changes proposed in North Dakota HB1132, A Bill relating to virtual instruction of military-connected students; relating to compulsory school attendance.

My name is Michelle Richart and I am the Midwest Regional Liaison for the Defense-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness. We represent the Department and work with state leaders across the country who are concerned for troops and their families' welfare by harmonizing state and federal law and regulation on policy problems of national significance. These are identified by the Office of the Secretary of Defense, the Military Departments, and the National Guard Bureau as areas where states can play a crucial role.

Virtual school enrollment for military-connected children has been a priority for the Department for several years. As our military members and their families move from state to state, educational stability for military children is of utmost importance. As an active duty military spouse myself and the parent of two elementary-aged children, I can affirm that the adoption of this policy would greatly reduce the stress of a military move. Policies such as those reflected in HB1132 help reduce one of the many unique challenges that military families encounter when they face a military move.

In closing, we are grateful for the tremendous efforts that North Dakota has historically taken to support our military members and their families. We appreciate the opportunity to support the provisions reflected in HB1132. Please feel free to contact me with any questions you might have.

Very Respectfully,

A handwritten signature in black ink that reads "Michelle Richart".

Digitally signed by RICHART.MICHELLE.ANN
 BROYHILL.1287311466
 Date: 2023.02.24 13:29:29 -07'00'

MICHELLE RICHART
 Midwest Regional Liaison
 Defense-State Liaison Office



1 HB 1132

2 Testimony in Support – House Education committee

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North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Brandy Pyle

District 22
P.O. Box 337
Casselton, ND 58012-0337
bpyle@ndlegis.gov

COMMITTEES:
Appropriations

March 1, 2023

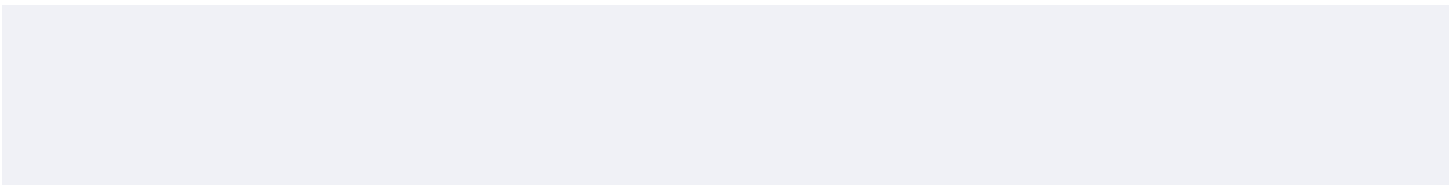
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[North Dakota Military Legislation & Policies | Military State Policy \(militaryonesource.mil\)](#)

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The intent of HB 1132 is reducing the stress on students of military members. Allowing military connected children the option to start their education virtually at a North Dakota school prior to arriving or to complete the semester with a North Dakota school after their parent's re-assignment would relieve stress and support educational success.

We are grateful for the tremendous effort that North Dakota has made to support our military members and their families through helpful state policies and ask for your support of HB 1132.

I stand for questions.



Testimony House Bill 1132 – Senate Education Committee

Senator Elkin, Chairman

March 6, 2023

Chair Elkin and members of the Senate Education Committee, for the record, my name is Dr. Alyssa Martin. I am here on behalf of the North Dakota Center for Distance Education to testify in support of this bill. NDCDE has worked very closely in the last several years with local school districts to provide virtual education to students in need of online education delivery for a myriad of reasons, and we believe allowing military students continuity in their education as their families transfer makes good sense. The way the students will receive such continuity from NDCDE will be in a twofold capacity—an online curriculum that aligns with state standards delivered by a licensed North Dakota teacher, and NDCDE will require that districts choosing us to help them implement this bill will appoint two learning coaches—a family member or other individual who is physically present with the student and can administer tests and a school district liaison who can advise NDCDE on appropriate placement in our courses and help monitor the student’s progress, providing coaching as needed. The local district will also be responsible for delivering any needed support services for students who attend NDCDE under this bill and have a Section 504 Plan or IEP. While some larger school districts have their own virtual academies to deliver the new allowable services under this bill, most smaller schools rely on NDCDE for virtual instruction, meaning that NDCDE will be a primary vehicle for carrying out this legislation. We are excited to provide this service to our military families. We noted, however, that NDCDE, which is state-funded, was not referenced in the fiscal note. We’re uncertain of how this bill will impact our enrollments and wanted only to add a footnote to this bill that with any substantial increases in our enrollment, we’ll need to seek additional spending authority through the Emergency Commission to spend the tuition that we’re collecting on expanding our adjunct teacher pool. Again, NDCDE is excited to support this bill because we think it provides a vital service to our military families and encourage a “do pass” as a result.

TESTIMONY ON HB 1132
SENATE EDUCATION COMMITTEE
3/1/2023
By: Adam Tescher, School Finance Officer
701-328-3291
North Dakota Department of Public Instruction

Chairman Elkin and Members of the Committee:

I am Adam Tescher, the School Finance Officer with the Department of Public Instruction. I am here to provide information regarding HB 1132.

HB 1132 was amended to allow students that move out of North Dakota or plan to move into North Dakota during the school year to enroll early or to remain enrolled, not to extend beyond the current school year using virtual instruction. During the 2021-2022 school year, 4,048 students transferred out of a school district and did not have a subsequent enrollment in STARS. This does not count the students that enrolled during the school year that may have moved in from another state.

When the fiscal note was requested for the amendments to this bill. I provided a zero fiscal impact as section 3 was not amended, which identified that military-connected students under HB 1132 would qualify for average daily membership and receive funding. I read this to believe that students that attend virtually out of state would only qualify for average daily membership if they were military-connected. However, after further review, NDCC 15.1-27-35-2(d) states, “A student enrolled full

time in virtual instruction is calculated at an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.” This section of NDCC would allow students to enroll in a North Dakota public school district under HB 1132 to generate foundation aid.

NDCC 15.1-29 addresses educating students in bordering states. If a student lives within 40 miles of the border or in a contiguous county, the school districts can enter into a tuition agreement if the student wishes to attend school in a neighboring state. Foundation aid is generated for resident school districts under this section rather than the educating school district. HB 1132 may conflict with this section if a student moves across the border but wishes to enroll in a virtual academy in North Dakota.

Chairman Elkin and Members of the Committee that concludes my prepared testimony and I will stand for any questions that you may have.