

2023 HOUSE EDUCATION

HB 1337

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1337
1/24/2003

Relating to the allocation of state aid payments for school safety and security measure; and to the enactment of less restrictive firearm possession policies or ordinances

2:45 PM Chairman Heinert opened the hearing.

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

Discussion Topics:

- School shootings
- No longer gun free zone
- Financial concerns
- School safety
- Alice training
- Navigate 360

Representative Ben Koppelman introduced the bill, Testimony 20934
Dr. Aimee Copas, Executive Director, NDCEL, Testimony 16199
Leslie Bieber, Superintendent of Alexander Public School, Alexander, Testimony 16500
Alexis Baxley, Executive Director, NDSBA, Testimony 16411
Jeff Simon, School Boards Association, oral testimony
Bab Marthaller, ND United, Testimony 16122

Additional written testimony:

Michael Olauson, Testimony 16241
Cheryl Biller, Testimony 16330
Jacqueline Beller, Testimony 16363

3:52 PM Chairman Heinert closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1337
2/7/2023

Relating to the allocation of state aid payments for school safety and security measures; and to the enactment of less restrictive firearm possession policies or ordinances
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3:22 PM Chairman Heinert opened the meeting.

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

Discussion Topics:

- Committee action
- Amendment 23.0095.02001

Representative Heilman moved to adopt amendment 23.0095.02001(#19645), seconded by Rep Marschall. **Voice vote, motion failed**

Roll call vote:

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

6-8-0 Motion failed.

Representative Marschall moved to amend the amendment: Pg. 2 strike lines 1-3, Line 10 change from "Oct. 1st" to "Dec. 1st"; line 10 remove the word "compliance"; the sentence after line 12, "Superintendent of public instruction will provide the report to legislative management.", seconded by Representative Longmuir

Motion was withdrawn.

House Education Committee

HB 1337

2/7/23

Page 2

Representative Marschall moved to amend everything from the first proposed amendment and including the sentence “school and safety and security measures reported”, seconded by Rep Longmuir. Voice vote, motion carried.

4:06 PM meeting adjourned.

Kathleen Davis, Committee Clerk

84
2-9-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1337

- Page 1, line 2, remove "the allocation of state aid payments for"
- Page 1, line 3, remove "amend and reenact subsection 3 of section 62.1-02-05 of the North Dakota"
- Page 1, remove line 4
- Page 1, line 5, replace "ordinances" with "provide for a report"
- Page 1, line 9, replace "**Allocation of state aid for school**" with "**School**"
- Page 1, line 9, after "**measures**" insert "**- Report to superintendent of public instruction and legislative management**"
- Page 2, line 1, remove "Except as provided under subsection 3, a school district shall allocate at least fifteen"
- Page 2, remove lines 2 through 8
- Page 2, line 9, replace "62.1-04-02 or section 62.1-04-03.1" with "Each school district shall provide an annual report to the superintendent of public instruction before December first, providing the categories and amount spent on school safety and security measures during the previous school year. The superintendent of public instruction shall provide the annual report to the legislative management."
- Page 2, remove lines 10 through 15
- Re-number accordingly

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1337
2/8/2023

Relating to the allocation of state aid payments for school safety and security measures; and to the enactment of less restrictive firearm possession policies or ordinances
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10:06 AM Chairman Heinert opened the meeting.

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

Discussion Topics:

- Committee action
- Amendment 23.0095.02002

Rep Murphy moved a Do Pass as Amended, seconded by Rep Hager.

Motion was withdrawn.

Rep Marschall moved to amendment 23.0095.02002 to HB 1337, seconded by Rep Dyk.
Roll call vote:

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

Motion failed. 5-9-0

Rep Murphy moved a Do Pass as Amended, seconded by Rep Conmy.

Roll call vote:

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N

Representative LaurieBeth Hager	Y
Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	N
Representative Eric James Murphy	Y
Representative Anna S. Novak	Y
Representative Kelby Timmons	N

Motion carried: 8-6-0 Rep Murphy will carry the bill.

10:22 AM meeting adjourned.

Kathleen Davis, Committee Clerks

REPORT OF STANDING COMMITTEE

HB 1337: Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1337 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "the allocation of state aid payments for"

Page 1, line 3, remove "amend and reenact subsection 3 of section 62.1-02-05 of the North Dakota"

Page 1, remove line 4

Page 1, line 5, replace "ordinances" with "provide for a report"

Page 1, line 9, replace "**Allocation of state aid for school**" with "**School**"

Page 1, line 9, after "**measures**" insert "**- Report to superintendent of public instruction and legislative management**"

Page 2, line 1, remove "Except as provided under subsection 3, a school district shall allocate at least fifteen"

Page 2, remove lines 2 through 8

Page 2, line 9, replace "62.1-04-02 or section 62.1-04-03.1" with "Each school district shall provide an annual report to the superintendent of public instruction before December first, providing the categories and amount spent on school safety and security measures during the previous school year. The superintendent of public instruction shall provide the annual report to the legislative management."

Page 2, remove lines 10 through 15

Re-number accordingly

2023 SENATE EDUCATION

HB 1337

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1337
3/8/2023

Relating to the allocation of state aid payments for school safety and security measures; relating to the enactment of less restrictive firearm possession policies or ordinances.
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2:35 PM Chair Elkin opened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Safety for all
- Cyber technology
- Certain % from funding formula on safety

Rep Koppelman, Dist 16, bill sponsor testified in support with no written testimony.

Jeff Simon, testified in support with no written testimony.

Sen Conley moved a DO PASS.

Sen Axtman 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 Conley will carry the bill.

3:00 PM Chair Elkin closed the hearing.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1337, as engrossed: Education Committee (Sen. Elkin, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1337 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1337



Great Public Schools

Great Public Service

Testimony Before the House Education Committee

HB 1337

Tuesday, January 24, 2023

Chairman Heinert and Members of the House Education Committee, for the record, my name is Nick Archuleta, president of North Dakota United. I rise today in opposition to HB 1337 and to urge a do not pass recommendation for HB 1337.

North Dakota United supports all schools and school districts in their efforts to continually improve school security and safety measures. Nothing is more important than ensuring safe working and learning spaces for teachers, learners, staff, and visitors to our schools. Having visited schools all across North Dakota, I can tell you that school safety is front of mind as K-12 learning communities do their important work.

However, requiring school districts to allocate from five (5%) to fifteen (15%) percent of a school district allocation is an infringement on school board authority in the management resources entrusted to them. Imagine a district whose state allocation is \$5,000,000. Should HB 1337 pass, the imagined district would be required to dedicate as much as \$750,000 or as much as \$250,000 should they adopt a policy to allow conceal carry on school property.

While we are not opposed to the state helping with the cost of keeping our schools safe, we find the provisions of HB 1337 to be overly proscriptive. We believe that important decisions like those related to school safety are best left to officials who best understand the needs of their districts, specifically, locally elected school boards.

Chairman Heinert and members of the Committee, I will conclude my remarks and urge a **do not pass** recommendation for HB 1337.



1 Testimony in Opposition

2 HB 1337 – Safety Measures Required Allocation

3 Chairman Heinert and members of the House Education Committee – for the record my
4 name is Dr. Aimee Copas and I serve as the executive director for the North Dakota
5 Council of Educational Leaders serving our K12 school leaders and directors.

6 I come to you today to express concerns with HB 1337 and the ability or need schools
7 would have to implement such legislation. This bill would require that 15% of the state
8 aid payments go to school safety as outlined in the bill. This is yet another bill that
9 works against local decision making. Every district has different needs regarding how to
10 expend their dollars. This is doubled down by a requirement since Senator Hoeven was
11 governor that each per-pupil increase that we receive as districts that 80% of that must
12 be spent in increases to teacher salaries. With those basic premises in place, with what
13 money should we focus on student education? In 2013 when the funding formula was
14 recalibrated it was done on the assumption of the per-pupil payment anchored in
15 providing the academic pieces of success. Those dollars allocated did not ever take into
16 consideration behavioral health, discipline issues, safety, or similar interests. Without
17 a new allocation, what should take the cut to make this work? Under this concept,
18 Bismarck would be forced to spend nearly \$28M of their \$186M dollar budget on school
19 safety, training, PD, safety purchases and the like on an ongoing basis. This is basically
20 like exchanging 280 current teachers for the same number of SRO’s. In our estimation
21 as school leaders, this is not an appropriate expenditure of taxpayer dollars that are
22 meant to go toward the academic preparation of our students. In West Fargo they’d have
23 to displace 250 full time employees and hire up to 200 SRO’s. This is an expenditure of

*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 approximately \$5M more than the entire West Fargo Police Department. I implore you
2 – is this reasonable in education? As educators we don't think so.

3 In the 2019 legislative session, it was passed to allow for a simple majority vote of the
4 people an opportunity to levy 5 additional mills to manage “safety”. There is a modality
5 to raise monies if a local community deems it to be a priority. To mandate this
6 expenditure is not what we'd deem as reasonable and expenditures that we can feel good
7 about explaining to our local taxpayers.

8 Again, as I've said in so many bills so far – please entrust the decisions regarding schools
9 to the locally elected officials charged with running those districts. These individuals
10 know best how district budgets should be expended. Continue to maintain the
11 importance of local control and local decision making for each community. It is this that
12 has been a part of making North Dakota great – let's keep a good thing going.

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for all students in North Dakota.*

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

Micheal Olauson

Valley City ND

I am just a concerned citizen of Barnes County in the Valley City School District 02-002. I would like to voice my STRONG SUPPORT for this bill. This bill makes perfect sense to all the things that have been going on in this country. Lets specifically allocate moneys to ensuring our children and teachers – of which I have both in this school system – are safe in school from nut jobs that have no control. I fully support all provisions of this bill INCLUDING STRONGLY, the arming of any staff that may feel like they want to be armed. We all know exactly what happens when we have to rely on paid law enforcement – anyone remember what happened last spring in west Texas? My money is on people in the schools properly trained and carrying firearms to defend there work place.

Thank you for your time.

Respectfully

Micheal olauson

HB 1337

To the Education Committee

Rep Jay Elkin, Chair

Testimony in Opposition

From Cheryl Biller, Fargo, volunteer with Moms Demand Action ND

There are myriad problems with section 3 of this bill.

One of the most grievous risks of arming teachers and staff is that more access to firearms is strongly correlated with additional risk of gun violence. Research strongly supports the finding that if teachers and staff carry guns into schools, children are more likely to access those guns. Studies consistently show that the majority of children are aware of where their parents store their guns and have handled them without their parents' knowledge. The same is true in schools: when teachers and staff bring guns into schools, children too often know where the guns are and will access them. And we know that when children access guns, the risks of death or harm significantly increase. In fact, irrespective of age, access to a firearm triples the risk of death by suicide and doubles the risk of death by homicide.

Another serious concern about armed staff is the degree to which they can complicate law enforcement's response. Police have less than seconds to determine who is the actual threat, armed school staff shouldn't have to die for their job. "We don't know who the good guy is versus who the bad guy is if everyone starts shooting."

And last – why should tax payers have to pay for the privilege of enhanced security for what is certain to be forthcoming heightened security concerns -- i.e., unattended loaded firearms left around campus, etc.

Give this a DO NOT PASS recommendation.

HB1337 Testimony Against

Representative Jay Elkin,

I oppose this bill, as it allows more loaded guns onto school grounds and also because it makes taxpayers pay for the privilege of "enhanced security" that will likely just cause bigger security concerns.

Arming teachers doesn't make a bit of sense, as it allows more access to firearms in our schools. It increases the risk of unattended loaded firearms are left around campus, which could be accessed by children or people who do not have training to use them safely. More access to firearms strongly correlates with risks for more gun violence, accidental or otherwise. Studies consistently show also that access to a firearm triples the risk of death by suicide and doubles the risk of death by homicide.

Arming teachers can also create a culture of fear for students, especially students of color. It can also complicate law enforcement's response to active shooter situations. It could make it harder to tell the good gun holders from the bad ones.

There are also legal liabilities and insurance liabilities to consider. Policies related to firearms that are unclear or have loopholes could leave teachers and school districts criminally or civilly liable if incidents occur. Even if the policies are well written, with no loopholes, and immunities provided, being sued becomes more likely should an incident involving a gun occur. If nothing else, the monetary liabilities alone should cause concern deep concern. States cannot exempt schools from federal civil rights liability and can be sued in federal court, and they cannot use state immunity provisions to protect themselves from claims.

I have many teachers who are friends and who own guns themselves who have indicated that there is no way they would be OK with bringing a firearm into the school where they work. They are trained to hunt, not to fire under stress. Even highly trained members of the military and the police force can have trouble – why in the world would we think a teacher should be OK with that responsibility?

Allowing more firearms in schools is essentially costly and irresponsible and would cause more problems than it would solve. There are other [evidence-based](#) ways to protect our schools from gun violence. I'd prefer to see funding for those instead.

Thank you!



NDSBA
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BOARDS ASSOCIATION

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HB 1337
House Education
January 24, 2023
Testimony of Alexis Baxley

Good afternoon, Chairman Heinert, and members of the House Education Committee. My name is Alexis Baxley, and I serve as the executive director of the North Dakota School Boards Association. NDSBA represents the elected school boards of all 170 public school districts and several special education units in North Dakota.

NDSBA stands in opposition to HB 1337. Requiring a school district to spend 5 to 15 percent of their funding would be very burdensome to a district. While we all wish to make our districts as safe for our students as we possibly can, this bill is not the way to do it.

School districts already have the ability to levy an additional five mills – with a vote of their patrons – for specific safety uses. If funding is an issue for a district in regards to safety, this is a great option. However, I don't believe any districts have taken advantage of it since we adopted the provisions in 2019.

Requiring school districts to reserve funds for a specific purpose is a clear attack on the authority of locally elected school boards. It appears that this bill is an effort to force school districts into adopting a policy to allow conceal and carryon their property. Districts already have the ability to do so if they wish, and rather than restrict their funding, local patrons should work with their local school boards to encourage the adoption of such a policy if they believe it is right for their community.

Restricting funds in this way would have a significant impact on a district's ability to hire provide raises to non-certified staff, keep up with inflation costs of supplies and materials, fund transportation, and otherwise "keep the lights on."

I encourage you to give this bill a do-not-pass recommendation, and I will stand for any questions.

Chairman Heinart and board members. My name is Leslie Bieber and I am the superintendent of Alexander Public School in Alexander, ND. I am here in opposition of HB 1337.

Alexander Public School has been working on safety and security over the last ten years. As a school leader, I am very aware of the importance of safety. As the district leader, I take the safety of my 300+ students and 56 staff members personally as a great priority in every decision that I make as well as my school board members.

Currently we have in place:

- door barricades,
- fire extinguishers,
- emergency bags,
- Navigate 360 software: software that allows instant check in, communication in emergencies with law enforcement, fire department and local Emergency management
- Sheriff department has access to cameras
- ALICE training for staff and students,
- Secure entrance
- SRO,
- camera system with televisions in the front office and principal offices
- alert system, panic buttons, ability for any staff member to set off security alarm
- phones in all rooms
- Safety crisis handbook put together with law enforcement
- currently working on placing cement barricades in front of our entrances to stop a motor vehicle from coming in (given to the school from the fire department)

My board designated the dollars in safety and security where and when needed. If you look at last year's budget, you would not find the dollars expended in what has been invested over the last ten years with a concentration on safety and security.

My current needs assessment points to a need for new math curriculum, professional development in English Language Arts, and mental health of students. A blanket mandate of where to expend our money does not address the local needs of our school. Our local school board directs dollars through our approved budget based on our ever-changing needs assessment.

My job is expending my proprietors money and managing the education of their precious children, both their dollars and their children bring out passion and high emotions especially when they are unhappy. My local school district has decided not to allow licensed carriers on campus and are supported in their decision by those who elected them to the position. We practice empowerment through education and training to protect our staff and students.

The Alexander Public School local board knows when and where to expend dollars to protect our students and staff. With that, I will stand for any questions.

23.0095.02001
Title.

Prepared by the Legislative Council staff for
Representative Heilman
January 27, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1337

Page 1, line 3, remove "; and to amend and reenact subsection 3 of section 62.1-02-05 of the North Dakota"

Page 1, remove line 4

Page 1, line 5, remove "ordinances"

Page 1, line 9, after "measures" insert "- Reporting"

Page 2, line 1, replace "Except as provided under subsection 3, a" with "A"

Page 2, line 1, replace "fifteen" with "two"

Page 2, line 4, remove "A school district shall allocate at least ~~five~~ percent of the state aid payments to which a"

Page 2, remove lines 5 through 8

Page 2, line 9, replace "62.1-04-02 or section 62.1-04-03.1" with "Each school district shall provide an annual compliance report to the superintendent of public instruction before October first, providing the categories and amount spent on school safety and security measures during the previous school year"

Page 2, remove lines 10 through 15

Renumber accordingly

HB 1337

Rep. Ben Koppelman- Testimony

Mr. Chairman and Members of the Committee,

Thank You for the opportunity to introduce HB 1337 to you today.

As many of you are aware, North Dakota law, like many states, restricts weapons in the school. This premise is based on the idea that an absence of weapons in school results in school safety. Unfortunately, there is an increasing amount of school violence nationally (including mass shootings) that occur each year despite the law. Each of these events includes a perpetrator illegally bringing a weapon into the school with the intent of doing harm.

Most schools are by definition, soft targets in that they are weapon free (or so we think) with exception of a student resource officer. Statistically soft targets are at higher risk of being targeted for violence due to the lack of resistance. We lock our school doors and attempt to control guest access by requiring guests check-in at the office. We may install cameras or other surveillance devices so that we know when something is going down, but we have limited measures in place to prevent something from happening.

We assume that law abiding citizens within the school building are unarmed because of the infraction in law, but have no idea if potential criminals are armed. By definition, criminals are not likely to pay attention to an infraction. In most schools, we have no way of knowing who is armed and who is not, but we do know that it is much more likely that the good guys follow the law as opposed to the bad guys.

I understand and agree with the idea that students should not be allowed to be armed. I understand the desire to keep security policy and decisions local. That is why I wrote this bill the way I did. HB 1337 would require school districts to prioritize school safety by requiring them to spend at least 15% of their annual state aid payments that they receive on school safety. It also goes on to provide a provision that that percentage can be reduced to a third of that amount or 5% if measures are take to eliminate the soft target (gun free zone) status through a locally approved policy. By definition, that is local control.

If a district would like to pursue that lower percentage mandate, they could do so by simply passing policy that would allow those that are not otherwise precluded from possessing a weapon to carry, excluding students. This policy could limit carry to areas where that individual is otherwise allowed to be, again excluding students.

By definition, this would make the school less of a soft target (no longer a gun free zone). Statistically, this would make the school less likely to be attacked. Now I understand that not everyone will like that policy, and that is why it is a local decision. However, short of that action, it is of uttermost importance that local districts fortify their schools, because it is the only line of defense for our children.

I'm not sure if the percentages in this bill are right and I am open to changing or capping them, but I believe the policy is solid.

I'm sure you will hear from some in opposition that they are already providing an adequate amount of resources for school security. They will say that school safety is important to them. To that I would say, prove it.

Several years ago, I was told that you could tell ones' priorities simply with two pieces of information, their day planner and their checkbook. (For all of you young people, that might be your Instagram page and your Apple Pay account 😊) If we look at a schools spending and the amount of time spent on school security would we believe that school safety is more important than basketball, football, or all sports combined. Where would it fall on the priority list?

It is not my goal to have districts called on the carpet based on their apparent priorities based on their spending, but rather I'm attempting to emphasize the importance of school safety from the state's perspective and then allow the schools to decide how best to spend that portion of state aid money.

Mr. Chairman and Members of the Committee, I'm happy to work with the committee to fine tune the amount of the school security mandate, but lets amend this bill if needed and send this important policy to the floor with a Do-Pass recommendation. I'll be happy to attempt to answer any questions that you may have.