

**TESTIMONY**  
**HOUSE EDUCATION COMMITTEE**  
**2-1-2023**  
**by John Porter, Special Education Director**  
**701-640-1421**  
**South Valley and Rural Cass Special Education Units**

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Chairman Heiner and members of the committee:

My name is John Porter. I am the Special Education Director for the South Valley and Rural Cass Special Education Units in southeast North Dakota. I am here to provide testimony in support of House Bill 1349. I have worked in special education in North Dakota for nearly 23 years. I began as a paraeducator, worked 4 years in Minot Public Schools as a special education resource room teacher for students with emotional disturbance, worked 4 years as a ND DPI special education coordinator, and for the last 14 years as a special education director. These wonderful opportunities in special education have provided me many learning opportunities about special education programming, special education law and special education funding.

My current position as special education director is a shared position between two special education units, South Valley Special Education Unit and Rural Cass Special Education Unit. The two units are made up of 15 school districts in southeast North Dakota. Rural Cass Special Education Unit is made up of Northern Cass, Central Cass, Mapleton, and Kindred school districts. South Valley Special Education Unit is made up of Lisbon, Ft. Ransom, Enderlin, Richland 44, Fairmount, Hankinson, Wyndmere, Lidgerwood, Milnor, North Sargent, and Sargent Central school districts. It is important to recognize that our two units operate as two separate units but share several areas of staffing and programming. We share a director, administrative assistant, office location, school psychologists and

cooperatively support a behavior program for students with the most significant behavior challenges in our units. We contract and collaborate with the Southeast Education Cooperative (SEEC) for some of our business services, behavioral programming, and some of our OT and PT services. We have one shared part time coordinator for a specific behavior program for students with the most significant behavior challenges.

I share these details about our units as I want the committee to understand that our two units operate very efficiently and continuously seek opportunities to provide better services to support students with disabilities. We strive to work collaboratively in grant writing and medicaid billing to maximize funding outside of the state formula. In the end, as with most districts, a proportionate share for funding special education services comes from local and state funding sources. In my opinion, the current weighted unit factor (.082) for special education is outdated and inadequate to support the special education needs in our state. I have attached a chart depicting the amount of general funds are used in several of our districts to supplement the inadequate state special education funds. I selected districts to offer a sampling of various school district enrollments as well as examples of districts that are in a growth pattern of enrollment and those that are remaining level with enrollment. As you can see in the attachment there is a substantial amount of general funds in each district that is used to supplement special education services. You can also see the amount of general funds is progressively increasing in each school district from year to year. I can strongly attest the need for additional special education services is only going to grow in years to come.

The weighted factor for special education as it currently stands at .082 was established in 2013 and has remained unchanged for the last 10 years. At one point in time, it was suggested that the weighted factor for special education in our funding formula (.082) was established to follow the percentage of students identified as

needing special education services (8.2%). Or in other words the number of students in North Dakota who are evaluated and determined eligible for special education in ratio to the total number of students enrolled in North Dakota schools. This chart will help show the identification rate of students identified as eligible for special education services in comparison to total state student enrollment. As you can see the percentage of students identified with disabilities has hovered around 12-13% for the past five years. As a weighted factor according to the current state funding model this would be .125, which aligns directly with the proposed factor included in HB 1349. In addition to the higher percentage of students who are eligible for special education services I have also observed a significant increase in the level of services necessary to support the education needs of students with disabilities. Frequently, local district education teams are addressing the needs of individual students who have trauma/mental health needs, behavioral needs, communication needs, and academic needs. Please note the conjunction “and” in that sentence. Our state funding support for special education services must begin to align to the needs and services our students present to our local school districts.

2017-2018	111,719	15,174	12%
2018-2019	113,646	15,902	12%
2019-2020	114,825	16,485	13%
2020-2021	115,986	16,459	12%
2021-2022	116,694	17,054	13%

Chairman Heinert, members of the committee this concludes my testimony in support of HB 1349. Thank you for your time and consideration of this bill. I am happy to answer any questions the committee may have.

	Fiscal Year	Project 2022	2021	2020	2019	2018
<b>Kindred</b>	Para expense	\$370,000.00	\$263,051.00	\$219,858.00	\$204,216.00	\$172,840.00
	Assessment to unit	\$851,100.00	\$798,000.00	\$782,124.00	\$715,300.00	\$660,000.00
	State revenue	\$750,204.00	\$717,741.00	\$685,763.00	\$657,828.00	\$633,259.00
	Differ/Gen Fund	<b>\$(470,896.00)</b>	<b>\$(343,310.00)</b>	<b>\$(316,219.00)</b>	<b>\$(261,688.00)</b>	<b>\$(199,581.00)</b>
<b>Northern Cass</b>	Para expense	\$436,657.11	\$332,552.72	\$254,127.09	\$284,967.93	\$269,504.81
	Assessment to unit	\$691,560.00	\$660,684.44	\$638,963.36	\$595,863.00	\$476,694.00
	State revenue	\$552,491.00	\$522,105.00	\$515,850.00	\$497,066.00	\$491,849.00
	Differ/Gen Fund	<b>\$(575,726.11)</b>	<b>\$(471,132.16)</b>	<b>\$(377,240.45)</b>	<b>\$(383,764.93)</b>	<b>\$(254,349.81)</b>
<b>Central Cass</b>	Para expense	\$670,000.00	\$563,883.00	\$460,028.00	\$417,596.00	\$352,386.00
	Assessment to unit	\$997,059.00	\$929,361.00	\$896,499.00	\$833,604.00	\$757,822.00
	State revenue	\$820,393.00	\$788,378.00	\$779,094.00	\$745,796.00	\$704,061.00
	Differ/Gen Fund	<b>\$(846,666.00)</b>	<b>\$(704,866.00)</b>	<b>\$(577,433.00)</b>	<b>\$(505,404.00)</b>	<b>\$(406,147.00)</b>
<b>Lisbon</b>	Fiscal Year	Project 2022	2021	2020	2019	2018
	Para/tchr expense	\$923,369.00	\$793,504.00	\$619,450.00	\$577,611.00	\$549,409.00
	Assessment to unit	\$ 34,736.00	\$ 33,957.00	\$ 48,254.00	\$ 44,009.00	\$ 44,329.00
	State revenue	\$525,033.00	\$514,427.00	\$502,793.00	\$491,452.00	\$483,287.00
	Differ/Gen Fund	<b>\$(433,072.00)</b>	<b>\$(313,034.00)</b>	<b>\$(164,911.00)</b>	<b>\$(130,168.00)</b>	<b>\$(110,451.00)</b>
<b>Richland 44</b>	Para/Tchr expense	\$390,461.00	\$345,535.00	\$351,806.00	\$290,137.00	\$230,238.00
	Assessment to unit	\$ 20,742.00	\$ 20,308.00	\$ 26,987.00	\$ 24,471.00	\$ 24,411.00
	State revenue	\$267,992.00	\$258,980.00	\$ 247,004.00	\$239,176.00	\$236,902.00
	Differ/Gen Fund	<b>\$(143,211.00)</b>	<b>\$(106,863.00)</b>	<b>\$(131,789.00)</b>	<b>\$(75,432.00)</b>	<b>\$(17,747.00)</b>
<b>Fairmount</b>	Para/tchr expense	\$165,488.00	\$153,060.00	\$136,322.00	\$127,716.00	\$126,301.00
	Assessment to unit	\$ 12,242.00	\$ 12,156.00	\$ 14,795.00	\$ 14,039.00	\$ 14,037.00
	State revenue	\$139,894.00	\$133,247.00	\$107,553.00	\$108,118.00	\$107,309.00
	Differ/Gen Fund	<b>\$(37,836.00)</b>	<b>\$(31,969.00)</b>	<b>\$(43,564.00)</b>	<b>\$(33,637.00)</b>	<b>\$(33,029.00)</b>
<b>Wyndmere</b>	Para/tchr expense	\$297,531.00	\$288,531.00	\$ 254,238.00	\$237,813.00	\$275,568.00
	Assessment to unit	\$20,692.00	\$ 20,738.00	\$ 28,264.00	\$ 25,998.00	\$ 24,977.00
	State revenue	\$256,989.65	\$ 251,778.24	\$ 254,111.52	\$249,241.55	\$225,963.34
	Differ/Gen Fund	<b>\$(61,233.35)</b>	<b>\$(57,490.76)</b>	<b>\$(28,390.48)</b>	<b>\$(14,569.45)</b>	<b>\$(74,581.66)</b>