



**NDSBA**  
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**HB 1376**  
**Testimony of Amy De Kok**  
**Senate Education**  
**March 7, 2023**

Chairman Elkin and members of the Senate Education Committee, my name is Amy De Kok. I am General Counsel for the North Dakota School Boards Association. NDSBA represents all 170 North Dakota public school districts, their boards, and several multi-district special education units.

NDSBA opposes HB 1376. While we appreciate the flexibility virtual education has provided to public schools in North Dakota and their students, we believe HB 1376 has gone too far. First, by removing a local districts ability to approve the enrollment of its students in a CDE program, this bill takes away local authority, and yet, expects the local district to cover the cost. There is already an ability for a parent to work with their local school district to have their student receive education through a CDE program if called for under an IEP or Section 504 plan. Under those situations, the local district likely must cover the costs and that is appropriate in such situations; however, HB 1376 would expand this to any student whose parent decides to open enroll their student into a CDE program regardless of the circumstances and still require the local district to pick up the tab.

In section 2, the bill requires districts to permit students to enroll in any virtual education program of their choice and contains no deadlines for doing so. This is problematic for all schools, but particularly small schools. The ability of a student to transfer at any time will negatively impact a district's ability to predict its enrollment and budget. What happens if a student opts to leave in the middle of school year? The bill does not provide a mechanism to account for a student who has already been counted in their home district's ADM leaving mid-year.

We were pleased that the House Education Committee amended the bill to put back the open enrollment deadlines that currently exist in law. This is reflected in Section 3 of the bill.

Section 4 of the bill, however, is still problematic as it limits a districts ability to deny open enrollment based on class capacity and provides the ability to close open enrollment only if there is a lack of capacity. Currently, school districts may decide whether they are accepting open enrollments or are effectively "closed." Once a district opts to accept open enrollments, there are limited acceptable reasons to deny an application for enrollment. The reasons are limited, but important. Removing a district's ability to choose whether they are open or closed AND further limiting a district's ability to deny an application due to capacity will negatively impact these schools. Class capacity is just as necessary as program, school, and grade level capacity. A receiving district forced to accept an

open enrolled student it did not budget nor plan for in an already full class will be less able to effectively serve its current students.

For these reasons, NDSBA stands in opposition to HB 1376 and encourages this committee to give it a do not pass recommendation. Thank you for your time, and I will stand for any questions.