

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2106

2001 SENATE EDUCATION

SB 2106

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2106

Senate Education Committee

☐ Conference Committee

Hearing Date 01-17-01

Tape Number	Side A	Side B	Meter #
1	x		0 - 31.2
2 (01-30-01)		x	9.8 - 23.8
1 (01-31-01)		x	50.1 - 59.8
2 (01-31-01)	x		13.7 - 45.7
Committee Clerk Signature <i>Sandra Johnson</i>			

Minutes: CHAIRMAN FREBORG called the committee to order.

Roll was taken with all members present.

CHAIRMAN FREBORG called the hearing on SB 2106 relating to open enrollment between school districts.

Testimony in support of SB 2106.

TOM DECKER, Department of Public Instruction, testified in support of the bill. (see attached).

SENATOR COOK questioned the changes on the bottom of Page 2, lines 28 - 31). MR.

DECKER replied part of it is dated language. By crossing out "for purposes of student activities" broadens the effect of the language in the earlier part of the sentence. By deleting the language in lines 28 - 31, and page 3, lines 1 & 2, it is a substantive change.

BEV NIELSON, ND School Board Assn., does not oppose nonresident open enrollment.

However, they have people on both sides of the issue on the changes on the bottom of Page 2. In the past, you could not recruit or use incentives for athletic purposes, and by deleting the

language on the bottom of page 2, it makes it clear you can not advertise for academic purposes or any purposes. There are some districts that have advertised in other districts the benefits of their school and both districts seem to feel it is okay to do this. Discussion followed. They are not opposed to open enrollment for opportunity without enticement, but are opposed to open enrollment for competition. SENATOR WANZEK asked how broad this language is. She stated that a clarification needs to be made by the Legislature, as to what "influence" (page 2, line 27) means so that schools know if they are being fair. SENATOR FREBORG feels the state ought to be promoting cooperation between school districts, not competition, for the students.

LEA ANN SCHNEIDER, Attorney General's office, clarified the bill for the committee. She was involved in the drafting process. She feels that a school board member, in talking with a friend, gave reference to a student attending his school rather than another one, it would be okay. However, if a school board met and discussed who the members should call to ask a student to attend their school, this would be wrong and against the rules. She also stated that a coach could not actively recruit, because he is an employee of the school district. SENATOR O'CONNELL asked what this bill allows that current law does not. She stated that it allows a student to move into ND from another state to immediately use open enrollment. It is more limiting on what kind of things can be advertised, basically all things. When there is reorganization of two school districts, the students can immediately decide where they want to go to school and not have to deal with open enrollment.

LARRY KLUNDT, ND Council of Educational Leaders, stated he has members on both sides of the recruiting issue. He stated he feels this bill came to be because of the situation at Jamestown, where smaller area schools recruited students from the large school. SENATOR FREBORG stated that open enrollment was enacted to benefit the student, now it seems to be to benefit the

district. SENATOR FLAKOLL stated this bill does not change the competition between public and private schools. SENATOR KELSH stated that the original purpose of open enrollment was to allow students to go to a school, other than their district, for convenience sake, such as a parent's employment, etc. More discussion followed. As to the question of how many students are open enrolled, MR. DECKER stated that 2236 students are open enrolled. The pattern is to move from smaller schools to larger schools and this number is growing. This computes to about 2% of the total students.

There was no testimony in opposition to SB 2106.

The hearing was closed on SB 2106.

01-30-01, TAPE 2, SIDE B, 9.8 - 23.8

SENATOR O'CONNELL moved to adopt the Decker amendment dated 1-30-01. Seconded by SENATOR FLAKOLL.

Roll call vote: 7 YES. 0 NO. 0 Absent. Amendment adopted.

Discussion on the recruiting issue. Under current law a district is not breaking the law if they are recruiting for reasons other than athletics. However, if this legislation passes they would be breaking the law.

SENATOR COOK moved amendment to remove the overstrike on pg. 2, lines 28 and 29, "for the purpose of having the student participate in varsity athletic activities." and remove the overstrike on pg. 5, lines 8 and 9, "for the purpose of having the student participate in varsity athletic activities.". Seconded by SENATOR FLAKOLL.

Roll Call Vote: 6 YES. 1 NO. 0 Absent. Amendment adopted.

Page 4

Senate Education Committee

Bill/Resolution Number SB 2106

Hearing Date ~~01-17-01~~

1-30-01

SENATOR COOK moved a DO PASS AS AMENDED. Seconded by SENATOR KELSH.

Roll Call Vote: 7 YES. 0 NO. 0 Absent. Motion Carried.

Carrier: SENATOR WANZEK

Committee Adjourned.

01-31-01 Tape 1, Side B, 50.1 - 59.8, Tape 2, Side A, 13.7 - 45.7

SENATOR COOK moved to reconsider SB 2106. Seconded by SENATOR FLAKOLL.

SENATOR FREBORG talked to Tom Decker who has a concern with the language that was deleted from the bill. Mr. Decker feel it would lead to hard core recruiting by certain districts.

His concern is with promises that would be made and then not followed through over a period of time. The committee discussed what the language actually does say about recruiting.

Roll Call Vote: 7 YES. 0 NO. 0 Absent.

TOM DECKER appeared to explain his amendments. He feels the decisions on policy should be focused on the best interests of the students in North Dakota and the best use of our resources. He feels the intent of open enrollment is to allow the parents and the students the choice of which public school they want to attend. He feels the focus has to be to leave open enrollment as it is, for the parents and the students to make choices, not to put school districts in the business of recruiting. He presented an amendment to the committee. (see attached). Mr. Decker stated there is no penalty in law if the districts don't abide by the law, but he sees this as a starting point to have parents free to choose their child's school with the districts responding to information when there is a request. He stated, if this is not strong enough or clear enough, in two years the Legislature can put a penalty on. He is willing to wait the two years. Further discussion.

Page 5

Senate Education Committee

Bill/Resolution Number SB 2106

Hearing Date 01-17-01

1-23-01

SENATOR O'CONNELL moved to adopt the Decker amendment. Seconded by SENATOR KELSH. Discussion continued. Motion withdrawn.

SENATOR COOK moved to reconsider the adoption of the amendments 18158.0101. Seconded by SENATOR FLAKOLL.

Roll Call Vote: 5 YES, 2 NO, 0 Absent. Motion Carried. This puts the bill in its original form. More Discussion.

SENATOR O'CONNELL moved to adopt the Decker amendment (see attached 1-31-01) and also the Decker amendment (see attached 1-30-01). Seconded by SENATOR KELSH.

Roll Call Vote: 4 YES, 3 NO, 0 Absent. Motion Carried.

SENATOR WANZEK moved a DO PASS as Amended. Seconded by SENATOR CHRISTENSON.

Roll Call Vote: 7 YES, 0 NO, 0 Absent. Motion Carried.

Carrier: SENATOR WANZEK

203
1-31-1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2106

Amendments to SB 2106 EDUC 1/31/01
Page 1, line 2, remove the comma

Page 1, line 3, remove "15.1-31.06,"

Amendments to SB 2106 EDUC 1/31/01

Page 2, line 28, remove the overstrike over "~~for the purpose of having the~~"

Page 2, line 29, remove the overstrike over "~~student participate in varsity athletic activities~~"

Amendments to SB 2106 EDUC 1/31/01

Page 3, line 9, after "district" insert "if that district participates in open enrollment"

Amendments to SB 2106 EDUC 1/31/01
Page 4, remove lines 23 through 30

Amendments to SB 2106 EDUC 1/31/01
Page 5, remove lines 1 through 9

Renumber accordingly

Date: 1-30-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2106

Senate Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken amendments proposed by Tom Decker

Motion Made By Sen. O'Connell Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: student may attend school in chosen district if it participates in open enrollment.

Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2106

Senate	Education	Committee
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☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number

Action Taken *proposed amend. by Cook*

Motion Made By Sen. Cook Seconded By Sen. Flakoll

[illegible]

Total (Yes) 6 No 1

Absent

Floor Assignment

If the vote is on an amendment, briefly indicate intent: *remove over strike pg 2, lines 28+29; pg 5, lines 8+9. Keeps in law that it is still illegal to recruit for athletics.*

Date: /- 30 - 0 /
Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2106

Senate	Education	Committee
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☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number

Action Taken *DPA*

Motion Made By

Sen. Cook

Secondded

By

Ann. Kelsch

[illegible]

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen Warrick

If the vote is on an amendment, briefly indicate intent: *no*

REPORT OF STANDING COMMITTEE

SB 2106: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the comma

Page 1, line 3, remove "15.1-31.06,"

Page 2, line 28, remove the overstrike over "~~for the purpose of having the~~"

Page 2, line 29, remove the overstrike over "~~student participate in varsity athletic activities~~"

Page 3, line 9, after "district" insert "if that district participates in open enrollment"

Page 4, remove lines 23 through 30

Page 5, remove lines 1 through 9

Renumber accordingly

Date: 1-31-01 AM
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2106

Senate	Education	Committee
--------	-----------	-----------

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Reconsider SB2106

Motion Made By Sen. Cook Seconded By Sen. Flakoll

[illegible]

Total (Yes) 7 No 0

Absent 0

Floor Assignment

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

Date: 1-31-01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2106

Senate	Education	Committee
--------	-----------	-----------

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number

Action Taken Reconsider action on amend. to

Motion Made By remove lines 28+29 pg 2
Don Cook ^{overstrike on} Seconded By Don Flakell

[illegible]

Total (Yes) 5 No 2

Absent 0

Floor Assignment

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

Tom Ducken
DPI

1-31-01

PROPOSED AMENDMENT FOR SENATE BILL 2106

Page 2, line 27 delete (or indirectly)

Page 2, line 28 after program, add:

For purposes of this section directly exerting influence means providing information about their school to persons who are not residents of that district unless the information is requested.

Tom Decker 8-2767
DPI

1-30-01
Decker amendment

PROPOSED AMENDEMENTS TO SENATE BILL NO. 2106

Page 3, line 9, after "district" insert "if that district participates in open enrollment"

Renumber accordingly

Sol

Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2106

Senate	Education	Committee
--------	-----------	-----------

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number

Action Taken Adopt Becker's amendment

Motion Made By Sen. O'Connell Seconded By Sen. Kilsh

[illegible]

Total (Yes) 4 No 3

Absent

Floor Assignment _____

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

Date: 1-31-01
Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2106

Senate Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number

Action Taken *DPA*

Motion Made By Sen. Wanzek Seconded By Sen. Christenson

[illegible]

Total (Yes) 7 No 0

Absent 0

Floor Assignment *Sen. Wicker*

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

REPORT OF STANDING COMMITTEE

SB 2106: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was placed on the Sixth order on the calendar.

Page 2, line 27, overstrike "or indirectly"

Page 3, line 2, after "~~career~~" insert "For purposes of this section, directly exerting influence means providing information about the school to individuals who are not residents of that district unless the information is requested"

Page 3, line 9, after "district" insert "If that district participates in open enrollment"

Renumber accordingly

2001 HOUSE EDUCATION

SB 2106

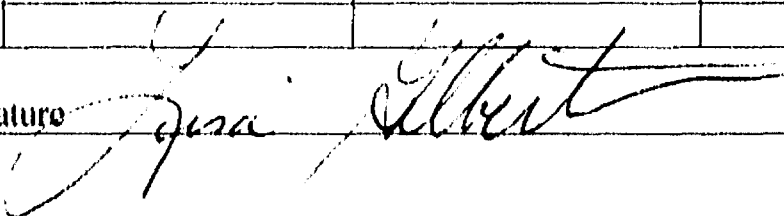
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2106

House Education Committee

☐ Conference Committee

Hearing Date 03/07/01

Tape Number	Side A	Side B	Meter #
#1		X	2730 to 3809
Committee Clerk Signature 			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunsakor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will open the hearing on SB2106.

Tom Decker: (DPI) On page 2 of the bill on lines 12 through 16, that language allows students to come into ND from out of state, immediate access to open enrollment. This is one more of those things that we can do to ease the process of people moving into ND. Down a little further, the Senate committee made some changes regarding recruiting for open enrollment. What this language would amount to is that a state would have the intent of the legislature. There's no mechanism to enforce it. The consensus in the Senate was that we needed this first step to lay out what we believe the policy should be, see how that works for a couple of years, and if it works out, we don't have to take any additional steps. Note on page 3 that direct influence is

defined as said there. We believe the recruitment is counterproductive in a time when we need closer cooperation of school districts.

Chairman Kelsch: Would this include newspaper advertisements?

Decker: Bismarek Public Schools put out a supplement which provides a good deal of information about their school. We view that simply as information which provides information to Bismarek Public School students. It's not a recruiting tool, so it would have to go beyond that.

Chairman Kelsch: Would it be, though, if they took those brochures and sent them to residents in Mandan?

Decker: If persons associated directly associated with the Bismarek Public Schools sent those directly to people in Mandan without a request, Mandan would certainly be in the position to raise questions about whether or not there was recruiting going on.

Chairman Kelsch: How about Rep. Hanson who brought in the newspaper ads that were running, and of course those ads would be running not only in that school district, but outside of that school district as well. Some of that may not be able to be controlled, because you may have one county paper, or you may have one major paper of local distribution, but would newspaper ads technically qualify under here?

Decker: That's one reason the Senate was reluctant to put any penalty on or to establish any formal process for review, because there are some gray areas.

Rep. Solberg: Who determines if there's been a violation of the recruiting rules?

Decker: At this point, there's going to probably going to be a discussion, but since there is no penalty, we would probably just log them to develop some kind of history of how these things happened.

Page 3
House Education Committee
Bill/Resolution Number SB2106
Hearing Date 03/07/01

Rep. Haas: I can see the possibility where a small school district with rapidly declining enrollment is concerned about their residents open enrolling out of there, so therefore, we're going to do some advertising to promote them staying in our district, and coincidentally, that advertisement goes into three or four neighboring districts. It's wide open.

Decker: There's certainly some gray. These districts always have the option of creating brochure and distributing it directly to their patrons.

Chairman Kelsch: We will now close the hearing on SB2106.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2106 **A**

House Education Committee

☐ Conference Committee

Hearing Date 03/20/01

Tape Number	Side A	Side B	Meter #
#1	X		138 to 1610
Committee Clerk Signature <i>Lisa Albert</i>			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunsakor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will now take up SB2106.

Rep. Brusegaard: I move the amendments.

Rep. Hanson: Second.

Chairman Kelsch: What are the wishes of the committee?

Rep. Mueller: I move a DO PASS AS AMENDED.

Rep. Hunsakor: Second.

Chairman Kelsch: Committee discussion.

The motion of DO PASS AS AMENDED passes with 14 YAY 0 NAY 1 ABSENT

Floor Assignment: Rep. Grumbo

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2106b

House Education Committee

☐ Conference Committee

Hearing Date 03-22-01

Tape Number	Side A	Side B	Meter #
TAPE I	x		490 to 1000
Committee Clerk Signature <i>Joan Davis</i>			

Minutes: Chairman Kelsch called the committee to order on SB 2106.

Rep Brusegaard: I move that the committee reconsider its action by which we placed the DO PASS recommendation on 2106.

Rep Hawken: Second.

Chairman Kelsch: The motion is to reconsider our action on SB 2106, voice vote taken, passes.

We now have SB 2106 before us. I have some amendments, the only amendment that is going on here, we have to put the emergency clause on to fill the gap. Emergency section must go on section three and six. The question has been called for, voice vote, motion passes. Motion made by Rep Brusegaard and seconded by Rep Hawken. What are the wishes of the committee. Rep Solberg moved a DO PASS as amended, seconded by Rep Mueller.

DISCUSSION

Chairman Kelsch: The clerk will call the roll on a DO PASS as amended motion on SB 2106.

The motion passes with a vote of 14 YES, 0 NO and 1 ABSENT. Carrier Rep Grumbo.

Date: 3/20/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. ~~SB 2106~~ SB 2106

House House Education

Committee

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken

Do Pass As Amended

Motion Made By

Rep. Mueller

Seconded By

Rep. Hunsakor

Representatives	Yes	No	Representatives	Yes	No
Chairman-RaeAnn G. Kelsch	✓		Rep. Howard Grumbo	✓	
V. Chairman-Thomas T. Brusegaard	✓		Rep. Lyle Hanson	✓	
Rep. Larry Bellew	✓		Rep. Bob Hunsakor	✓	
Rep. C.B. Haas	✓		Rep. Phillip Mueller	✓	
Rep. Kathy Hawken	✓		Rep. Dorvan Solberg		
Rep. Dennis E. Johnson	✓				
Rep. Lisa Meier	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				

Total (Yes)

14

No

0

Absent

1

Floor Assignment

Rep. Grumbo

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

REPORT OF STANDING COMMITTEE

SB 2106: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2106 was placed on the Sixth order on the calendar.

Page 2, line 19, after the second period Insert:

"1."

Page 2, line 24, after the period Insert:

"2."

Page 2, line 25, after the period insert:

"3. a."

Page 3, line 2, replace "For purposes of this section" with:

"b. For purposes of this subsection"

Page 3, line 3, after "school" Insert "district"

Page 3, after line 4, Insert:

"c. If any person believes that a school district has violated this subsection, the person may file a complaint with the superintendent of public instruction. Upon receipt of a complaint alleging a violation of this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this subsection, the superintendent may withhold some or all of the transportation aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board of public school education. A decision by the state board of public school education is final."

Page 5, line 6, after the period Insert:

"a."

Page 5, line 7, overstrike "or indirectly"

Page 5, after line 10, Insert:

"b. For purposes of this subsection, directly exerting influence means providing information about the school district to individuals who are not residents of that district unless the information is requested.

"c. If any person believes that a school district has violated this subsection, the person may file a complaint with the superintendent of public instruction. Upon receipt of a complaint alleging a violation of this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this

subsection, the superintendent may withhold some or all of the transportation aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board of public school education. A decision by the state board of public school education is final."

Renumber accordingly

Date: 3/22/01
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2106

House House Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. Solberg Seconded By Rep. Mueller

Representatives	Yes	No	Representatives	Yes	No
Chairman-RaeAnn G. Kelsch	✓		Rep. Howard Grumbo	✓	
V. Chairman-Thomas T. Brusegaard	✓		Rep. Lyle Hanson		
Rep. Larry Bellew	✓		Rep. Bob Hunsakor	✓	
Rep. C.B. Haas	✓		Rep. Phillip Mueller	✓	
Rep. Kathy Hawken	✓		Rep. Dorvan Solberg	✓	
Rep. Dennis E. Johnson	✓				
Rep. Lisa Meler	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep. Grumbo

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

REPORT OF STANDING COMMITTEE

SB 2106, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2106 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on pages 1033 and 1034 of the House Journal, Engrossed Senate Bill No. 2106 is amended as follows:

Page 1, line 4, after "districts" insert "; and to declare an emergency"

Page 2, line 19, after the second period insert:

"1."

Page 2, line 24, after the period insert:

"2."

Page 2, line 25, after the period insert:

"3. a."

Page 3, line 2, replace "For purposes of this section" with:

"b. For purposes of this subsection"

Page 3, line 3, after "school" insert "district"

Page 3, after line 4, insert:

"c. If any person believes that a school district has violated this subsection, the person may file a complaint with the superintendent of public instruction. Upon receipt of a complaint alleging a violation of this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this subsection, the superintendent may withhold some or all of the transportation aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board of public school education. A decision by the state board of public school education is final."

Page 5, line 6, after the period insert "a."

Page 5, line 7, overstrike "or indirectly"

Page 5, after line 10, insert:

"b. For purposes of this subsection, directly exerting influence means providing information about the school district to individuals who are not residents of that district unless the information is requested.

c. If any person believes that a school district has violated this subsection, the person may file a complaint with the superintendent of public instruction. Upon receipt of a complaint alleging a violation

of this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this subsection, the superintendent may withhold some or all of the transportation aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board of public school education. A decision by the state board of public school education is final."

Page 5, after line 19, insert:

"SECTION 7. EMERGENCY. Sections 3 and 6 of this Act are declared to be an emergency measure."

Renumber accordingly

2001 SENATE EDUCATION

CONFERENCE COMMITTEE

SB 2106

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2106

Senate Education Committee

☒ Conference Committee

Hearing Date 04-11-01

Tape Number	Side A	Side B	Meter #
1	X		13.5 - 38.0
Committee Clerk Signature <i>Linda Johnson</i>			

Minutes: Conference Committee on SB 2106.

Members: SENATOR WANZEK REPRESENTATIVE BRUSEGAARD
 SENATOR FLAKOLL REPRESENTATIVE L. JOHNSON
 SENATOR CHRISTENSON REPRESENTATIVE HANSON

SENATOR WANZEK called the Conference Committee on SB 2106 to order. Roll Call was taken with all members (6) present.

REPRESENTATIVE BRUSEGAARD stated the purpose of the House amendment is to try to find a way to address those who violate open enrollment by advertising and offering incentives. The amendment allows someone to file a complaint to DPI and a penalty was added which allows the Superintendent to withhold any or all of the transportation aid to the district found in violation.

REPRESENTATIVE HANSON did research on one district taking buses into another district to pick up students. This is not allowed in several states and several other states do not have a policy in place.

SENATOR FLAKOLL asked where the dollars would go that are withheld from transportation aid by penalty. He was told the dollars would be part of the funds left in DPI at the end of the biennium and would then go to the general fund.

SENATOR CHRISTENSON stated open enrollment should be a passive action, not an aggressive action.

SENATOR WANZEK would like the word "violation" defined. SENATOR FLAKOLL feels the House has given the authority to DPI and they can make the decision on a violation.

More discussion by the committee.

The committee agrees with the House amendments with one change. Where it states "any person believes that a school district " they would have it read "board members of a school district believe another school district". This will allow the board to file a complaint, not just a disgruntled citizen.

SENATOR FLAKOLL moved the House recede from the House amendments and adopt the House amendments with changes as proposed by the committee.

Seconded by REPRESENTATIVE HANSON.

The members of the committee will review the finished amendment and approve it before the bill goes to the floor.

Roll Call Vote: 6 YES. 0 NO. 0 Absent. Motion Carried.

CHAIRMAN WANZEK adjourned the conference committee.

Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. *SB 2106*

Senate Education Committee

☐ Subcommittee on _____

or

☒ Conference Committee

Legislative Council Amendment Number _____

Action Taken House recede & amend.

Motion Made By Ann Flakoll Seconded By Rip. Hanson

[illegible]

Total (Yes) 6 No 0

Absent 0

Floor Assignment

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

If the vote is on an amendment, briefly indicate intent:
Change person to school district in House
amendment -

REPORT OF CONFERENCE COMMITTEE

SB 2106, as engrossed: Your conference committee (Sens. Wanzek, Flakoll, Christenson and Reps. Brusegaard, D. Johnson, Hanson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1028-1029, adopt amendments as follows, and place SB 2106 on the Seventh order:

That the House recede from its amendments as printed on pages 1028 and 1029 of the Senate Journal and pages 1104 and 1105 of the House Journal and that Engrossed Senate Bill No. 2106 be amended as follows:

Page 2, line 19, after the second period insert:

"1."

Page 2, line 24, after the period insert:

"2."

Page 2, line 25, after the period insert:

"3. a."

Page 3, line 2, replace "For purposes of this section" with:

"b. For purposes of this subsection"

Page 3, line 3, after "school" insert "district"

Page 3, after line 4, insert:

"c. If the members of the board of a school district believe that another school district has violated this subsection, the board may file a complaint with the superintendent of public instruction. Upon receipt of a complaint alleging a violation of this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this subsection, the superintendent may withhold some or all of the transportation aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board of public school education. A decision by the state board of public school education is final."

Page 5, line 6, after the period insert "a."

Page 5, line 7, overstrike "or indirectly"

Page 5, after line 10, insert:

"b. For purposes of this subsection, directly exerting influence means providing information about the school district to individuals who are not residents of that district unless the information is requested.

c. If the members of the board of a school district believe that another school district has violated this subsection, the board may file a complaint with the superintendent of public instruction. Upon receipt

of a complaint alleging a violation of this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this subsection, the superintendent may withhold some or all of the transportation aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board of public school education. A decision by the state board of public school education is final."

Renumber accordingly

Engrossed SB 2106 was placed on the Seventh order of business on the calendar.

2001 TESTIMONY

SB 2106

TESTIMONY ON SENATE BILL NO. 2106
SENATE EDUCATION COMMITTEE
January 17, 2001
Department of Public Instruction

Chairperson Freborg and members of the committee:

My name is Tom Decker. I'm the director of school finance and organization for the Department of Public Instruction.

Senate Bill 2106 contains a series of amendments to the open enrollment statute. These proposals come out of our continuing experience with open enrollment implementation across the state.

The first proposed change is on page 2 at line 12. In discussions with the Attorney General's office, we have been told that the open enrollment law does not provide access to open enrollment for students who move into North Dakota from out of state. Currently, students in North Dakota who change districts of residence have immediate access to open enrollment through a waiver in the law. The suggested language on page 2 adds students who move in from out of state to that list of students who have immediate access to open enrollment. For example, if a student and his or her family move into the Dickinson area and the family lives in the South Heart School District, students in that family could immediately begin to attend schools in Dickinson if that were their district of choice. Under

current law, they would have to seek a tuition waiver and apply for open enrollment the following year. In many cases, either districts do not take students on tuition waivers or the district of residence refuses to cooperate on a tuition waiver. The net result is that a student leaves his or her out-of-state school, moves into one North Dakota school district for part of a year or a year at the most and then changes districts again. Under the provision suggested in the language on page 2, that family could enroll their student into school where they wanted him or her to attend in North Dakota for the long term.

On page 3 of the bill, at line 7, reorganization is added to dissolution. The effect of adding this wording is to give students in a district that goes through reorganization a window of opportunity to open enroll at the time the reorganization becomes final. Again, we believe that making it clear that students have a choice about district of attendance while a reorganization is in progress will reduce the resistance to the reorganization on the part of those who may feel they will be pulled into a district other than the one where they would prefer to send their students.

Sections four on page 3 through the end of the bill are reiterations of the language to comply with the change in Title 15 proposed in House Bill 1045.