

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2317

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Deanna M. Halliwell
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10/22/03

Date

2003 SENATE EDUCATION

SB 2317

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2317

Senate Education Committee

Conference Committee

Hearing Date 2-04-03

Tape Number	Side A	Side B	Meter #
1	x		0 - 14.1
1	x		27.8 - 30.9
2	x		2.0 -4.7

Committee Clerk Signature *Dana Johnson*

Minutes:CHAIRMAN FREBORG called the committee to order. Roll Call was taken with all (6) members present.

CHAIRMAN FREBORG opened the hearing on SB 2317 which relates to the duties and responsibilities of the superintendent of public instruction.

Testimony in support of SB 2317:

SENATOR KLEIN, Dist. 14, testified in support of the bill. He stated it came about for a constituent who had concerns on the curriculum at the school in his district. His constituent was not available at this time to testify. He came later and presented testimony in support of the bill.

Testimony in opposition to SB 2317:

DR. WAYNE SANSTEAD, DPI, stated this bill does affect the constitutionality of the superintendent's duties. He would definitely take action if this bill is passed. The only program left for DPI would be the food program. He presented a graph (see attached) showing the grants

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Senate Education Committee
Bill/Resolution Number SB 2317
Hearing Date 02-04-03

received from the federal government. This would seriously jeopardize the partnership with the federal government. It would be far more prescriptive on the districts than now. There are some positives in the bill, but he feels it lowers the standards now in place. Subsection 8 is really disturbing because it offers no alternative. Section 4 is also objectionable. It would change how schools are reimbursed from the state. He feels the positive parts of the bill are already being implemented.

NANCY SAND, NDEA, stated they have many concerns with the bill and feels it is unworkable for the best interest of the students.

JIM JACOBSON, Deputy Director of Protection and Advocacy Project, testified. (see attached).

There was no further testimony.

The hearing was closed temporarily, until the constituent could appear to testify in support.

Tape 1, Side A, 27.8 - 30.9

CHAIRMAN FREBORG reopened the hearing on SB2317.

Testimony in support of SB 2317:

GLEN BALTRUSCH, Harvey, ND testified in support of the bill. (see attached).

Having no further testimony the hearing was closed on SB 22317.

Tape 2, Side A, 2.0 - 4.7

SENATOR FLAKOLL moved a DO NOT PASS. Seconded by SENATOR CHRISTENSON.

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Senate Education Committee
Bill/Resolution Number SB 2317
Hearing Date 02-04-03

SENATOR COOK stated he knows there are many people who do feel this is a solution, and maybe in a few years, and after a lot of study, some of it could be implemented with some changes.

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

Carrier: SENATOR CHRISTENSON

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FISCAL NOTE
 Requested by Legislative Council
 01/27/2003

Bill/Resolution No.: SB 2317

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$630,000,000	\$0	\$630,000,000	\$0
Appropriations	\$0	\$0	\$630,000,000	\$0	\$630,000,000	\$0

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$514,000,000	\$0	\$0	\$514,000,000	\$0	\$0	\$514,000,000

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

This bill limits the duties of the superintendent of public instruction, prohibits acceptance of federal financial aid that carries mandates and requires full state funding of each school's core curriculum.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

Based on 2001-02 school district financial data, instructional expenditures totaled \$598 million.

State sources (42%)	\$251 Million
Federal unrestricted	32 Million
Federal restricted	58 Million
Local sources	257 Million

If the state is to fully fund instructional expenditures at \$586 million (\$598 - \$32 million federal unrestricted revenue), then additional state funding required would be \$315 million (\$257 + \$58) annual or a total \$630 million for the biennium. Local funding replaced would be \$257 million or \$514 million for the biennium.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

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10/22/03
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Name:	Wayne G. Sanstead	Agency:	Public Instruction
Phone Number:	328-4570	Date Prepared:	01/31/2003

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01/31/03

Date

Date: 2/04/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2317

Senate EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Sen. Flakoll Seconded By Sen. Christenson

Senators	Yes	No	Senators	Yes	No
LAYTON FREBORG, CHAIR.	✓		LINDA CHRISTENSON	✓	
GARY A. LEE, V. CHAIR.	✓		RYAN M. TAYLOR	✓	
DWIGHT COOK	✓				
TIM FLAKOLL	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Christenson

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

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Deanna Waller Operator's Signature 10/22/03 Date

REPORT OF STANDING COMMITTEE (410)
February 4, 2003 12:56 p.m.

Module No: SR-21-1603
Carrier: Christenson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2317: Education Committee (Sen. Freborg, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2317 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-21-1603

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Date

2003 TESTIMONY

SB 2317

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Date

Dr. Sanstead
SB 2317

DEPARTMENT OF PUBLIC INSTRUCTION
Federal Grant Information ¹
2003-2005 Executive Recommendation

Catalog #	Title	U.S. Dept.	Grants	Admin
10.553	School Breakfast	Agriculture	3,600,000	
10.555	National School Lunch Program	Agriculture	22,767,268	
10.556	Special Milk Program for Children	Agriculture	169,000	
10.558	Child & Adult Care Food Program	Agriculture	18,437,688	229,180
10.559	Summer Food Service for Children	Agriculture	707,000	55,000
10.560	State Administrative Expense for Child Nutrition	Agriculture		1,151,602
10.567	Food Distribution Program on Indian Reservations	Agriculture	1,078,719	604,305
10.568	Temporary Emergency Food Assistance	Agriculture	105,000	130,000
84.002	Adult Basic Education	Education	2,613,273	262,011
84.007 ²	Title I, Part F Comprehensive School Reform	Education	1,384,304	72,858
84.010 ²	Title I Basic Grants Improving the Academic Achievement of the Disadvantaged	Education	40,779,650	1,479,055
84.011 ²	Title I Migrant Education	Education	480,280	142,000
84.013 ²	Title I Neglected & Delinquent Children & Youth	Education	112,114	
84.025	Services for Children with Deaf - Blindness	Education	174,614	
84.027	Special Education - IDEA, Part B & State Improvement Grant	Education	36,166,668	2,353,506
84.173	Special Education IDEA - Preschool Program	Education	1,176,250	324,643
84.184 ²	Safe & Drug Free Schools & Community Service Grants	Education	3,934,104	258,480
84.185	Byrd Scholarship Program	Education	205,000	

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Catalog #	Title	U.S. Dept.	Grants	Admin
84.196 ²	Title I Education for Homeless Children	Education	150,000	150,000
84.213 ²	Title I Even Start	Education	2,119,700	135,300
84.215	Partnerships in Character Education	Education	1,120,000	480,000
84.287 ²	Title IV 21 st Century Community Learning Centers	Education	3,103,729	152,270
84.298 ²	Title V Innovative Programs	Education	3,949,592	573,458
84.318 ²	Title II D Enhancing Education Through Technology	Education	5,842,794	307,516
84.352	School Renovation, IDEA, & Technology	Education	1,936,674	19,552
84.358 ²	Title VI Part B Rural and Low-Income Schools	Education	212,790	8,548
84.365 ²	Title III English Language Acquisition	Education	650,000	301,246
84.367 ² ₃	Title II Part A Teacher and Principal Training and Recruiting	Education	21,557,171	556,195
84.369 ²	Title VI Part A State Assessment Program	Education		6,935,041
99.003	Nat Coop Educational Statistics (NCES)	Education		64,122
93.576	Refugee Children School Impact Grant	HHS	405,000	135,000
93.938	School Health Programs	Center for Disease	340,500	576,863
99.002	Miscellaneous Indirect Costs	Ed. & Ag.		1,438,425
Total			\$175,278,882	\$18,896,176

¹ Estimated federal funding

² No Child Left Behind

³ Currently estimated to be \$26,455,968 rather than \$22,113,366

\$194,175,058

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SB 2317
Senate Education Committee
Testimony from the Protection & Advocacy Project
February 4, 2003

Good morning, Chairman Freborg and members of the Senate Education Committee. My name is Jim Jacobson. I am the Deputy Director of the Protection & Advocacy Project. I am here on behalf of the ND Protection and Advocacy Project to express concerns about SB 2317.

For the past several years the ND Protection and Advocacy Project has identified educational services to children with disabilities as a priority. This is the result of significant numbers of referrals, consumer feedback, and public comment.

There are specific concerns I would like to address with my testimony. I would like to focus my testimony on Section 3, subsections 7, 8, and 9 (page 4 of the bill).

Subsection 7 proposes to eliminate all federal funding that carries mandates, except for food service programs. This effectively eliminates any protection available under Section 504 of the Rehabilitation Act of 1973 (Section 504). According to Section 504, any "recipient", meaning any entity that receives any federal funding, may not discriminate on the basis of disability. Subsection 7 would also eliminate federal funding through the Individuals with Disabilities Education Act (IDEA). This law, first enacted in 1975 as Public Law 94-142, (The Education of All Handicapped Children Act), was passed to ensure that children with disabilities would receive an opportunity to benefit from public education. This would have a significant negative impact on the efforts over the last 25 years to ensure that children with disabilities receive appropriate educational services.

Subsection 8 would give schools the authority to "permanently remove any student disruptive to the learning process." This conflicts with due

process protections established under Section 504 and the IDEA and gives schools unbridled discretion to decide who receives an education and who does not. Schools are an important part of the larger community. It is difficult to see how students, schools or the larger community would benefit from such a response.

Both Section 504 and the IDEA identify the responsibility of the State and Local Education Agency to provide the necessary special education, aids and related services required to meet all the unique educational needs of the child. Subsection 9 would prohibit the educational system from responding to those emotional, developmental, and psychological concerns that may be part of many children's educational needs.

Starting almost 50 years ago in *Brown v. the Topeka Board of Education*, and again 30 years ago in *Mills v. the D.C. Board of Education* the courts have concluded that it was the schools responsibility and in the national best interest to provide programs that meet the needs of all children. From the Civil Rights movement in the '60's, Section 504 and the IDEA in the '70's to the current No Child Left Behind Act, the laws have attempted to ensure that this principle is maintained. Passage of SB 2317 would derail 50 years of efforts to protect the rights of all children to a meaningful education.

The ND Protection and Advocacy Project would ask that the Senate Education Committee give SB 2317 a "do not pass" recommendation. This concludes my testimony and I would be happy to answer any questions the Committee may have.

TESTIMONY IN SUPPORT OF SENATE BILL NO. 2317

Mr. Chairman, Members of the Committee,

My name is Glen Baltrusch. I presently live in Harvey, North Dakota and I'm a North Dakota citizen by birth, and a voter. I stand before you today not as a paid governmental employee but as a very concerned taxpayer within our state. I am very disappointed of the current education that is being taught to our youth today within those walls. As the teachers fail to provide the needed classroom instruction and discipline, I find myself strongly supporting Senate Bill No. 2317 as it finally brings education back into classroom, just where it should be. The local school districts and the local school boards again will have regained their control.

This bill provides for authority granted to local school districts and local school boards; duties and limitations of the superintendent of public instruction; and ensures that a core curriculum will be placed in each school. This bill brings to a halt the complete re-writing of our history, and geography. Have any of you seen a cashier over the past several ^{years} who can actually count back the change that you are owed? I have not myself, either.

Mr. Chairman, Members of the Committee, Senate Bill No. 2317 is an important matter that affects the future of which direction this state will follow. It has the opportunity for our students to excel, or we keep the status quo and keep making our young men and women leave the state. If North Dakota is to change and its citizens are to prosper, "Passage of Senate Bill No. 2317" is a key element of growth for our state, not the exportation of our younger citizens.

Just recently the larger daily newspapers of this state had front page stories about students who taken proficiency tests and only scored at 50% and 35%. Now I don't know what any of you are thinking, but where I went to school, those are failing grades. Today's school curriculum is failing. Instead of attempting to educate our younger people in so called

political correctness and attempting to implement a socialist agenda, its way past time to provide people the greatest opportunity so that those individuals may use their skills and knowledge to the best of their ability; not being held back under today's education program.

Mr. Chairman, Members of the Committee, this bill does one major thing over the "No Child Left Behind Act", it sets a much higher standard for North Dakota, which our schools and teachers should be actively in pursuit of.

Thank you for your time and consideration in this matter.

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