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ROLL NUMBER

DESCRIPTION

2184

2007 SENATE EDUCATION

SB 2184

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2184

Senate Education Committee

Check here for Conference Committee

Hearing Date: January 16, 2007

Recorder Job Number: 1186, 1207, (recorder failed for afternoon session)

Committee Clerk Signature



Minutes:

Chairman Freborg opened the hearing on SB 2184, a bill relating to school calendars and compulsory attendance. All members were present.

Senator Flakoll introduced the bill. (Written testimony attached)

Senator Gary Lee asked what the addition of the days would mean in terms of compensation for staff.

Senator Flakoll said currently the average number of contract days is 186. We have 7746 FTEs in the state, we spent \$790 million statewide for education last year for those days. Now is the time when we are looking at a budget enhancement for education of \$80.5 million to do this. It may help move us up in terms of average teacher compensation.

Senator Gary Lee said the fiscal note is substantial, does that fit with his thinking of the additional cost?

Senator Flakoll said the P16 commission talked about \$3 million per day as a cost, it is about \$4.2 million with physical plant, buses, included. The state has partners in education, the local subdivisions and the federal government.

Senator Taylor said does North Dakota have the lowest drop out rate? If we move to 18, will our drop out rate change to zero?

Senator Flakoll said in theory that should be true. Historically, North Dakota has done very well in term of graduation rates. We are in a transitional period in terms of determining graduation rates since there is a new configuration we are using.

Senator Bakke asked about the reasons for the drop out rate. Did the committee consider program changes that would need to be provided to accommodate them? For example, the child that drops out and goes to alternative high school, there would need to be increased funding of those programs.

Senator Flakoll said they discussed it; the framework is set up. There has also been discussion of disorderly students. He has a resolution later in the session to regain the classroom for the teachers, the kids are running the show in many cases.

Chairman Freborg asked if he believes it's better to keep an unruly student in school.

Senator Flakoll said when he was in fourth grade he really did not want to be in school but he doesn't think he should have been allowed to quit. 18 was considered because that is when many believe we become adults. Separate issues are controlling the environment of the classroom. There are children that are less than 14 that are disruptive and we need to have discussions about providing the right environment where all students can live up to their potential.

Representative Kelsch testified in favor of the bill. The issue needs to be discussed. These issues are being brought forward by the business and education communities, the P16 commission included business people too. The two ideas have merit, now is the time to look at the issues when we have the money and are looking at equity and adequacy. She hopes to see the bill on the house side.

Senator Bakke asked when a student drops out at the age of 16, do they need parental consent?

Representative Kelsch said yes.

Senator Taylor said on the business side, what comments are made on compulsory attendance and contact days.

Representative Kelsch said there was more concern on the school contact days although they are also concerned about 16 year olds dropping out.

Representative Delmore testified in favor of the bill. She served on the P16 commission. They could not bring as many things forward to this legislative assembly as they might have. They undertook a very comprehensive study, an excellent discussion, the value was from the private business sector. It was also good to sit down with the colleagues in higher education, we tend to separate higher education from P12.

Anita Decker, director of school approval and accreditation, Department of Public Instruction, testified in favor of the bill. (Written testimony attached)

Senator Taylor asked about students who graduate at age 17.

Dr. Decker said there are gifted and talented students who graduate early, they are an exception in practice.

Senator Flakoll said Anita Thomas said another section of law says they can leave school if they graduate at an age less than 18.

Senator Gary Lee said P16 looked at adding 10 days, is this meaningful change?

Dr. Decker said any change in this direction is good, 10 would likely be better than 3.

Senator Gary Lee said in other places, how do they handle the discipline issues with might occur with unruly students?

Dr. Decker said she has not researched that.

Senator Taylor asked how many school districts are at 173 days now.

Dr. Decker said her best guess is 95% plus do the minimum.

Bev Nielson, North Dakota School Boards Association, testified. (meter 29.16) The North Dakota School Board Association has a resolution for the additional days of instruction and for the attendance until age 18. However, they do require the funding be available so that schools can provide it. They are in favor of the additional days with the state picking up half of the cost. The age of 18 and the additional days and other recommendations from the P16 commission that they probably agree with, should be part of a comprehensive adequacy study done in the interim, by the Governor's Commission. They would like to determine what defines education, the way we want it to look in North Dakota. What is an adequate and rigorous education? If we are talking about the number of instructional days, until what age or what course requirements, or differentiated diplomas, it is premature to act on these issues until we have done a comprehensive study of what we offer students and adequacy of funding and where those funds come from. A part of the adequacy study should be to build programs to hold the interest of students who aren't interested in some classes who now lose interest and leave. The alternative high schools, building an excellent program in technical education would help us keep kids in school. The funding with the \$80 million, it is their position it is largely catch up equity money to go to schools who have fallen behind or who are unable to raise local funds and catch up money for districts that have been picking up that extra 10 – 20% the state has not been paying. They would like to see the 70/30 split and not just by replacing some property tax money but by increasing state funding in relation to the actual cost of education which we haven't defined yet. They do not see the \$80 million as money to use in starting new programs.

Senator Taylor asked if she has seen the fiscal note.

Ms. Nielson said yes.

Senator Taylor said if the \$80 million was increased to \$91.5 million, would they be supportive.

Ms. Nielson said the \$11 million would be critical. They still believe they would be putting it into law before they are prepared to offer the programs. They need to increase and build alternative high schools and technical programs.

Senator Flakoll asked about contact days vs. contact hours. Should we extend the day or extend the year?

Ms. Nielson said they have had a lot of discussion about getting away from the number of school days and going to a number of contact hours in order to better accommodate block scheduling. They are interested in flexibility. Minnesota has had hours for years.

Senator Taylor said the one exception we have is one school with a 4 day school week, that was by Department of Public Instruction approval.

Ms. Nielson said yes, that was an elementary district, it was not approved when requested for a high school district.

Senator Bakke asked if the fiscal note takes into account the additional staff that would be needed to keep 18 year olds in school.

Ms. Nielson said she thinks they took the average cost of education X the number of drop outs. If you believe the average cost of education takes into account staff, then it would.

Programming and space were not considered. Their position is they would need an investment by the state in a lot more alternative high schools and career tech programming. It is critical we start these discussions.

Chairman Freborg asked if there is an overriding desire to extend the calendar among school board members.

Ms. Nielson said they have had a resolution on the books for additional days forever, if it is paid for fully by the state. The school districts are not flush right now. Yes, they want additional days but they can't afford to pay their share.

Michel Hillman, Vice Chancellor of Academic and Student Affairs, North Dakota University System, testified in favor of the bill. The Board of Higher Education has not met since the bill was introduced, they will meet on Thursday and this bill is on their agenda for consideration. Based on their previous adoption of the education task force report and the resolution they adopted (attached), the Chancellor has recommended and supports the bill. State law does require the four state level boards of education, the State Board of Higher Education, the Education Standards and Practices Board, State Board for Public School Education, State Board for Career and Technical Education, work together to coordinate education in the state. It was under that authority the joint boards appointed representatives, including those from the state chamber of commerce, to have a comprehensive discussion of needs to address adequacy. The P16 task force concluded the state education system, although operating from a strong foundation, needs systemic improvement. The competition is strong from other states. Is this the right time for lengthening the school year? The P16 report recommends 183 days by 2011. With the potential resources available, we have an opportunity to improve achievement and salaries by increasing the number of contact days. The change to age 18 is not specifically addressed by the education task force. It is consistent with the recommendations that in order for students to have an economically viable future, and to support the state's economy, we need to look at increased achievement and the completion of additional years. It would be difficult for someone at age 16 to complete 21 or more units, or 4 units of English. Adequacy will be a major issue for the future of the state. Systemic change in the education system takes years, the sooner we get started, the better.

Doug Johnson, Executive Director of the North Dakota Council of Educational Leaders, testified in favor of the bill. They have had a position statement to support additional days for a long time. They don't want it to be an unfunded mandate. He has participated in the

Governor's Commission and he would want this funded in addition to the \$80 million. They have not discussed the change to 18 years of age and have no official position. He has discussed this with Scott Halverson, principal at South Central High School, an alternative high school in Bismarck. He is here today and would be happy to answer questions. Secondary principals have some concerns, mainly for funding to take care of the kids that need to stay in school. When kids drop out, they are usually so far behind in credits, they are never going to catch up and it creates frustration. They need a support network. As a middle school administrator, he knows this type of support has to start early to prevent drop outs. It is a good bill; the financial side is a concern.

Senator Bakke asked if there would be a need for additional counseling services, more vocational services/

Mr. Johnson said not necessarily counseling, more social work would be needed. It is a family issue. In 1995 he put together a proposal to the Bismarck School Board and the cost at that time was \$1/4 million for an additional social worker, tutor, a maximum of 10 students in an alternative setting at the middle school level to support those students.

Scott Halverson, Principal, South Central High School appeared to answer questions. He is also the Director of the Adult Learning Center which provides services for GED and retraining services. He can attest to the fact that he sees a lot of the ramifications of not being in school. They have students ranging in age from 16 years and up.

Senator Gary Lee said Bismarck has an alternative high school and professional resources. What about districts without these services?

Mr. Halverson said he has been in this for 10 years. He gets contacted occasionally by the smaller school districts. At South Central they have 100 kids that attend daily. They have the support staff and teachers to serve the students. Some of the smaller schools have joined

forces and provided an alternative setting. There is also the school within a school, where there is a separate place in the school set aside for these students who are having difficulty. He doesn't think that is a viable concept. These students often feel ostracized when they are in the same school and they have their own separate room. This starts early. As ninth graders or 16 year olds, when they have zero credits and it becomes a numbers game, they don't see any future. There are some programs that can help but it has to start early.

Senator Bakke said in Grand Forks, 80 students are on the waiting list for the alternative high school. Is that a problem here? How could his program accommodate more students?

Mr. Halverson they would have to make a lot of accommodations with the 16 – 18 year olds.

Now they have some waiting lists for some classes but it isn't too long. When a student finally realizes a GED is their best option, then it is a matter of transitioning. Allowing the GED as an option is important. Without it, it becomes a numbers game, not a learning game.

Senator Taylor asked how common is it for a 16 year old to drop out and seek a GED? Of the 13.3% that drop out, how many earn a GED before they are 20?

Mr. Halverson said what happens is they drop out at age 16 or 17. They see them back when they are 20 – 24 to get their GED. The circumstances at that point, they may be married, they may have children, they are in a low end job, it's hard for them. Now about 70% of their students in adult ed are between ages 16 – 23. It is mostly young people.

LeaAnn Nelson, NDEA, testified in favor of the bill. They want to be sure the cost for teacher compensation is considered. As a parent, she has 4 children, one who has finished college, 2 in college and 1 in high school. One that is currently in college, dropped out at age 16. They went through hell. They tried to get him back into school, the school worked with him, law enforcement worked with him. Eventually law enforcement advised them everything would be better when he was 18. He got his GED between ages 16 and 18 and at age 18. something

lifted. Now he has been going to college for about a year. Everyone tried to help him, and he would not go back to school and he was not a bad student. Parents try but sometimes they can't do it.

Janet Welk, Education Standards and Practices Board, testified in favor of the bill.

Al Leibersbach, Superintendent of Schools in Beulah, said he supports the bill in theory. He has not seen legislation funding the added three days. His local school district is at the 185 mill cap, to extend the calendar by three days, even with a 7-/30 split, where does he find the additional 30%? The other concern is with other legislation with a mandated after Labor Day start. With 173 contact days and an after Labor Day start, he can put a calendar together with graduation before Memorial Day. When he does that, he needs to exclude Martin Luther King Day, President Day, the day after Thanksgiving, parent teacher conference comp days. There are no breaks left in the school calendar from January 2 to Easter. That is hard on the students and faculty. He doesn't see how an after Labor Day start can be mandated with an extended school year. If the school calendar goes beyond June 1, what does that do to summer programs such as Boys State, Girls State, FFA Convention, and summer school programs. The longer we can keep our students in school, the better but the change to age 18 would have additional costs. When a 16 year old decides he doesn't want to be in school it is very difficult to plan a program to get that student back in school. They do not need parental permission to withdraw. Then they reach the 10 day absence rule and lose all credit. He would like to see a 100% graduation rate but in order to achieve that, he needs the funds to set up special programs. Now a student who leaves his high school at age 16 and applies to the GED program is listed as a high school drop out, even though he is completing his GED and may complete it with his class.

Senator Flakoll asked the recent history of the property tax valuation increase in his district.

Mr. Lieberspach said the valuation is going up slightly, 3 – 4% per year. That brings in a few new dollars but the cost of living and cost of operations is going up faster than that. The 30% match is a theoretical figure, its closer to 60% now. He is still ending up short.

Senator Flakoll asked if the statewide average is 186 contracted days and 3 additional days is about 1.6% in 4 years increase.

Mr. Lieberspach said his mental math is not quite that quick but it sounds reasonable. They would have to increase their staff by one additional day per year.

Senator Flakoll said there is a bill out there to provide \$4 million for Career and Technology Education. Will that help some of these students find something that is invigorating academically and help them find their way to prosperity?

Mr. Lieberspach said he has touched on one of his pet issues. He is a career tech teacher and ag instructor for many years. Any time we can expand our career and tech offering it will help those at risk students be more engaged in the programs. Is \$4 million enough? Probably not.

Senator Flakoll asked with declining enrollment, would it help to pick up 13.3% more students?

Mr. Lieberspach said when they looked at declining enrollment, the drop out rate really isn't affected. Those students who drop out are on the student list at the beginning of the year. Some reenroll the next year. He plans for those students to be there.

Senator Bakke said for clarification, did the committee look at starting school at 6 rather than extending it to 18?

Senator Flakoll said he doesn't recall that. He recalls a bill in this committee in 1999 and there was significant opposition to it, heavy opposition, the same people that dislike kindergarten tended to weigh in on the issue. There was support for full day kindergarten but no focus on

minimum age of attendance.

Chairman Freborg said the committee should offer congratulations to the Director of School Approval and Accreditation because she is now Dr. Anita Decker. (applause)

Chairman Freborg closed the hearing on SB 2184.

Senator Bakke said she is concerned about the fiscal note, it is not adequate. (#1270) There are many hidden costs involved in changing the age to 18. She is in favor of the change but it will be expensive; we must consider the cost of desks, books, staff and space.

Senator Taylor said even though there is a fiscal note attached, we wouldn't be funding the extension and the revision unless we added an appropriation to the bill.

Chairman Freborg said unless there was an appropriation somewhere else to cover it, it should be a line item appropriation to reflect the additional cost, the state's share.

Senator Gary Lee said in thinking about the costs and those students who may stay another couple of years, there is wide dispersion across the state with a concentration in the bigger districts. He is wondering about the accuracy of needing huge dollars to accommodate those kids. In some of these alternative high schools or in some of the smaller districts without those resources, there may be an opportunity for JPA's to help meet these needs.

Chairman Freborg said he hesitates to say it because he knows there is at least one gentleman in the room that disagrees but it could be a wash if they keep another 8 – 10% students in a school for which they will receive foundation aid. This could help cover declining enrollments. He is not sure their costs will go up.

Senator Taylor said it would be interesting to see where the drop out rate is. He can't think of one in the last several years in his home school district. Declining enrollment is a bigger issue for the small school districts.

Chairman Freborg asked how they keep records on kids who just don't enroll for the next year of school. In the very small communities, it's easy. In the larger districts, how do they know if they have moved, are attending an alternative high school or a private school?

Senator Bakke said in Grand Forks, if a student decides to drop out of high school, the high school will often just switch them to the alternative high school, assuming they will start there. Sometimes they show up, sometimes they don't. There is such a long waiting list, they don't go looking for them.

Senator Gary Lee said we heard they need parental consent if they drop out at age 16 so the school district would know the parent had authorized it.

Senator Flakoll said he would like to have Anita Thomas come down, there are differing opinions on this point.

Chairman Freborg said we can do it but perhaps not right now.

Senator Flakoll asked for the committee's thoughts on an effective date. The date in the bill was picked because the calendar year is usually how someone thinks of a birthday.

Senator Bakke asked if he means before or after Labor Day.

Senator Flakoll said that is not in the bill, he is asking about the effective date of compulsory attendance legislation. He explained his thinking on selecting the effective date (meter10:25)

Senator Bakke asked if a student who has dropped out at age 16 but then the law changes, will they be required to reenroll.

Senator Flakoll said we would want to put the effective date far enough out there so that students would know it was coming and not drop out in the first place.

Anita Thomas appeared before the committee to answer questions about parental consent for dropping out of school and the truancy law (meter 11:55)

Senator Flakoll said the P16 commission asked for a more aggressive path than the bill requires. He thought it best we move at a slower pace. We can re-evaluate at future sessions, we need check points along the way.

Senator Gary Lee asked if we add meaningful opportunity by adding one day.

Senator Flakoll said the Japanese do clever things, an immersion program for instance. We could supplement the traditional educational regime. There should be some creative way to use an extra day.

Chairman Freborg asked if the committee wants to sleep on it.

Senator Flakoll said the P16 commission wants to get this in front of people. Rigorous discussion is important. He could have an amendment. He would like to see the money in the Department of Public Instruction budget rather than parceled out.

Chairman Freborg said the money is safer here than in the Department of Public Instruction budget. We can pass a bill and then the money is taken out and where are we?

Chairman Freborg said the committee may reconvene after the floor session today and closed the discussion.

Chairman Freborg opened the discussion of SB 2184 at 2:00 PM.

Senator Flakoll said he talked to Anita Decker about the fiscal note. She is coming down to discuss it with the committee.

Anita Decker, Director of School Approval and Accreditation for the Department of Public Instruction appeared to answer questions.

Senator Flakoll asked for a clarification of the fiscal note.

Dr. Decker said one day would be added to the school calendar for 2007 – 2008. They estimate the cost of a day of school to be \$3 million so they allocated \$1.5 million to the state and \$1.5 million to the school districts. There will be 5 additional days for 2009 – 2011, 2 in

the first year and 5 in the second year so they allocated \$7.5 million for the state and \$7.5 million for the school districts.

Chairman Freborg asked how cost for additional days is determined.

Dr. Decker said it is based on \$3 million per day operation costs; this is exclusive of capital improvement costs.

Chairman Freborg said there is a good chance that is not the cost.

Dr. Decker said that may be true but it is the best figure they could come up with. They don't know what each teacher contract is like, how many days it calls for, most have more than 180 days.

Chairman Freborg asked if the only real cost is salaries. It is sometimes estimated that salaries make up 70 – 75% of operation costs.

Dr. Decker said that may be, she doesn't have access to those numbers.

Tom Decker, Department of Public Instruction, also appeared to answer questions. He said there was a lot of discussion at the P16 sessions about the cost per day of additional days.

Some people think the total should be the total cost divided by 180 days which is closer to \$4.5 million. It is hard to justify a different figure, you still have to heat the building and drive the buses. It's a reasonable figure.

Chairman Freborg said we will never know the actual cost. In the Senate, 40 people will want to know how we arrived at the numbers in the fiscal note. What if there was no appropriation for the first biennium?

Mr. Decker said you will hear about unfunded mandates.

Chairman Freborg asked what if the appropriation comes out of the \$80 million.

Mr. Decker said that is a political strategy issue.

Chairman Freborg said the \$80 million is \$20 million more than we started with, we started at \$60 million.

Mr. Decker said he sat through many meetings of the Commission and there was no discussion of the money being targeted for additional days, that money has other uses.

Chairman Freborg said he is not advocating it but it could happen, once it leaves our committee we have no control.

Mr. Decker said he underestimates his influence. He is expecting an ending fund balance in foundation aid over \$10 million.

Senator Taylor asked about the cost of the change in compulsory age.

Mr. Decker said in this biennium, it would affect only the second year; the current sophomores would be seniors. The numbers show 3.3% drop out in their junior year, 10% in their senior year. They figure \$7400 per student per year, half the cost for the state, half for the school district. In 2009 – 2011, with the full 13%, the cost goes over \$4 million.

Chairman Freborg said by adding \$3700 to the state side, you are increasing total foundation aid. We normally don't have a real accurate count.

Mr. Decker said the committee may want to quiz Jerry. They work with a variation of 1 – 2%. If we are expecting an increase of 13%, there has to be more foundation aid.

Senator Flakoll asked how big the senior class is.

Mr. Decker said the current sophomore class is 8174 students. By the time they get to be seniors there will be 10 – 13% fewer.

Senator Flakoll asked if an accommodation was made for the effective date.

Mr. Decker said they thought it would impact the entire year and would recommend it go into effect in August.

Mr. Decker said they usually calculate \$11/student for \$1 million in ending balance foundation aid. With an ending balance of \$10 - \$12 million, that is over \$100 per student.

Senator Gary Lee asked if there are 90,000 students.

Mr. Decker said fall enrollment was 95,600.

Chairman Freborg asked if the committee should put an appropriation in the bill. What happens if we pass the bill and appropriations doesn't add an appropriation?

Mr. Decker said there is clearly a cost of doing this. He would advise putting an appropriation in the bill to show the committee recognizes the costs.

Chairman Freborg said the bill has to go to appropriations one way or another. If we send it out of committee with an appropriation and appropriations take it out, they have to justify it. If we don't put it in, we are relying on appropriations to put it in the bill.

Senator Bakke said if we fund the state portion of the cost, isn't still an unfunded mandate on the shoulders of the local districts?

Chairman Freborg said if we fund it, we are discussing the total amount. He personally thinks the districts will be gaining money.

Senator Flakoll asked Mr. Decker if the bill passes, would we likely get additional federal dollars?

Mr. Decker said he would have to ask the staff, probably yes. We would have taken steps to bring high risk students back and there is grant money available for that. This group of students has higher than average cost.

Chairman Freborg closed the discussion of SB 2184.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2184

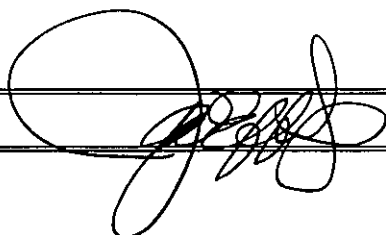
Senate Education Committee

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Hearing Date: January 17, 2007

Recorder Job Number: 1310

Committee Clerk Signature



Minutes:

Chairman Freborg opened the discussion on SB 2184. All members were present.

Senator Flakoll said this could be a bill of interest for the evening session.

Chairman Freborg agreed this bill would be of great public interest.

Senator Flakoll asked what are our wishes. Do we want to provide an appropriation? If the intent of the Senate Education Committee is additional dollars, we might want to add an appropriation. If we think it is important, appropriations may not add the money.

Chairman Freborg said we could put the burden on the house.

Senator Flakoll said what is the vehicle to provide an appropriation.

Chairman Freborg said add the appropriation to the bill before we send it to appropriations. If they take it out, we would be able to discuss it on the floor.

There was some discussion between Senator Flakoll and Chairman Freborg about the timing for the bill to get to the appropriations committee and back to the floor in time for the Tuesday evening session. Senator Flakoll spoke with the chairman of the Appropriations Committee who said he doesn't think that committee would finish with the bill in time for the Tuesday evening session.

Senator Taylor said if we amend the bill, he would prefer fully funding the proposal. According to testimony, it would take \$5 million to fully fund it.

Chairman Freborg said Senator Taylor believes we should put it in the bill and he tends agree, if we intend to pay for it. The fiscal note is for \$2.5 million. We will need a separate section.

Senator Taylor said that would still leave \$2.5 million for the school districts to pay and that is a half funded mandate.

Chairman Freborg said he agrees, if we are ever going to do this and not pay for it, now is a good time with the \$80 million in new funding, although some school districts are not going to receive part of the \$80 million due to declining enrollment. He doesn't think \$5 million is the total cost, maybe 70% of it, the teacher's salaries, is more accurate.

Senator Bakke asked if he is recommending putting the \$5 million in the bill and if there is a greater cost, the school districts would pay for it,

Senator Taylor said that is what he is thinking.

Senator Flakoll said one of the concerns with the fiscal note is they took some liberties with the effective date. The bill is written for compulsory attendance to begin January 1 and the fiscal note, in testimony, was said to have started with the new school year.

Chairman Freborg asked how many students are going to be added with compulsory attendance.

Senator Flakoll said about 1000 students.

Senator Taylor said we have some leeway on the money, the school district would get additional foundation aid. It is plenty strong at \$5 million.

Chairman Freborg thinks they would be happy to get it.

Senator Flakoll said there is not provision in the fiscal note for additional federal funding that will probably come in. The state wide average is 14% for federal money. He doesn't want to

experience death by fiscal note.

Chairman Freborg said we need to settle on a figure and be able to justify it.

Senator Taylor asked if we would feel better with a revised fiscal note that changes the effective date on compulsory attendance and considers the effect of additional federal funds.

Chairman Freborg said we see a lot of figures for cost per day. We don't want to jeopardize the bill and funds may jeopardize it.

Senator Gary Lee said appropriations could also remove the money.

Chairman Freborg said we would have a better opportunity to resist that.

Senator Gary Lee said we are talking about \$5 million in the bill and another \$700,000 coming from federal funds.

Senator Flakoll said he would be a lot more comfortable with survival at the \$2.5 million level. Federal funds could add another \$700,000.

Senator Bakke asked if we could justify the \$5 million since Tom Decker gave us that figure in testimony, this number could be low.

Chairman Freborg said Department of Public Instruction believes that is the total cost. There are other funds involved. We want to be careful, appropriations will ask how we arrived at the number.

Senator Bakke said she is uncomfortable with sending an unfunded mandate back on the school districts. If we only pay half, that is what we are doing.

Chairman Freborg said we are not talking about paying half. We are talking about \$5 million but if there are federal funds, we should take them off.

Senator Flakoll said one of the administrators and other people said if we are doing the effort in SB 2200, and we ask for something beyond the status quo, that is not unreasonable. He is more comfortable with \$2.5 million. Did anyone in testimony talk about both halves?

Chairman Freborg said that's fine, he is comfortable with that.

Chairman Freborg asked who wrote the fiscal note?

Senator Gary Lee said it was Anita Decker.

Chairman Freborg said we cannot write our own fiscal note.

Senator Flakoll said the highest he is prepared to go is \$3.5 million which is 70% of the cost.

Senator Taylor said he was thinking the same thing. Bev Nielson talked about 70/30 split.

What is 70%?

Senator Flakoll said \$3,512,600 is 70% of the fiscal note, the state and local.

Senator Flakoll asked about the effective date. If we switched it to a slightly later date and into the next school year. The problem is there is another legislative session between now and then. It could save \$1.4 million off the fiscal note.

Senator Taylor said Anita Decker said in the fiscal note, Department of Public Instruction supposed the effective date was the same as the school year so we could change the effective date to 8/1/08 and still be accurate with the fiscal note.

Senator Flakoll said the problem is the school calendar and birth dates do not align.

Senator Gary Lee said he thinks it is more appropriate to follow the school calendar.

Senator Flakoll moved a Do Pass on the amendment that would add an appropriation of \$3,512,600. Senator Taylor seconded the motion. The motion passed 5-0-0.

Senator Flakoll moved a Do Pass As Amended and to rerefer to Appropriations on SB 2184.

Senator Gary Lee seconded the motion. The motion passed 5-0-0. Senator Flakoll will carry the bill.

FISCAL NOTE

Requested by Legislative Council

01/29/2007

REVISION

Amendment to: SB 2184

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$3,532,854	\$0	\$15,631,490	\$0
Appropriations	\$0	\$0	\$3,512,600	\$0	\$15,631,490	\$0

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$3,532,854	\$0	\$0	\$15,631,490

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill increases the instructional days by one day in each of three successive years beginning with 2008-09. It also increases the age of compulsory attendance from age 16 to age 18.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the 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.*

None.

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.*

Increasing the number of instructional days in Section 1 increases the cost of education for both the state and the local district. The department estimates that the cost of a day is approximately \$3 million. Raising the age of compulsory attendance in this bill requires that students remain in school until the age of 18, thereby increasing the cost of education for both the state and the local district. In 2005-06 the dropout rate was approximately 13.3 percent; the average annual cost per pupil in ADM is approximately \$7400.

The note assumes 50 percent of the cost will be born locally (identified in 1B) and 50 percent will be born by the state (identified in 1A).

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The bill appropriates \$3,512,600.

Name:	Anita Decker	Agency:	Public Instruction
Phone Number:	328-1718	Date Prepared:	01/22/2007

FISCAL NOTE
Requested by Legislative Council
01/22/2007

Amendment to: SB 2184

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$3,512,600	\$0	\$7,025,200	\$0
Appropriations	\$0	\$0	\$3,512,600	\$0	\$7,025,200	\$0

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$3,532,865	\$0	\$0	\$15,631,460

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill increases the instructional days by one day in each of three successive years beginning with 2008-09. It also increases the age of compulsory attendance from age 16 to age 18.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the 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.*

None.

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.*

Increasing the number of instructional days in Section 1 increases the cost of education for both the state and the local district. The department estimates that the cost of a day is approximately \$3 million. Raising the age of compulsory attendance in this bill requires that students remain in school until the age of 18, thereby increasing the cost of education for both the state and the local district. In 2005-06 the dropout rate was approximately 13.3 percent; the average annual cost per pupil in ADM is approximately \$7400.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Increasing the number of instructional days in Section 1 increases the cost of education for both the state and the local district. The department estimates that the cost of a day is approximately \$3 million. Raising the age of compulsory attendance in this bill requires that students remain in school until the age of 18, thereby increasing the cost of education for both the state and the local district. In 2005-06, the dropout rate was approximately 13.3 percent; the average annual cost per pupil in ADM is approximately \$7400.

Name:	Anita Decker	Agency:	Public Instruction
Phone Number:	328-1718	Date Prepared:	01/22/2007

FISCAL NOTE
Requested by Legislative Council
01/11/2007

Bill/Resolution No.: SB 2184

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$2,509,000	\$0	\$11,533,000	\$0
Appropriations	\$0	\$0	\$2,509,000	\$0	\$11,533,000	\$0

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$2,509,000	\$0	\$0	\$11,533,000

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill increases the instructional days by one day in each of three successive years beginning with 2008-09. It also increases the age of compulsory attendance from age 16 to age 18.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Increasing the number of instructional days in Section 1 increases the cost of education for both the state and the local district. Raising the age of compulsory attendance in this bill requires that students remain in school until the age of 18, thereby increasing the cost of education for both the state and the local district.

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.*

None.

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.*

Increasing the number of instructional days in Section 1 increases the cost of education for both the state and the local district. The department estimates that the cost of a day is approximately \$3 million. Raising the age of compulsory attendance in this bill requires that students remain in school until the age of 18, thereby increasing the cost of education for both the state and the local district. In 2005-06 the dropout rate was approximately 13.3 percent; the average annual cost per pupil in ADM is approximately \$7400.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Increasing the number of instructional days in Section 1 increases the cost of education for both the state and the local district. The department estimates that the cost of a day is approximately \$3 million. Raising the age of compulsory attendance in this bill requires that students remain in school until the age of 18, thereby increasing the

cost of education for both the state and the local district. In 2005-06, the dropout rate was approximately 13.3 percent; the average annual cost per pupil in ADM is approximately \$7400.

Name:	Anita Decker	Agency:	Public Instruction
Phone Number:	328-1718	Date Prepared:	01/15/2007

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2184

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Move the amendment

Motion Made By Senator Flakoll Seconded By Senator Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Flakoll	✓		Senator Bakke	✓	
Senator Gary Lee	✓				

Total Yes 5 No 0

Absent 0

Floor Assignment _____

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

*attached.
total appropriation of \$3,512,600*

Date: 1/17/07
 Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2184

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended and Refer to Approv

Motion Made By Senator Flakoll Seconded By Senator Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Flakoll	✓		Senator Bakke	✓	
Senator Gary Lee	✓				

Total Yes 5 No 0

Absent 0

Floor Assignment Senator Flakoll

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

REPORT OF STANDING COMMITTEE

SB 2184: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2184 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide an appropriation;"

Page 3, after line 9, insert:

"SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,512,600, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing funding for the additional schooldays as provided in this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

2007 SENATE APPROPRIATIONS

SB 2134

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2184

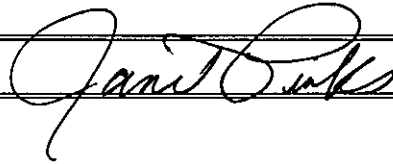
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 01/29/07

Recorder Job Number: 2151

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2184.

Senator Tim Flakoll, District 44, Fargo, provided written testimony (1) and testified on SB 2184 indicating the bill came about as a result of P16 would extend the school calendar and the compulsory attendance age. ND is at the low end of the scale for number of days required for attendance. This bill would add three days to the school year by the end of the next biennium. A handout (2) was distributed showing the number of contact days and how North Dakota compares. He stressed the concern that so many students drop out of school at the age of 16 and increasing the compulsory age would alleviate this. He then discussed the appropriation request.

Senator Holmberg questioned a portion of the bill being factored out of the fiscal note, and discussed the law enforcement of student truancy issues. He then discussed the NDEA convention and whether these days are getting paid for.

Senator Christmann asked for additional information as to school employee salaries are worked out.

Senator Bowman asked additional information about the study conducted and its recommendations as it relates to trade or vocational schools. The response was there had been considerable discussions on that.

Senator Robinson asked if schools are ready for the compulsory attendance in terms of staffing structure. Will there be costs above and beyond what is requested. The response was the preparedness doesn't kick in until the end of the next biennium.

Senator Lindaas raised the point as to whether there is a disconnection between days in school and compulsory attendance.

Senator Grindberg asked if he believe the education community would support the additional amount in the Governor's budget if this is rolled into that amount.

Senator Mathern asked how this would be address if this bill was funded at 70 percent and how this would be continued in the next biennium.

Senator Krauter raised questions about the fiscal note.

Anita K. Decker, Director, School Approval and Accreditation, DPI, presented written testimony (3) in support of SB 2184 because it assures a brighter future for children.

Jerry Coleman, DPI, testified, explaining the fiscal note on SB 2184. He indicated the note was based on a 50/50 local, state share of the cost.

Chairman Holmberg asked about the enhanced enforcement of truancy and the increase in alternative high schools. The response was this is not built in.

Bev Nelson, ND School Board Association, testified in support of the concepts of the P16 task force but requested a "pay it as you go" idea. She indicated that right now there is not the capacity to support the 18 year olds in school. The School Board position on all of these bills that are adding to the school responsibilities is that the Governor's commission is reinstated for the upcoming interim and while they are handling equity issues they will handle adequacy

issues of programs and program funding. She stressed you define what education K-12 should look like, then compute the cost is, then decide how much of the cost the state is willing to bear and how much local property taxes should bear, and then start implementing these changes. We ask you to consider only passing a portion of the bill you are willing to fund this biennium.

Senator Grindberg asked what the education community and school board association going to do to address rigor in getting the last couple of years back to academic outcomes vs. adding days to the calendars. The response was I agree all of this needs to be on the table.

Senator Seymour asked if the days and compulsory age level includes all types of schools. The response was yes.

Leanne Nelson, Director, Professional Development, ND Education Association, testified in support of SB 2184 with full funding.

Mary Wahl, ND Council of Education Leaders, testified in support of SB 2184, expressing concerns about funding, whether our schools are ready for the 16-18 year-olds.

Chairman Holmberg asked if she would be more confident if this was done after a study was completed.

Julie Schepp, ND University System on Academic Affairs Associate and Director of Research, supports SB 2184 indicating the increased attendance and mandatory age helps the students to meet college entrance requirements.

Senator Robinson expressed concerns about the colleges having backed off in the number of required hours to obtain a major and minor and this should be done at both ends.

Chairman Holmberg indicated this bill would go before the subcommittee including Senators Wardner, Holmberg and Robinson.

Chairman Holmberg closed the hearing on SB 2184.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2184

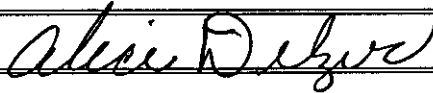
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-12-07

Recorder Job Number: 3403

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2184 on 02-12-07 regarding the school calendar year. It adds one day this biennium to the school calendar and adds days during the next biennium.

Senator Tim Flakoll, District 44, Fargo handed out proposed amendment to the bill and it would remove the compulsory attendance section.

Senator Grindberg made the motion to accept the amendment. Seconded by Senator Lindaas, motion carried.

A question was asked about the fiscal note. **Chairman Holmberg** stated he was informed the fiscal note would disappear with this amendment. Discussion on the amendment to redo or take out the compulsory attendance. All in favor of the amendment say aye. There were some who opposed; they had to do a raising of hands, the amendment carried. Now can we have a motion then discussion on the bill.

Senator Krebsbach moved a DO PASS AS AMENDED. Senator Robinson seconded.

Senator Krauter had questions regarding the amendment and the dollar amount. **Chairman**

Holmberg asked Don Wolf, Legislative Council for the correct amount. He was not able to provide the right information. Chairman Holmberg indicated it was an Engrossed bill. He stated we need to have the correct information before we pass this bill. He asked if the

committee would like to retreat from the motion and come back to it when we get clarification.

We don't want to get it up on the floor and have Senator Robinson have to answer a question if he doesn't know the answer.

Senator Krebsbach rescinds her motion. Senator Robinson rescinds the second on the motion.

Chairman Holmberg stated we have NO MOTION ON SB 2184. The hearing on SB 2184 closed.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2184**

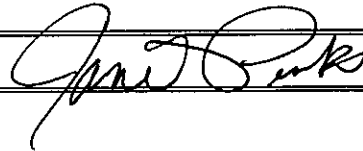
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: **February 12, 2007**

Recorder Job Number: **3419**

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2184 indicating the bill is accurate the way it is.

It's accurate the way it is.

There was discussion about the appropriation and the comments from the school boards

Senator Grindberg moved DO PASS on SB 2184, Senator Christmann seconded.

Discussion followed about compulsory attendance, the extension of school days, and the fiscal note. A roll call vote was taken resulting in 5 yes, 9 no. The motion failed.

Senator Grindberg moved a DO NOT PASS, Senator Christmann seconded. A roll call vote was taken resulting in 9 yes, 5 no, 0 absent. Senator Holmberg will carry the bill.

Chairman Holmberg closed the hearing on SB 2184.

70645.0201
Title.

Prepared by the Legislative Council staff for
Senator Flakoll
January 29, 2007

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2184

Page 1, line 1, remove "and section"

Page 1, line 2, remove "15.1-20-01" and remove "and compulsory"

Page 1, line 3, remove "attendance", after the first semicolon insert "and", and remove "; and to provide an effective date"

Page 2, remove lines 26 through 31

Page 3, remove lines 1 through 9

Page 3, remove lines 15 and 16

Renumber accordingly

Date: 2-12-07
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2184

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken on amend.

Motion Made By Grindberg Seconded By Lindaas

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm			Senator Aaron Krauter		
Senator Bill Bowman, V Chrm			Senator Elroy N. Lindaas		
Senator Tony Grindberg, V Chrm			Senator Tim Mathern		
Senator Randel Christmann			Senator Larry J. Robinson		
Senator Tom Fischer			Senator Tom Seymour		
Senator Ralph L. Kilzer			Senator Harvey Tallackson		
Senator Karen K. Krebsbach					
Senator Rich Wardner					

Total (Yes) Carried No _____

Absent _____

Floor Assignment _____

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

Date: 2-12-07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2184

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass as amended

Motion Made By Krebsbach Seconded By Robinson

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm			Senator Aaron Krauter		
Senator Bill Bowman, V Chrm			Senator Elroy N. Lindaas		
Senator Tony Grindberg, V Chrm			Senator Tim Mathern		
Senator Randel Christmann			Senator Larry J. Robinson		
Senator Tom Fischer			Senator Tom Seymour		
Senator Ralph L. Kilzer			Senator Harvey Tallackson		
Senator Karen K. Krebsbach					
Senator Rich Wardner					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Revised by Krebsbach + Robinson agreed.

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

Date: 2-12-07
 Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2184

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DR as amend

Motion Made By Mathern Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm		✓	Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm		✓	Senator Elroy N. Lindaas		✓
Senator Tony Grindberg, V Chrm		✓	Senator Tim Mathern	✓	
Senator Randel Christmann	✓	✓	Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓	✓	Senator Tom Seymour		✓
Senator Ralph L. Kilzer		✓	Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach		✓			
Senator Rich Wardner	✓				

Total (Yes) 5 No 9

Absent _____

Floor Assignment _____

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

Date:
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2184

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DN Pass

Motion Made By Grindberg Seconded By Christman

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter		✓
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern		✓
Senator Randel Christmann	✓		Senator Larry J. Robinson		✓
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson		✓
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner		✓			

Total (Yes) 9 No 5

Absent _____

Floor Assignment Holmberg

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

REPORT OF STANDING COMMITTEE (410)
February 12, 2007 8:19 p.m.

Module No: SR-29-2972
Carrier: Holmberg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2184, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed SB 2184 was placed on the Eleventh order on the calendar.

2007 TESTIMONY

SB 2184

SB 2184
Senator Tim Flakoll

Chairman Freborg and members of the Senate Education Committee, for the record I am Senator Tim Flakoll from District 44.

SB 2184 comes to you out of the work of the P-16 committee that met during the interim. The four legislators who sponsor the bill, served as members of the committee P-16. The committee also contained members of the business community and education leaders from the state.

You will find in SB 2184 two items that come out of initiatives generated by discussions in the P-16 committee. Those two areas are a provision for an **extended school calendar** and the **compulsory age of attendance**.

At this point I would like to note that the P-16 committee recommended that "in order to enhance the opportunity for greater teacher-student engagement, the North Dakota legislature should enact legislation to increase the minimum number of student-teacher contact days to 178 days for the 2009-10 school year and to 183 days for the 2012-13 school year."

Mr. Chairman, during our discussions we learned that the state of ND hovers at the bottom of the nation in the number of contact days required in the United States. I have provided for you copies of an Education Commission of the States document titled "*Number of Instruction Days/Hours in the School Year.*"

It reports that since 1980, changes to the number of contact days increased in 14 states (of 43 states = 32.5%) with others increasing the number of total contact hours required per year.

Currently North Dakota offers only 173 contact days which if you look on the flip side of that reveals that **students are not in school for 192 days of the year**. Members of the committee, when students are of school age, their "job" is to obtain a good education. An

education that is not just to keep them competitive in their local community or our state but to be globally competitive with their education.

How does our state measure up compared to others? Major trade powers that we compete and do business with including Japan (generally 240 days) , India (220 days), China (270 days), Canada (185 - 195 depending on Province) all are well ahead of us in terms of contact and often intensity and some would contend that we have lost ground to them in many academic measures.

Now to the bill.

On page one, line seven; there is language to maintain our current level of contact days for the 2007-2008 school year.

- The changes that are proposed start on page one, line 17. For the second year of the biennium (2008-2009) we have increased the contact days by one day so that it will be 174 days.
- For the 2009-2010 school year (page 2, starting on line 5) we will be at 175 contact days.
- Starting with the 2010-2011 (starting on page 2, line 15) school year and each year thereafter, the number of contact days will be at 176 days per academic year.

The recommendation to increase the school calendar is based on the belief that students learn more with increased contact with a teacher and through intensity and repetition.

SB 2184 also asks that we move the compulsory age of attendance from the current level of 16 years of age up to 18 years old. Currently in North Dakota the compulsory age of attendance is from ages 7 to 16 years.

Therefore, the second change in this bill is on page two (2) lines 29-30. It changes the age when a student can drop out of school from

16 years of age, to their 18th birthday. This change would take effect on January 1, 2009.

Across the United States the maximum compulsory age of attendance and the corresponding number of states are shown below (see handout titled "Compulsory School Age Requirements):

Age 16: 27 states (includes the Virgin Islands)

Age 17: 9 states

Age 18: 18 states (includes American Samona, District of Columbia and Puerto Rico)

Mr. Chairman I am also told by my local district that there are some cultures of new Americans who after their son or daughter reaches the age of 16, make it a practice to take their child out of school and put them to work. Many are bright students with excellent grades, but they exercise their option within our current law to pull their child from school. That does not seem to be in the long term best interest of the child.

Mr. Chairman, I share the fear of those who worry how someone who drops out of school when they turn 16 will fair in their ability to provide for their prosperity and that of their family. A quality education plays a significant roll in realizing the American dream and I do not feel we should let that dream walk out the door and vanish at the age of 16.

Mr. Chairman some people say that we should not make a 16 or 17 year old be in school if they don't want to be there. I think it is safe to say that many of us in this room and across the state had times at many different age points in life when we would have rather been doing something else than sitting in a classroom.

Mr. Chairman that concludes my testimony on SB 2184 and I would be happy to stand for any questions.

End

Q & A

What good will it do?

Not just about being better than the next state over it is about being better than the previous generation, it is about students achieving their potential.

North Dakota has been holding relatively steady in such measures as the ACT test scores, while others have improved.

Also look at the average earning potential of a high school dropout compared to someone with a high school diploma or additional post secondary education

Why stop at 176 days?

- A way to insure that we are keeping pace with the dollars for schools and will require us to revisit the issue before we can continue to change it.

Cost?

Cost for educational purposes is about \$3 million per day. Some things such as infrastructure, administrators in 12 month positions and a number of other costs are similar regardless of the number of days in the calendar.

Compensation.

Last year the average total compensation for 2005-2006 was \$51,693 per teacher, or about \$280 per contracted day. So if you were to apply that daily rate to the average compensation they could realize more than a \$900 increase per teacher using estimated compensation data for the next biennium.

Contracted days 2003-2004 @ 189 days

Contracted days 2004-2005 @ 186 days

Contracted days 2005-2006 @ 186 days

Disorderly students?

That is in many regards a separate issue. If a student is disruptive then that is a discipline problem not a compulsory age of attendance issue.

Study resolution that I am introducing to deal with the issue of who runs the show.

Why 18?

Legal age when considered an adult.

Age when you can legally smoke, be drafted and I think it is the age when you can first get married without parental approval.

TESTIMONY ON SB 2184
HOUSE EDUCATION COMMITTEE
January 15, 2007
by Dr. Anita K. Decker, Director
School Approval and Accreditation
Department of Public Instruction
328-1718

Chairperson Freborg and members of the committee:

My name is Anita Decker. I am the director of School Approval and Accreditation for the Department of Public Instruction. The Department supports SB2184, which increases the number of instructional days schools must offer and also increases the age of compulsory school attendance to 18.

Only three states—Idaho, Oregon, and South Dakota—require fewer student/teacher contact days than North Dakota does.

Most states require that students start school at a younger age than North Dakota does according to the Education Commission of the States. Eight states and three territories require that students start school at age 5; 23 states and one territory require that students start at age 6, and 17 states—including North Dakota start at age 7. Two states have a minimum compulsory attendance age of 8. Further, the chart that is attached—also from the Education Commission of the States—shows that North Dakota is one of 12 states that requires only nine years of attendance in school.

Half of the states in the U.S.—including North Dakota—require compulsory attendance until age 16, nine states require attendance until age 17, and 15 states and 3 territories require attendance until age 18. The National Commission on the High School Senior Year reported, “The bar needs to be raised for all the institutions responsible for student performance ... at least as much as it needs to be raised for the students themselves.”

This bill raises the bar for high schools which are responsible for student performance. Forty-seven percent of dropouts in a national study gave as their number one reason for leaving high school that classes were not interesting. A national study also found that two-thirds of dropouts would have worked harder if more was demanded of them. Eighty percent said they did one hour or less of homework daily and seventy percent were confident they could have graduated if they had tried.

There is little economic future for young people with less than a high school diploma. Increasing the time they must be in school greatly increases the possibility that the student will complete a high school diploma, which increases the possibility that with maturity they will make better life and career decisions.

Lower status in earnings and in occupational hierarchy is usually associated with lower levels of education. Until 1960, more than one-third of all the production jobs in the United States were held by high school dropouts. As late as 1973, in fact, education and employment were only loosely related. This is no longer true. Gone are the days when a high school student could complete education in high school and find work that would pay a living wage.

Leaving school at age 16 as provided in current law nearly eliminates the possibility that the student has availed himself or herself of the opportunity to take dual credit courses through the state's postsecondary enrollment options program. My study of North Dakota statistics has shown that students who enroll in dual credit courses while in high school are quite likely to complete a collegiate program—diploma, certificate, associate degree, bachelors degree or more. Students without a high school diploma are much more likely than their peers who graduate to be unemployed, living in poverty, receiving public assistance, in prison, on death row, unhealthy, divorced, and single parents with children who drop out from high school themselves

(helped ND Council P16)

Kati Haycock^y of the Education Trust states: "We used to be first. Now we're 17th in the developed world in high school graduation rates; 7th in college entrance rates; we are no longer first in the proportion of young people completing a college degree. We are the only developed country where college-education rates are not improving and the only developed country where the literacy levels of older adults are higher than those among young adults."

While estimates may vary, a study by the American Diploma Project showed almost 90 percent of eighth grade students expect to attend college, and nearly two-thirds of parents consider a college education essential for their child.

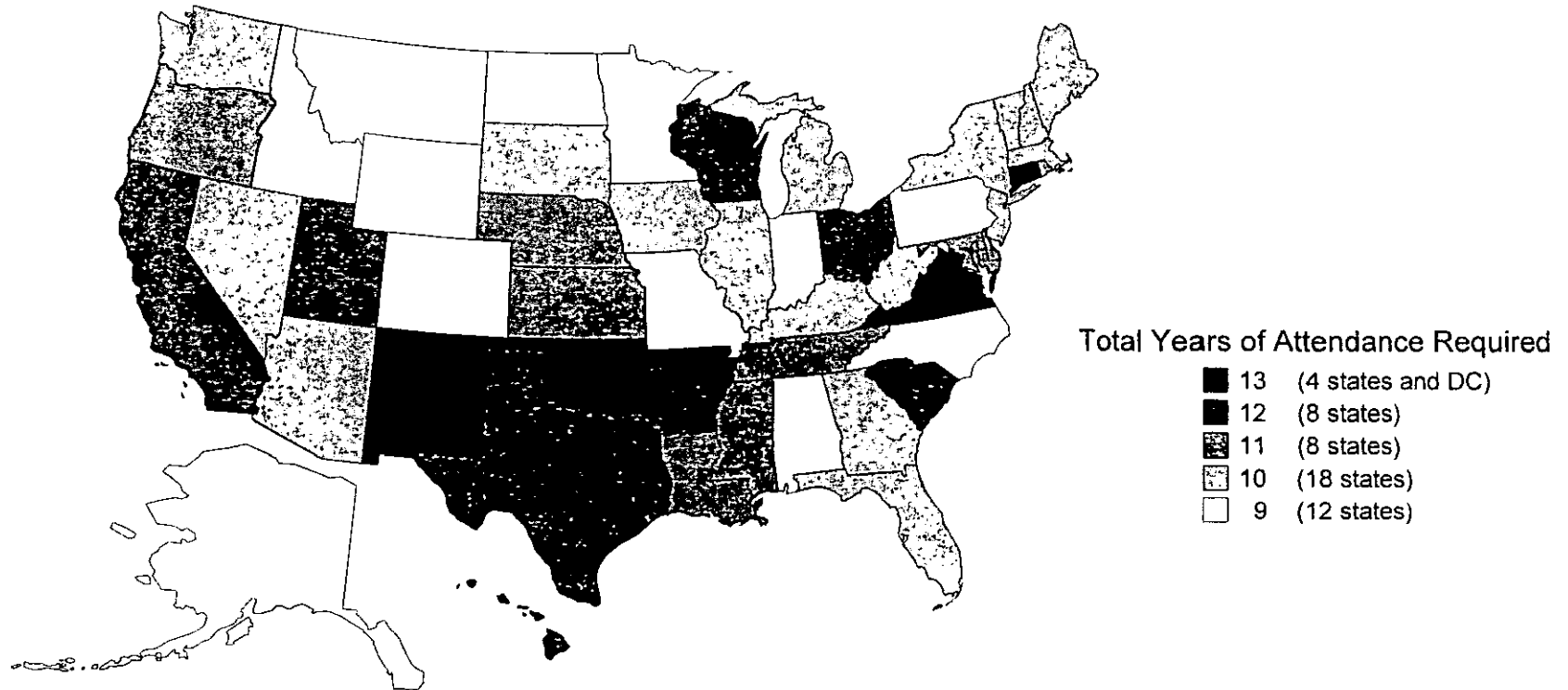
We suggest, however, that this bill should become effective before the beginning of the 2008-09 school year rather than January 1, 2009. It seems to make sense to have a law that affects school attendance take effect at the beginning of a school year, rather than in the middle of a school year.

Also perhaps the bill could say require attendance until age 18 if the student hasn't yet graduated since some students aren't yet 18 when they graduate from high school.

Chairman Freborg and members of the committee, this concludes my testimony. I would be happy to answer any questions.



Mandatory Years of Attendance by State



This map illustrates the total number of years of school attendance required by each state, based on each state's compulsory school attendance requirement. Compulsory school attendance refers to the minimum and maximum age required by each state at which a student must be enrolled in and attending public school or some equivalent education program defined by law. For example, in Alabama the minimum compulsory age is 7 years old -- students must attend school by age 7 -- and the maximum compulsory age is 16 -- students cannot leave school before age 16. Thus the mandatory number of school years in Alabama is nine.

Source: "Compulsory School Age Requirements", *ECS StateNote*, Education Commission of the States, September 2005

Excerpt from the October 16, 2006, minutes of the State Board of Higher Education meeting

It was moved by Kostelecky, seconded by Christianson, to approve the following resolution.

North Dakota Century Code section 15.1-01-02 requires the four state level Boards of education in North Dakota to work together in coordinating the state's preschool through college education system. As part of this effort the boards jointly appointed a task force of leading educators, administrators and students, in partnership with 8 representatives of the State Chamber of Commerce to review the current education system in place in North Dakota and to recommend appropriate improvements. The Education Task Force, reaching unanimous consensus, has concluded that the state education system, although operating from a strong foundation, has need for systematic improvement, especially in light of improvements now occurring in other states. The Boards have jointly accepted and endorsed the task force report. The SBHE commends the Task Force for its intense and thoughtful effort in bringing back a comprehensive plan with suggested goals and strategies for education adequacy for all North Dakota students. The SBHE supports the report goals and recommendations and, given the importance to the state's future, encourages implementation of the recommendations in as timely manner as possible.

Christianson, Smith, Andrews, Kostelecky, Rogers, Clayburgh and Paulsen voted aye. Motion carried.

Submitted by,



Sheila Tibke
SBHE Administrative Secretary





Scheduling/Length of School Year

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Number of Instructional Days/Hours in the School Year

By Jeffrey Tomlinson

Updated July 2004

The minimum number of instructional days refers to the actual number of days that pupils have contact with a teacher. It does not include teacher inservice or professional development days.

Summary

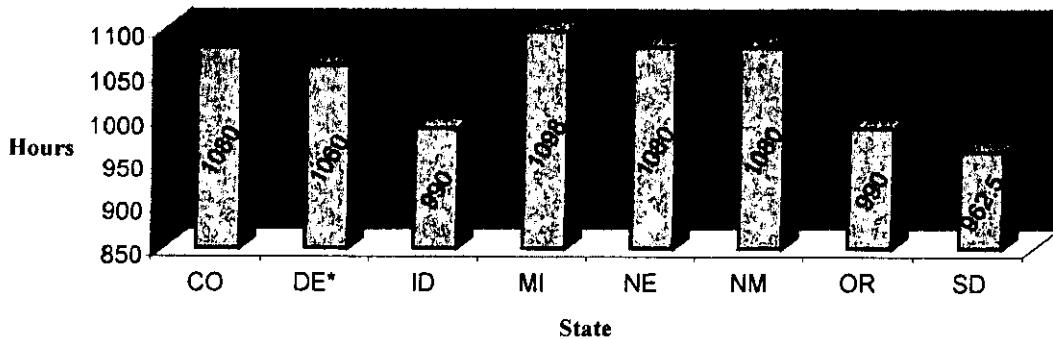
Changes to the minimum instructional days have occurred slowly since 1980, with a total of 14 states having increased the minimum number of school days, 9 states reducing the minimum number of teacher-pupil contact days and a number of states opting to permit districts to measure classroom contact time in either hours or days.

Since the close of state legislative sessions in 2000, three states – South Carolina, Louisiana, and Arizona – have enacted laws to increase the minimum number of instructional days in the school year.

While states vary widely on the minimum number of instructional days, a majority of states (30) set the bar at 180, two mandate 181 days and above, three range from 179 to 176 days, five set it at 175 days, two from 174 to 171 days, and one of the commonwealths has established under 170 days. A total of 8 states (Colorado, Delaware, Idaho, Michigan, Nebraska, New Mexico, Oregon, South Dakota) require a minimum number of instructional hours. Minnesota is the only state without a minimum of either, leaving the decision up to individual school districts.

Only a few states have laws requiring schools to start on a certain date, most often leaving it to the discretion of local education agencies.

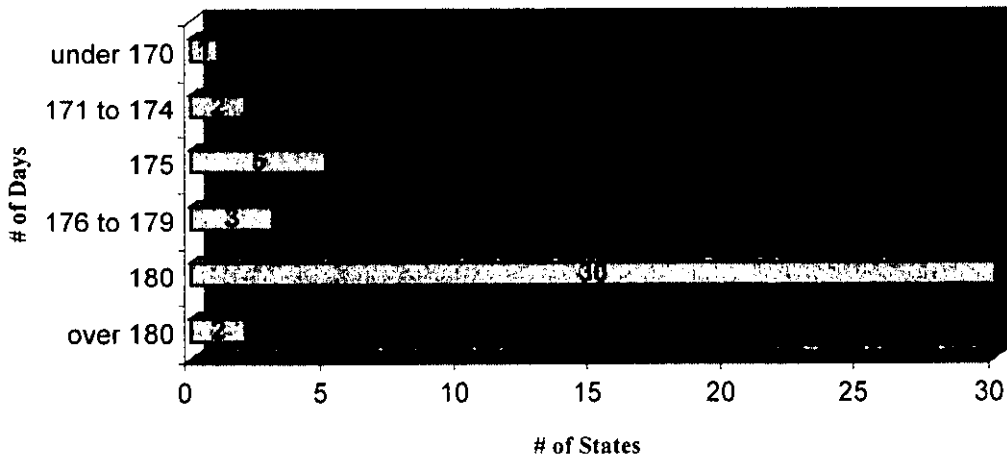
States Setting Minimum Instruction in Hours Only
(Secondary)



States Setting Minimum Instruction in Hours Only
(Elementary)



States and Territories Setting Minimum Instruction in Days Only



Note: LEA option refers to the Local Education Agency (district).

STATE	MINIMUM NUMBER OF PUPIL/TEACHER CONTACT DAYS/HOURS	CITATION	WHEN SCHOOL BEGINS
AL	175 ¹ days	ALA. CODE § 16.13.231	LEA option
AK	180 days	ALASKA STAT. § 14.03.030	LEA option
AZ	180 days or equivalent number of minutes of instruction per school year based on a different number of days approved by the district governing board	ARIZ. REV. STAT. § 15-341.01	LEA option
AR	178 days	Arkansas Standards for Accreditation 10.01.1	LEA option
CA	180 days	CAL. EDUC. CODE § 46200(a)	LEA option
CO	1080 hours – Secondary 990 – Elementary 900 – Full-day Kindergarten 450 – Half-day Kindergarten	COLO. REV. STAT. § 22-32-109 (N)	LEA option
CT	180 (900 hours)	CONN. GEN. STAT. § 10-16	LEA option
DE	440 hours – Kindergarten 1060 hours – Grades 1-11 1032 hours – Grade 12	DEL. CODE ANN. 14. 10 § 1049(1)	LEA option
DC	180 days	D.C. MUN. REGS. tit. 5, § 305.6	LEA option
FL	180 days	Fla. Stat. 1003.02 (1)(g)	LEA option
GA	180 days	GA. CODE ANN. § 20-2-168 (C)(1)	LEA option
HI	180 days ²	According to Hawaii teachers' contracts, the teacher work year is no more than 190 days, and 10 of those days are non-instructional	LEA option
ID	450 hours – Kindergarten 810 hours – Grades 1-3 900 hours – Grades 4-8 990 hours – Grades 9-12	IDAHO CODE § 33-512	LEA option
IL	176 days	105 ILCS 5/10-19	LEA option
IN	180 days	IND. CODE § 20-10.1-2-1	LEA option
IA	180 days	IOWA CODE § 279.10 (1)	9/1 or later
KS	186 days (465 hours) – Kindergarten 186 days (1116 hours) – Grades 1-11 181 days (1086 hours) – Grade 12	KAN. STAT. ANN. § 72-1106	LEA option
KY	175 days	KY. REV. STAT. ANN. § 158.070	LEA option
LA	177 days (360 minutes/day)	LA. REV. STAT. ANN § 154.1	LEA option
ME	175 days	ME. REV. STAT. ANN. tit. 20-A, § 4801	LEA option
MD	180 days (1080 hours)	MD. CODE ANN., EDUC § 7-103	LEA option
MA	180 days ³	MASS. REGS. CODE tit. 603 § 27.03	LEA option
MI	1098 hours ⁴	MICH. STAT. ANN. § 380.1284	LEA option
MN	LEA option as of 1996-97 school year Districts are expected to set school year length necessary for students to meet state and local graduation requirements	MINN. STAT. § 120A.41	After 9/1
MS	180 days	MISS. CODE ANN. § 37-13-63	LEA option
MO	174 days (1044 hours) ⁵	MO. REV. STAT. § 160.011	LEA option
MT	180 days 720 hours – Grades 1-3 1,080 hours – Grades 4-12	MONT. CODE ANN. § 20-1-301	LEA option
NE	400 hours – Kindergarten	NEB. REV. STAT. § 79-101	LEA option

STATE	MINIMUM NUMBER OF PUPIL/TEACHER CONTACT DAYS/HOURS	CITATION	WHEN SCHOOL BEGINS
	1032 hours – Grades 1-8 1080 hours – Secondary		
NV	180 days ⁶	NEV. REV. STAT. 388.090	LEA option
NH	180 days	N.H. Rev. § Stat. Ann. 189:1	LEA option
NJ	180 days	N.J. REV. STAT. § 18A:7F-9	LEA option
NM	450 hours – Half-day Kindergarten 990 hours – Full-day Kindergarten 990 hours – Grades 1-6 1080 hours – Grades 7-12	N.M. STAT. ANN. § 22-2-8.1	LEA option
NY	180 days	N.Y. EDUC LAW § 3604.7	LEA option
NC	180 days minimum (1,000 hours) ⁷	N.C. GEN. STAT. § 115C-84.2	Not before 8/25
ND	173 days	N.D. CENT. CODE §15.1-06-04	LEA option
OH	182 days	OHIO REV. CODE ANN. § 3313.48	LEA option
OK	180 days	OKLA. STAT. §70-1-109	LEA option
OR	405 hours – Kindergarten 810 hours – Grades 1-3 900 hours – Grades 4-8 990 hours – Grades 9-12	OR. ADMIN. R. 581-022-1620	LEA option
PA	180 days ⁸ 450 hours – Kindergarten 900 hours – Grades 1-6 990 hours – Grades 7-12	Education PA. CODE § 11.3	LEA option
PR	160 days ⁹	P.R. LAWS ANN. § 77. 79	LEA option
RI	180 days	R.I. Gen. Laws § 16-2-2	LEA option
SC	180 days	S.C. CODE ANN. § 59-1-420	LEA option
SD	962.5 hours – Grades 4-12 ¹⁰	S.D. CODIFIED LAWS § 13-26-1	LEA option ¹¹
TN	180 days	TENN. CODE ANN. § 49-6-3004	LEA option
TX	180 days	TEX. EDUC. CODE ANN. § 25.081	May not begin instruction for students for a school year before the week in which 8/21 falls
UT	180 days 450 hours – Kindergarten 810 hours – Grade 1 990 hours – Grades 2-12	UTAH ADMIN. CODE R277-419-1	LEA option
VT	175 days	VT. STAT. ANN. EDUCATION 16 § 1071	Regional option
VA	180 days 540 hours – Kindergarten 990 hours – Grades 1-12	VA. CODE ANN. § 22.1-98	After Labor Day
WA	180 days 450 hours – Kindergarten 1000 hours – Grades 1-12	WASH. REV. CODE § 28A.150.220	LEA option
WV	180 days	W. VA. CODE §18-5-45	8/26 or later
WI	180 days 437 hours – Kindergarten 1050 hours – Grades 1-6 1137 hours – Grades 7-12	Wis. STAT. § 121.02	LEA option
WY	175 days	WYO. STAT. ANN. § 21-4-301	LEA option

Notes:

- (1) In 1995, Alabama repealed legislation enacted in 1994, which would have phased in 180 days of instruction and 10 professional development days by the 2004-05 school year.
- (2) As reported by Greg Knudsen, Communications Director for the Hawaii Department of Education via e-mail on July 15, 2004. Contact him at Greg_Knudsen@notes.k12.hi.us.
- (3) In Massachusetts, effective in the 1997-98 school year, elementary school students must receive a minimum of 900 hours, secondary students 990 hours and kindergarten students 425 hours of "structured learning time."
- (4) In Michigan, changes made by the 2003 legislature replaced the 180-day requirement with 1,098 hours of annual instructional time – required to receive full state funding. (Previous state law, statute 380.1284, established that the minimum instructional year in hours for 2003-04 school year was 1,122, with incremental increases in successive years, finally reaching 1,140 in the 2006-07 school year and every successive year. The scheduled increase in days/hours will not go into effect if the percentage growth in the basic foundation allowance in a state fiscal year, as compared to the preceding year, is less than the percentage increase in the average consumer price index.) MICH. COMP. LAWS ANN. § 380.1284.
- (5) In Missouri, the length of the school day may vary from 3-7 hours, giving districts the flexibility to schedule release time for inservice training.
- (6) The Nevada state superintendent of public instruction may authorize a reduction in the required minimum number of school days per year up to 15 days. The reduction may be allowed only if the new schedule provides for an equivalent or greater number of minutes of instruction than is provided in the 180-day school year.
- (7) North Carolina school boards must adopt a school calendar consisting of 220 days. A minimum of 180 are for instruction (with a maximum of 200 instructional days), 10 are annual vacation leave, some are holidays (the same as those designated for state employees), and the remaining days are at the principal's discretion (while working with the school improvement team).
- (8) In Pennsylvania, school districts wishing to fulfill minimum instructional requirements using hours instead of days must obtain approval from the Secretary of Education.
- (9) The minimum of 160 days comes from a calculation of the minimum requirements of two separate laws. The first, P.R. LAWS ANN. § 77, which states "the school year shall in no case exceed ten months" and "in no case be less than eight months" and the second P.R. LAWS ANN. § 79 which states "the school month shall consist of twenty days of actual teaching."
- (10) In South Dakota, each local school board sets the number of days in a school term, the length of a school day and the number of school days in a school week. The local school board or governing body establishes the number of hours in the school term for kindergarten programs. The board of education promulgates rules setting the minimum number of hours in the school term for grades 1-3.
- (11) In South Dakota, the state board of education sets the minimum number of hours for grades 1-3. Also, if a school board schedules the opening day of classes before Labor Day, voters may file a petition to have the school board decision referred to the voters in the district. The petition must be signed by 5% of the school district's registered voters and the referendum must be approved by a majority of voters. S.D. CODIFIED LAWS § 13-26-9

Jeffrey Tomlinson produced this ECS StateNote, while serving an internship in the ECS Information Clearinghouse.

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Helping State Leaders Shape Education Policy

B



StateNotes

Attendance

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Compulsory School Age Requirements

Updated August 2006

Summary

Compulsory school attendance refers to the minimum and maximum age required by each state in which a student must be enrolled in and attending public school or some equivalent education program defined by the law.

The vast majority of states include an added clause providing for pupils to be released from compulsory attendance requirements upon graduation of high school, regardless of their age.

Arizona, Vermont, and Wyoming all exempt children from compulsory attendance requirements upon completion of the 10th grade.

Five states – Virginia, South Dakota, Nevada, Maryland and Connecticut – allow the minimum compulsory age to be extended by at least one year if the parent(s) obtain a waiver from their assigned school.

Nearly half of all states allow children ranging from age 14 to 18 to be exempt from the compulsory attendance requirement if they meet one or more of the following stipulations: are employed, have passed the 8th grade level, have their parents' permission, have the permission of the district court or the local school board, meet the requirements for an exit interview, or have arranged alternative education such as vocational or technical school. Endnotes are provided for Indiana, Louisiana, Massachusetts and Virginia as examples of such legislation.

Part I: Age Ranges

Minimum compulsory age and corresponding number of states:

- Age 5: 11 (Includes District of Columbia, Puerto Rico and Virgin Islands)
- Age 6: 24 (Includes American Samoa)
- Age 7: 17
- Age 8: 2

Maximum compulsory age and corresponding number of states:

- Age 16: 27 (Includes Virgin Islands)
- Age 17: 9
- Age 18: 18 (Includes American Samoa, District of Columbia and Puerto Rico)

State/Territory	Requirement	Citation
Alabama	7-16	ALA. CODE § 16-28-3
Alaska	7-16	ALASKA STAT. § 14-30-010
Arizona	6-16 or completion of grade 10	ARIZ. REV. STAT. § 15-802
Arkansas	5-17	ARK. STAT. ANN. § 6-18-201
California	6-18	CAL ED CODE § 48200
Colorado	7-17	COLO. REV. STAT. § 22-33-104
Connecticut ¹	5-18	CONN. GEN. STAT. § 10-184
Delaware	5-16	14 DEL. CODE ANN. §2702
District of Columbia	5-18	D.C. CODE ANN. § 38-202
Florida	6-16	FLA. STAT. § 1003.21
Georgia	6-16	GA. CODE ANN. § 20-2-690.1
Hawaii	6-18	HAW. REV. STAT. § 302A-1132
Idaho	7-16	IDAHO CODE § 33-202
Illinois	7-17	105 ILL. COMP. STAT. ANN. 5/26-1
Indiana ²	7-16	IND. CODE ANN. § 20-33-2-6
Iowa	6-16	IOWA CODE §299.1A
Kansas	7-18	KAN. STAT. ANN. § 72-1111
Kentucky	6-16	KY. REV. STAT. ANN. § 159.010
Louisiana ³	7-18	LA. REV. STAT. ANN. § 17:221
Maine	7-17	ME. REV. STAT. ANN. § 3271
Maryland	5-16	MD. CODE ANN., EDUC. § 7-301
Massachusetts ⁴	6-16	MASS. REGS. CODE TIT. 603 § 8.02 MASS. GEN. LAWS ANN. 76 § 1
Michigan	6-16	MICH. STAT. ANN. § 380.1561
Minnesota	7-16	MINN. STAT. § 120.101
Mississippi	6-17	MISS. CODE ANN. § 37-13-91
Missouri	7-16	MO. REV. STAT. § 167.031
Montana ⁵	7-16	MONT. CODE ANN. § 20-5-102
Nebraska	6-18	NEB. REV. STAT. ANN. § 79-201, LB 868
Nevada	7-17	NEV. REV. STAT. ANN. § 392.040
New Hampshire	6-16	N.H. REV. STAT. ANN. § 193:1
New Jersey	6-16	N.J. REV. STAT. §18A:38-25
New Mexico	5-18	N.M. STAT. ANN. § 22-8-2; § 22-12-2
New York ⁶	6-16	N.Y. EDUC. LAW § 3205
North Carolina	7-16	N.C. GEN. STAT. § 115C-378
North Dakota	7-16	N.D. CENT. CODE § 15.1-20.01
Ohio	6-18	OHIO REV. CODE ANN. § 3321.01
Oklahoma	5-18	70 OKLA. STAT. § 10-105
Oregon	7-18	OR. REV. STAT. § 339.010
Pennsylvania	8-17	PA. STAT. ANN. § 13-1326
Rhode Island	6-16	R.I. GEN. LAWS § 16-19-1
South Carolina ⁷	5-17	S.C. CODE ANN. § 59-65-10
South Dakota	6-16	S.D. CODIFIED LAWS § 13-27-1
Tennessee ⁸	6-17	TENN. CODE ANN. § 49-6-3001
Texas	6-18	TEX. EDUC. CODE ANN. § 25.085
Utah	6-18	UTAH CODE ANN. § 53A-11-101
Vermont	6-16 or completion of grade 10	VT. STAT. ANN. § 1121
Virginia ⁹	5-18	VA. CODE ANN. § 22.1-254
Washington	8-18	WASH. REV. CODE § 28A.225.010
West Virginia	6-16	W. VA. CODE § 18-8-1

State/Territory	Requirement	Citation
Wisconsin	6-18	WIS. STAT. § 118.15
Wyoming	7-16 or completion of grade 10	WYO. STAT. ANN. § 21-4-102
Am. Samoa	6-18	ASCA 16-3-16.0302
Puerto Rico	5-18	3 P.R. LAWS ANN. § 143B
Virgin Islands	5-16	V.I. CODE ANN. TIT. 17, § 82

Notes:

¹ Connecticut: "The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age.

² Indiana: An individual is required to stay in school until he or she: graduates; is between 16 and 18 and meets the requirements for an exit interview; or reaches at least 18 years of age. Withdrawal before 18 requires parent/guardian's and principal's written permission.

³ Louisiana: "A child between the ages of seventeen and eighteen may withdraw from school prior to graduation with the written consent of his parents, tutor, or legal guardian"

⁴ Massachusetts: "Every child between the minimum and maximum ages established for school attendance by the board of education, except a child between fourteen and sixteen who meets the requirements for the completion of the sixth grade of the public school as established by said board and who holds a permit for employment in private domestic service or service on a farm, under section eighty-six of chapter one hundred and forty-nine, and is regularly employed thereunder for at least six hours per day, or a child between fourteen and sixteen who meets said requirements and has the written permission of the superintendent of schools of the town where he resides to engage in non-wage-earning employment at home, or a child over fourteen who holds a permit for employment in a cooperating employment, as provided in said section eighty-six, shall, subject to section fifteen, attend a public day school in said town, or some other day school approved by the school committee, during the number of days required by the board of education in each school year, unless the child attends school in another town, for said number of days, under sections six to twelve, inclusive, or attends an experimental school project established under an experimental school plan, as provided in section one G of chapter fifteen, but such attendance shall not be required of a child whose physical or mental condition is such as to render attendance inexpedient or impracticable subject to the provisions of section three of chapter seventy-one B or of a child granted an employment permit by the superintendent of schools when such superintendent determines that the welfare of such child will be better served through the granting of such permit, or of a child who is being otherwise instructed in a manner approved in advance by the superintendent or the school committee."

⁵ Montana: requires that a child shall remain in school until the later of either the child's 16th birthday or the date of completion of the work of the eighth grade

⁶ New York: both New York City and Buffalo require minors to attend school from the age of 6 until the age of 17. Districts are authorized to require minors between 16 and 17 who are not employed to attend school.

⁷ South Carolina: In South Carolina, kindergarten is mandatory. However, state statutes permit parental waiver for kindergarten at age five.

⁸ Tennessee: "A parent or guardian who believes that such parent's or guardian's child is not ready to attend school at the designated age of mandatory attendance may make application to the principal of the public school which the child would attend for a one semester or one year deferral in required attendance.

⁹ Virginia: "For a student who is at least 16 years of age, there shall be a meeting of the student, the student's parents, and the principal or his designee of the school in which the student is enrolled in which an individual student alternative education plan shall be developed in conformity with guidelines prescribed by the Board..."

Part II: Statutory Excerpts

Alabama – "Every child between the ages of **7** and **16**"

Alaska – "Every child between **7** and **16** years of age"

American Samoa – ". . . the age of **six** through **eighteen**"

Arizona – "Every child between the ages of **6** and **16** years . . ." or ". . . has completed the high school course of study necessary for completion of graduation"

Arkansas – ". . . age **5** through **17** years on October 1 of that year"

California – "Each person between the ages of **6** and **18**"

Colorado – "Every child who has attained the age of **7** years and is under the age of **17** years"

Connecticut – ". . . a child **five** years of age and over and under **eighteen** years of age"

Delaware – ". . . a child between **5** years of age and **16** years of age"

District of Columbia – ". . . a minor who has reached the age of **5** years or will become **5** years of age on or before December 31st of the current school year . . . until the minor reaches the age of **18** years."

Florida – "All children who have attained the age of **6** years or who will have attained the age of **6** years by February 1 of any school year or who are older than **6** years of age but who have not attained the age of **16** years"

Georgia – ". . . between their **sixth** and **sixteenth** birthdays"

Hawaii – ". . . all children who will have arrived at the age of **6** years, and who will not have arrived at the age of **18** years, by January 1 of any school year"

Idaho – ". . . any child resident in this state who has attained the age of **7** years at the time of commencement of school in his district, but not the age of **16** years"

Illinois - ". . . any child between the ages of **7** and **17** years"

Indiana – ". . . the individual becomes **7** years of age until . . . reaches at least **16** years of age but who is less than **18** years of age and the requirements under subsection (j) concerning an exit interview are met enabling the individual to withdraw from school before graduation; or . . . the individual reaches at least **18** years of age"

Iowa – "A child who has reached the age of **6** and is under **16** years of age by September 15"

Kansas – ". . . any child who has reached the age of **7** years and is under the age of **18** years"

Kentucky – ". . . any child between the ages of **6** and **16** A child's age is between **6** and **16** when the child has reached his **6th** birthday and has not passed his **16th** birthday. . . ."

Rhode Island – "Every child who has completed or will have completed **6** years of life on or before September 1 of any school year and has not completed **16** years of life"

South Carolina – ". . . the child or ward is **5** years of age before September first until the child or ward attains his **17th** birthday"

South Dakota – ". . . a child who is **6** years old by the first day of September and who has not exceeded the age of **16**"

Tennessee – ". . . any child or children between **six** years of age and **seventeen** years of age. . . ."

Texas – ". . . a child who is at least **6** years of age . . . and who has completed the academic year in which the child's **18th** birthday occurred"

Utah – ". . . a minor between **6** and **18** years of age"

Vermont – ". . . a child between the ages of **six** and **16** years . . ." or ". . . has completed tenth grade . . ." or ". . . is excused by the superintendent or a majority of the school directors"

Virgin Islands – "All children shall commence their school education . . . in the calendar year in which they reach their **5th** birthday . . . until the expiration of the school year nearest their **16th** birthday"

Virginia – ". . . any child who will have reached the **fifth** birthday on or before September 30 of any school year and who has not passed the **eighteenth** birthday"

Washington – ". . . any child **8** years of age and under **18** years of age"

West Virginia – "Compulsory school attendance shall begin with the school year in which the **6th** birthday is reached prior to the first day of September of such year . . . and continue to the **16th** birthday."

Wisconsin – ". . . a child who is between the ages of **6** and **18** years old"

Wyoming – ". . . a child . . . whose **7th** birthday falls on or before September 15 of any year and who has not attained his **16th** birthday . . ." or ". . . completed the tenth grade"

Kyle Zinth, researcher in the Information Clearinghouse, updated this StateNote.

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Helping State Leaders Shape Education Policy

SB 2184
Senator Tim Flakoll

Chairman Holmberg and members of the Senate Appropriations Committee, for the record I am Senator Tim Flakoll from District 44.

SB 2184 comes to you out of the work of the P-16 committee that met during the interim. The bi-partisan group of four legislators who sponsor the bill, served as members of the committee P-16. The committee also contained members of the business community and education leaders from the state.

You will find in SB 2184 two items that come out of initiatives generated by discussions in the P-16 committee. Those two areas are a provision for an **extended school calendar** and the **compulsory age of attendance**.

At this point I would like to note that the P-16 committee recommended that "in order to enhance the opportunity for greater teacher-student engagement, the North Dakota legislature should enact legislation to increase the minimum number of student-teacher contact days to 178 days for the 2009-10 school year and to 183 days for the 2012-13 school year."

Mr. Chairman, during our discussions we learned that the state of ND hovers at the bottom of the nation in the number of contact days required in the United States. I have provided for you copies of an Education Commission of the States document."

It reports that since 1980, changes to the number of contact days increased in 14 states (of 43 states = 32.5%) with others increasing the number of total contact hours required per year.

Currently North Dakota offers only 173 contact days which if you look on the flip side of that reveals that **students are not in school for 192 days of the year**. Members of the committee, when students are of school age, their "job" is to obtain a good education. An education that is not just to keep them competitive in their local community or our state but to be globally competitive with their education.

How does North Dakota measure up compared to others? Major trade powers that we compete and do business with including Japan (generally

240 days) , India (220 days), China (270 days), Canada (185 - 195 depending on Province) all are well ahead of us in terms of contact and often intensity and some would contend that we have lost ground to them in many academic measures.

Now to the engrossed bill.

On page one, line seven; there is language to maintain our current level of contact days for the 2007-2008 school year.

- The changes that are proposed start on page one, line 17. For the second year of the biennium (2008-2009) we have increased the contact days by one day so that it will be 174 days.
- For the 2009-2010 school year (page 2, starting on line 5) we will be at 175 contact days.
- Starting with the 2010-2011 (starting on page 2, line 15) school year and each year thereafter, the number of contact days will be at 176 days per academic year.

The recommendation to increase the school calendar is based on the belief that students learn more with increased contact with a teacher and through intensity and repetition.

SB 2184 also asks that we move the compulsory age of attendance from the current level of 16 years of age up to 18 years old. Currently in North Dakota the compulsory age of attendance is from ages 7 to 16 years.

Therefore, the second change in this bill is on page two (2) lines 29-30. It changes the age when a student can drop out of school from 16 years of age, to their 18th birthday. This change would take effect on January 1, 2009.

Across the United States the maximum compulsory age of attendance and the corresponding number of states are shown below (see attached handout):

Age 16: 27 states (includes the Virgin Islands)

Age 17: 9 states

Age 18: 18 states (includes American Samona, District of Columbia and Puerto Rico)

Mr. Chairman I am also told by my local district that there are some cultures of new Americans who after their son or daughter reaches the age of 16, make it a practice to take their child out of school and put them to work. Many are bright students with excellent grades, but they exercise their option within our current law to pull their child from school. That does not seem to be in the long term best interest of the child.

Chairman Holmberg and committee members the 2005-2006 data for North Dakota reports a 13.3% dropout rate. That translates to more than 1,000 students per year who drop out of school. So in essence we have more students who will drop out during the next biennium than attend all grades K-12 in Devils Lake and nearly as many enrolled in K-12 in Jamestown.

National data (College Board, 2005 report) also shows people who do not graduate from high school earn about 43% less (\$9,200) than a person who graduates from high school.

Mr. Chairman, I share the fear of those who worry how someone who drops out of school when they turn 16 will fair in their ability to provide for their prosperity and that of their family. A quality education plays a significant roll in realizing the American dream and I do not feel we should let that dream walk out the door and vanish at the age of 16.

Mr. Chairman some people say that we should not make a 16 or 17 year old be in school if they don't want to be there. I think it is safe to say that many of us in this room and across the state had times at many different age points in life when we would have rather been doing something else than sitting in a classroom.

To facilitate these two important changes last week the full Senate approved the amendment that provides an appropriation of \$3.5 million. This amount covers 70% of the estimated cost of the change (Section 3 on page 3, lines 10-14).

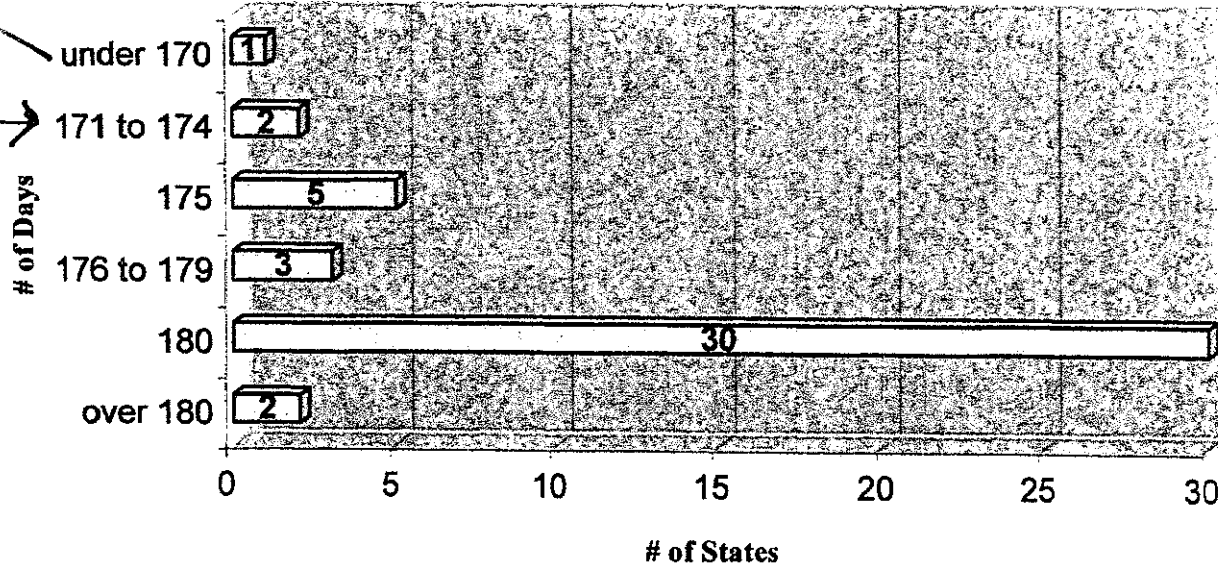
Mr. Chairman that concludes my testimony on SB 2184 and I would be happy to stand for any questions.

End

Puerto Rico

States and Territories Setting Minimum Instruction in Days Only

North Dakota
Missouri



Source

introduce self

3

Standby-testimony:

The Department supports SB 2184 because it assures a brighter future for students. It was a topic of great interest during the deliberations of the P-16 Education Task Force over the past year or so.

- The bill increases by one day per year starting in school year 2008-2009 the required number of instructional days for schools.
- The bill also raises the mandatory age for school attendance to 18.

The Education Commission of the States indicates that North Dakota is one of 12 states that requires only nine years of attendance in school.

There is little economic future for young people with less than a high school diploma. Increasing the age when they must be in school greatly increases the possibility that the student will complete a high school diploma, which increases the possibility that with maturity they will make better life and career decisions.

Students without a high school diploma are much more likely than their peers who graduate to be unemployed, living in poverty, receiving public assistance, in prison, on death row, unhealthy, divorced, and single parents with children who drop out from high school themselves.

Mr. Chairman, this concludes my testimony on SB2184. Mr. Jerry Coleman from the fiscal unit will explain the fiscal note.