2009 HOUSE EDUCATION

HB 1309

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1309

House Education Committee

☐ Check here for Conference Committee

Hearing Date: January 28, 2009

Recorder Job Number: 8025

Committee Clerk Signature Carmen Hart

Minutes:

Rep. Kim Koppelman, District 13, West Fargo appeared. This bill is about interstate compacts for military children. The simple objective of this compact is it protects students coming to our state and going out of our state. **(See Attachment 1.)**

Vice Chair Lisa Meier: If this legislation would pass in our state, let us stay we have a student transferring out of state to California and California is not part of the compact, would the rules still apply that we have adopted or would California rules apply?

Rep. Koppelman: Unfortunately I think California rules would apply and that is why it is important for us to be part of the compact and for other states too as well. What happens with these compacts as they are adopted around the country, a handful of states typically start. Some of them never achieve full adoption in all 50 states so there might always be somewhat of a patchwork and somewhat of a resistance somewhere. With the threat of congressional action since we are dealing with the United States military here hanging over our head, I think this is one compact that states are going to want to be quick to adopt. It has been passed by 11 states. It has been introduced in 25. If all of them pass it, that is 36 out of the 50 states. I think we are well on the way to seeing a virtual universal adoption of the compact throughout the country.

Rep. John Wall: Can you give me an indication of some of the problems being encountered now?

Rep. Koppelman: I don't know of a lot of specific situations. I think it would be better to have your question answered by Mr. Rickel. There are some military families here also who might have specific instances.

Rep. Jerry Kelsh: Does the military not get involved in the situations that you described? They just let happen what happens?

Rep. Koppelman: I do believe they do get involved. I believe the military cares certainly about those families and attempts to do what they can do. I suspect in North Dakota when they do that we do everything that we can to accommodate them. I am not sure that is always the case around the country. I suppose it depends on the individual you are dealing with in a specific circumstance. There are enough problems out there that is why this compact is before us to insure those things get smoothed over.

Chairman Kelsch: I am also very familiar with this compact. However, when I was serving as chairman of the education standing committee, we were very skeptical about the compacts.

Dr. David Looysen, Superintendent of Schools, Minot Public Schools and Minot Air Force Base Schools, appeared. There are two separate schools there, and we have two separate school boards. Thirteen percent, 250 students, from Magic City Campus are military children.

Mark Vollmer, Principal at Minot High School, Magic City Campus, appeared. **(See Attachment 2.)**

Rep. Jerry Kelsh: You talked about a student that showed up in August. How about a student that shows up from a state that has different or less requirements for the second

semester? How do you accommodate that? You said you didn't ever let somebody graduate that has showed up at your school? How do you accommodate for those types of things?

Mark Vollmer: We do exactly what we said with those students coming in August. We recognize what those previous requirements were. We require students to take a language arts each semester so they would be enrolled in a language arts. We would also look, however, at college requirements which become more and more similar across the United States. If they needed two language arts in order to meet the college admission requirement, we would work with that family to have that happen.

Rep. Phillip Mueller: Would the Minot Air Force Base and your school system need to be part of this compact as you see it?

Mark Vollmer: I am here basically today to share with you the information that we do in regard to our military students. I can also tell you, however, that I have had an opportunity to read the bill in detail and I feel that personally we do what the bill is calling for us to do already.

Rep. Bob Hunskor: A scenario for you—a military child comes to your school senior year, does not have a certain course required for graduation, and in your schedule that course may conflict with an advanced math or science the child wants, what do you do?

Mark Vollmer: We have done a variety of different things. If it is a graduation requirement, we have looked at correspondence for that child. We have a credit recovery system which is an online program called Plato. In general if it is a graduation requirement and it wasn't a graduation requirement in the previous school, for example, driver education, we don't require that student to take it. We document that in the hard card on the student's record.

Rep. Corey Mock: Have you had any students that once attended Minot High that have since moved and transferred to another base that have run into issues?

Mark Vollmer: Absolutely not. I am not familiar with any students who have had experiences the opposite way. In fact what we have found is that our graduation requirements in North Dakota are actually more stringent than in some other states. Often times the students may have more coursework than may be needed in those other states.

Rep. Jerry Kelsh: Again I can understand what you are doing. I am just wondering what does DPI feel if the student is not fulfilling the requirements for the state of North Dakota? Do they give you any static about that?

Mark Vollmer: No. The graduation requirements that are set forth in the administrative rules are set forth by the North Dakota state legislature and the Department of Public Instruction are requirements. I cannot think of any cases where those students have not met those minimum requirements. Minot High School, like most other schools in the state of North Dakota, are requiring much more than what those minimum graduation requirements are.

Rep. John Wall: Do you see anything detrimental in 1309 to your mission?

Mark Vollmer: I don't know if detrimental is the word. My only concern is that it is something that is already being done. My question would be for the committee are we adding another layer of bureaucracy here where we don't need to?

Dr. David Looysen, Superintendent of Miinot Public Schools, appeared again so that Mr. Vollmer could catch a plane.

Rep. Corey Mock: How many students that have parents stationed at Minot Air Force Base are going to Surrey or Des Lacs-Burlington? Is that even a registered number?

Dr. David Looysen: Yes, there is. I visited with the superintendent from Surrey and Des Lacs-Burlington and asked if they had any problems with children coming in and not being able to graduate from their school and get the requirements or not accepting. They said they have never had one.

Rep. Mike Schatz: What is the percentage of students that come in during the middle of the year?

Dr. David Looysen: I don't know at the high school. I can tell you that at the grade school about 44% turnover. We have two grade schools on the base and one middle school on the base. That makes up about 735 children depending on the day. About 40-45% turnover on the elementary. You should also be aware that the dynamics of the military family are that they have more younger children unless they are officers. Many times they don't have high school children. We have more counselors at the air base elementary and middle school than we do at our schools in town. That helps accommodate the children moving. We have great communication with the base.

Rep. Mike Schatz: What do you do when you have a child that comes in and doesn't fit into a certain grade level or struggling?

Dr. David Looysen: Just like any one of our schools, we have a title program there, and the counselors work with the parents. This compact is not new to me. I have been seeing it kind of develop because they report to me at impact aid meetings. I had a copy of the compact last September and shared it with both my boards. I started reading the purpose of it which is the first page of the bill. I went through it and number one, timely goal of enrollment of the children. We do that every time. If a child comes to our school and they don't have the papers from the other school, we enroll them and wait for the papers and then if we have to do some changes, we do it. Most parents in the military will carry the papers. Student placement process—Mr. Vollmer testified what we do there, and we do that all the way from K-12. If a child had been attending kindergarten in another state at an earlier age than required in our state, we enroll them in our kindergarten. Facilitating the qualification and eligibility for enrollment and educational programs to make sure they match up, we do that. That is number

3. On time graduation as Mr. Vollmer said, we do that. We are meeting the purposes of this right now.

Rep. Corey Mock: This applies to only public schools, not private schools? Chairman Kelsch stated that was correct. How many students from the air force base are enrolled at either Our Redeemer's or Bishop Ryan?

Dr. David Looysen: I don't have that number. Private schools do a lot of the same things as the public schools.

Rep. Lyle Hanson: What is the average stay of your students coming in?

Dr. David Looysen: The colonels that come in are two years. If they are children of the colonels, they don't stay long. If they are enlisted people, some of them on my board have been there 12 to 13 years and their children have been raised right through that time. It depends upon the rank. I don't have an average.

Rep. Lyle Hanson: I was teaching in Garrison in the early 60s when the missiles came in. We would have kids come in for two weeks, and then they were gone again. A lot of times one parent would stay until the end of the school year, and then they would all leave.

Dr. David Looysen: When situations occur where it is in the middle of the year and they are going to leave, some of them will stay with another family on the base or in town.

Rep. Jerry Kelsh: If the parents leave and the students stay, does the federal money still come in with each student?

Dr. David Looysen: The money would stay. He gave some statistics. If you took all of our children on the air base and in town, we have about 6,500 students total in Minot and 21% of them are military dependent children. Ninety nine percent of the students that live on the base go to school on the base are military dependent. In other words, there are a couple where the parents work there and they bring their children home. Ten percent of our total students in

town are military dependent. They are air base children but they live in town. We have a total of 1,356 elementary and high school children at the air force base. Our middle school on the base is declining enrollment. There are 118. In town 9% of our children in the elementary are military dependent. Eight percent in the middle school are military dependent and 13% of our high school are military dependent. In the six years he has been superintendent two situations concerning this compact has come across his desk. One was concerning drivers' education and a golfer situation.

Jim Rickel, DOD, State Liaison Office, appeared. **(See Attachment 3.)** The key element of the compact is creating the smooth transition. This compact is a readiness issue. He showed a 9-minute video.

Colonel Steven Basham, Vice Wing Commander, 5th Bomb Wing, Minot Air Force Base, appeared. **(See Attachment 9.)**

Rep. Dennis Johnson: How do you see the compacts affecting the schools like in Korea or when you are overseas? Is there a problem there?

Colonel Basham: I can tell you from personal experience that there were things that the Department of Defense schools didn't offer that the North Dakota schools do offer. We found it challenging because of the distance and time. To work those two school systems together to make sure that, whether it is regular immunizations, all those things, are in place by the time our children get there. Moving here was much less difficult than it would be to move from North Dakota to Korea and trying to latch up those two systems. We have noticed a difference in the curriculum.

Rep. Mike Schatz: Do these only apply to public schools, or do they apply to private schools as well—the funds that follow? Are we talking about the funds that come to the school or not?

Colonel Basham: I will defer that to the financial experts.

Chairman Kelsch: It is my understanding that the compact does not affect private schools.

Rep. Corey Mock: Does the Department of Defense actually physically sign this compact to insure that if a military family is deployed to Korea or Germany, their school system would recognize the high school or education requirements and procedures from other states?

Jim Rickel: The compact is going to be addressed—just the public schools in the fifty states. It doesn't address what these schools are doing overseas. There is no funding to the private schools. This compact was done over 24 months. It was done with 18 different stakeholders.

Chairman Kelsch: Part of my skepticism in looking at the compact is the fact that I quite frankly don't think there is an issue in North Dakota. Because I am very much so a states right person, I think that even though it is a compact that is signed, that you are taking away some of the state's rights. I guess I am just curious if you have data that would show that there are issues in North Dakota with accepting our military children into our schools and if there have been documented issues and something that would definitely cause us to pause and say this shouldn't be happening in North Dakota?

Jim Rickel: The greatest impact is when they leave the state. There is no hand off. We don't have any specific data, but we know at first hand when a student transfers and they get to that new school district, what they did in the past is irrelevant. What's focused now is what the statues are for that state and that school district.

Chairman Kelsch: What are the fees going to be to the state?

Jim Rickel: The cost incurred would be about $630,000 throughout the United States. That is assuming that all states join it. We estimate that $1 per military student. The state can add additional funding for that, but we estimate it here in North Dakota about $3,000 to $4,000 annually depending on what status you want to look at.

Rep. Jerry Kelsh: It kind of sounds like somebody either has to lower their standards or another state has to raise their standards to make this work. Do you envision that or is it that the military student will kind of be forgiven things depending on what state they go to and from what state they come from?

Jim Rickel: It is not a matter of lowering standards or raising standards. It is an issue of recognition—recognizing what the standards are from the transitioning state district to the incoming state district and the focus of what is the best interest of the military child.

Rep. Phillip Mueller: On page 16 of the bill there is some reference to rule making. I am a little bit unclear about it. What kinds of rules would we be talking about in that rule making authority that this would provide for the commission and if we sign on to this bill, what we are going to be subject to?

Tom Henton, Liaison with the Office of the Under Secretary and the Fed., participated via a conference call. The rules will only be made within the parameters of the compact that you see before you. Only those rules will be constructed that are specifically authorized in the compact. The compact itself cannot be changed.

Rep. David Rust: Does Dr. Sanstead know of any problems that have come to his attention with military students and coming to the state of North Dakota? Chairman Kelsch asked Dr. Sanstead to hold off.

Rep. Phillip Mueller: We have in the bill the creation of a state council for each member state. I am not real clear on what this is suppose to be about and what powers that council might have.

Tom Henton: The state councils are designed to provide input in a social or organized inclusive fashion of stakeholders within the state.

Alex Gilbertson, University of Mary student, appeared. I believe supporting troops means supporting their families. Supporting their families means supporting their children throughout transitions and going to different schools. If we can ease that transition by not having that concern in the back of their minds by am I going to graduate on time or am I going to have take extra courses to graduate. I believe this bill should be passed just for the reassurement of them and their bereavement by transitioning between schools in different states. No child should be left behind. That includes military children.

Jim Rustad, Minot School Board Member, appeared. He also serves as a liaison to the Minot Air Force School Board. Through the first seven pages we all agreed that this was a noble effort. We thought from thereon it had a lot of hoops to jump through that weren't bad but the potential for a lot of money spent there, it certainly is there. It could get costly. Some of them were kind of scary what they could lead to. The other thing I am concerned with is if the state approves this bill, then I think the state should absolutely make sure they fund it. I really don't think that $630,000 for the country is going to touch this. I don't want the people of Minot to be stuck finding funding for this either.

Rep. Jerry Kelsh: On page 10 it said the meetings can be closed. I wonder about this in regard to our open record law? Chairman Kelsch stated she had marked this also as questionable.

Bev Nielson, NDSBA, appeared. She is speaking in opposition to the bill as it is currently written. **(See Attachment 10.)**

Rep. Phillip Mueller: Is this bill subject to amendment on the part of the state government?

Tom Henton: It is possible to amend it, but keep in mind, it is a contract between states so it can't be substantially different. It can't be materially different than one of the other states that

have already agreed to and are on even now as we meet. It can be tweaked. The cost is $1 per active duty military child.

Chairman Kelsch: Who bears the cost for sending a representative to the meetings?

Tom Henton: That is borne by the interstate commission itself.

Chairman Kelsch: That $1 covers travel or meetings?

Tom Henton: It does.

Rep. Corey Mock: What is the figure if not all 50 states join the compact?

Tom Henton: It is still estimated at approximately $630,000 assuming 50 states are part of the compact. They are hoping for about 20 states to be in the compact this year. They believe that $1 assessment would be sufficient to pay the current expenses of the commission. The Texases and Californias will make up for the small states.

Chairman Kelsch: Currently the compact is voluntary that each state can determine whether they want to join it. The federal government doesn't necessarily care for voluntary initiatives. If they see this voluntary initiative is not doing what they would perhaps like it to be doing and perhaps the Department of Defense feeling as though not enough states are voluntarily deciding to jump on board with the compact, what is to prohibit the federal government from mandating this to the states?

Tom Henton: There is nothing to prevent them from doing it. So far people are on the right track because some of these states are coming on board and seeing this is a way to actually keep control of it and states would actually stay in charge.

Chairman Kelsch: Even if all 50 states join the compact there is still nothing that prohibits the federal government from putting their hammer down?

Tom Henton: That is really true but if I were entering a compact that would be unheard of I think it would be entering in the compact where the federal government would interject itself. It is already being addressed in a multistate fashion.

Dr. Jim Stenehjem, Executive Director of the ND LEAD Center, Bismarck, and former high school and junior high principal from Grand Forks, stated that the situation in Grand Forks was ditto to that of Minot. He provided the attached written testimony. **(See Attachment 4.)**

The hearing was to continue later that day at 2 p.m.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1309

House Education Committee

☐ Check here for Conference Committee

Hearing Date: January 28, 2009

Recorder Job Number: 8054

Committee Clerk Signature Carmen Hunt

Minutes:

This was a continuation of the hearing that began at 2:00 p.m.

Opposition

Dr. Doug Johnson, NDCEL, appeared. **(See Attachment 5.)** While NDCEL is in opposition to 1309, they do support the concept of this kind of legislation to take care of our military base children. They believe this should be an interim study for the legislative council to set up and look at over this next biennium.

Dr. Wayne Sanstead, State Superintendent, Dept. of Public Instruction, appeared to answer Rep. Rust's question. Rep. Rust did inquire as to whether the requirement for any of us in the department had really received some kind of unhappiness _ who are residing on either of the air bases. The fact that we have air base school boards makes a great deal of difference than many states, because they do have representation at the air base level.

Bob Marthaller, Dept. of Public Instruction, appeared. The fiscal note was prepared based on the implications for potential cost to the department or any other agency or entity in the state. The fiscal note should indicate and the implications for potential cost are in Article 8 under state coordination of the bill which indicates that the bill provides for state coordination, creates a state council, defines membership on the council, establishes a military family education liaison, and identifies a compact commissioner. Article 14 provides that the

commission has the authority to levy and collect an annual assessment from each member state. We would concur with the number that has been mentioned here before in around $3,500 which would be the state assessment. We at the department looked at Item 1 which creates a state council. We estimated the expenses for a new state council to be approximately $50,000 for the biennium. Item 2, the creation of a military education liaison, we looked at perhaps at 1.5 FTE which would be the liaison person and some administrative support staff, and we also included in the fiscal note approximately $25,000 for other office expenses. Creating the compact commissioner, we estimated the expenses for that particular commissioner at approximately $50,000. The one dollar per student we believe is accurate at about $3,500. The department didn't necessarily look at any potential costs perhaps to local school districts that may incur for perhaps some additional staffing or some kind of administrative support for the liaison person. The bill also does indicate or implies that other agencies might be or that are already a sustained committee may be assigned commission duties. It might be a council that already exists so I suppose some of those costs could be reduced if that occurred. The total we looked at was approximately $425,000.

The hearing was closed.

SOME ADDITIONAL TESTIMONY IS ATTACHED BY INDIVIDUALS THAT DID NOT APPEAR AT THE HEARING EARLIER IN THE DAY. **(See Attachments 6, 7, & 8.)**

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1309

House Education Committee

☐ Check here for Conference Committee

Hearing Date: January 28, 2009

Recorder Job Number: 8056

Committee Clerk Signature	Carmen Hart

Minutes:

Chairman Kelsch placed HB 1309 into a subcommittee for the purpose of making into a study. The subcommittee consisted of **Rep. Mike Schatz, Rep. Corey Mock, and Rep. Brenda Heller. Chairman Kelsch** suggested they talk to Anita Thomas and talk to Bev Nielson, NDSBA, who had some good comments about what should be contained in this study. **Chairman Kelsch** has some real concerns about jumping into a compact. It is very difficult to get back out of it. We really don't know what the definite costs are going to be, and we haven't had an issue in North Dakota.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1309

House Education Committee

☐ Check here for Conference Committee

Hearing Date: February 2, 2009

Recorder Job Number: 8292

Committee Clerk Signature	Carmen Hart

Minutes:

Rep. Corey Mock presented the amendment for HB 1309. **(See Attachment 1.) Rep. Corey Mock** moved the adoption of the amendment. **Rep. Jerry Kelsh** seconded the motion.

Rep. Corey Mock: There were a lot of questions in this committee. A lot of members were uncertain regarding the necessity of this compact. I think there were a lot of unanswered questions regarding the finances, the purpose, and what our role would be as a state. I believe it was in the interest of the committee to draw up an amendment that would turn this into an interim study.

Rep. Lyle Hanson: The superintendent in Minot said we are already doing these things, and he was kind of speaking for Grand Forks too.

Chairman Kelsch: I think this is one of those issues that if all states jump on board to this compact and we are the cheese that stands alone, I think I would rather be prepared to join the compact rather than just join it when perhaps there is no reason to join. One thing that concerned me was the fact that you had to take a year before you could be approved to get out of the compact.

Rep. Corey Mock: One part that was mentioned was the open records. It was on page 10 describing how meetings may be closed. The question was is this going to be in violation of North Dakota's open record law?

Rep. David Rust: I think any time you jump into these compacts, in essence you are giving away some of your authority.

Rep. Karen Karls: I am a states right person also. You know it is not the first time. The education commission of the states is a compact. Did we study that for years before we jumped in?

Chairman Kelsch: No. But at any time we can stop paying our dues and we are no longer in it. I look at this compact and the education commission of states a little bit differently. What this compact is actually doing is it is saying that we have to alter our education state laws in order to receive that military student in the state of North Dakota.

Rep. Karen Karls: Doesn't the education commission sort of do that?

Chairman Kelsch: No. They don't have any influence over our state laws.

Rep. David Rust: It isn't true that this doesn't apply to many kids in Tioga. He gave an example of two kids coming in and living with a relative while Mom and Dad were in the Persian Gulf. Two problems that occurred were a curriculum problem and an eligibility problem. The school immediately approached the High School Activities Association about a hardship for those kids. They were granted eligibility. We made some accommodations as far as getting kids into classes or helping them with classes that they had that we didn't.

A voice was taken to accept the amendment. Motion carries.

Vice Chair Lisa Meier made a motion for a **Do Pass as Amended. Rep. Corey Mock** seconded the motion.

DO PASS AS AMENDED. 13 YEAS, 1 NAY. Rep. Brenda Heller is the carrier of the bill.

FISCAL NOTE

Requested by Legislative Council
02/04/2009

Amendment to: HB 1309

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$0	$0	$0	$0
Appropriations	$0	$0	$0	$0	$0	$0

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$0	$0	$0	$0

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, as amended, provides for the Legislative Council to study the Interstate Compact on Educational Opportunity for Military Children and provides that the Legislative Council report findings to the 62nd Legislative Assembly.

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.*

The bill provides for a legislative council study and should have zero fiscal impact.

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.*

   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.*

   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.*

HB 1309, as amended, does not provide for an appropriation.

Name:	Bob Marthaller	**Agency:**	Public Instruction
Phone Number:	328-2267	**Date Prepared:**	01/05/2009

FISCAL NOTE

Requested by Legislative Council
01/13/2009

Bill/Resolution No.: HB 1309

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$425,000	$0	$0	$0
Appropriations	$0	$0	$0	$0	$0	$0

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$0	$0	$0	$0

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 provides for an Act to enter the compact on educational opportunity for military children.

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.*

Article VIII State Coordination - provides for state coordination and creates a state council, defines membership on the council, establishes a military family education liaison, and identifies a compact commissioner. Article XIV Financing the Commission - provides that the commission has the authority to levy and collect an annual assessment from each member state.

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.*

   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.*

Article VIII.

Item 1 - Creates a state council, estimated expenses, $50,000.
Item 2 - Creates a military family education liaison, estimated expenses, $300,000. Office expenses $25,000.
Item 3 - Creates a compact commissioner, estimated expenses, $50,000.

Article XIV.

Item 2 – Creates an annual state membership assessment – this item is unknown and undeterminable at this time.

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.*

HB 1309 does not provide for an appropriation.

Name:	Bob Marthaller	**Agency:**	Public Instruction
Phone Number:	328-2267	**Date Prepared:**	01/14/2009

Prepared by the Legislative Council staff for
Representative Mock
January 28, 2009

VR
2/2/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1309

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of the Interstate Compact on Educational Opportunity for Military Children.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN - STUDY. During the 2009-10 interim, the legislative council shall consider studying the Interstate Compact on Educational Opportunity for Military Children, as well as its administration, enforcement, cost, and its impact on North Dakota laws, school districts, schools, and children of both military and civilian families, with a view to determining whether North Dakota should become a participating member of the compact. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

Date: 2-25-09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1309

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Rep Mock Seconded By Rep Kelsh

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch			Rep. Lyle Hanson		
Vice Chairman Lisa Meier			Rep. Bob Hunskor		
Rep. Brenda Heller			Rep. Jerry Kelsh		
Rep. Dennis Johnson			Rep. Corey Mock		
Rep. Karen Karls			Rep. Phillip Mueller		
Rep. Mike Schatz			Rep. Lee Myxter		
Rep. John D. Wall					
Rep. David Rust					

Motion carries to accept the amendment

Total (Yes) No

Absent

Floor Assignment

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

Date: 2-2-09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1309

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 90279.0101

Action Taken ☑ Do Pass ☐ Do Not Pass ☑ Amended

Motion Made By Rep Meier Seconded By Rep Mock

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch	✓		Rep. Lyle Hanson	✓	
Vice Chairman Lisa Meier	✓		Rep. Bob Hunskor	✓	
Rep. Brenda Heller	✓		Rep. Jerry Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Corey Mock	✓	
Rep. Karen Karls	✓		Rep. Phillip Mueller	✓	
Rep. Mike Schatz	✓		Rep. Lee Myxter	✓	
Rep. John D. Wall	✓				
Rep. David Rust		✓			

Total (Yes) 13 No 1

Absent 0

Floor Assignment Rep Heller

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

REPORT OF STANDING COMMITTEE

HB 1309: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1309 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of the Interstate Compact on Educational Opportunity for Military Children.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN - STUDY. During the 2009-10 interim, the legislative council shall consider studying the Interstate Compact on Educational Opportunity for Military Children, as well as its administration, enforcement, cost, and its impact on North Dakota laws, school districts, schools, and children of both military and civilian families, with a view to determining whether North Dakota should become a participating member of the compact. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

2009 SENATE EDUCATION

HB 1309

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1309

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: February 25, 2009

Recorder Job Number: 9676

Committee Clerk Signature

Minutes:

Chairman Freborg opened the hearing on HB 1309. All members were present.

Bob Marthaller, Director of School District Support Services, Department of Public Instruction, testified in favor of the bill. See written testimony.

Senator Flakoll asked what is the Interstate Compact on Educational Opportunity for Military Children.

Bob Marthaller said it sets up a commission and educational liaison to work with the school districts and deals with issues faced by children of military families as they transfer from base to base. Eleven or twelve states have already joined the Compact. It looks at such things as graduation requirements.

Bev Nielson, North Dakota School Boards Association, testified in favor of the bill. They support the study; in fact they suggested it on the House side. The Compact is quite drastic and they support a study before North Dakota joins. Their concern is a national group would make decisions that would supersede any local or state law or rule.

Senator Lee asked if the bill says "shall study".

Bev Nielson said the bill says "shall consider".

Senator Bakke asked what their concerns are about the Compact.

Bev Nielson said the compact is pages long and should be closely examined and the costs more accurately determined. The original bill was 30 pages long. It looks at graduation requirements, inoculations. In testimony, representatives from the school districts in Minot and Grand Forks said much of what the Compact describes is already being done. In areas where the law may vary from state to state, the Compact would examine the differences and then they would decide and their decision would supersede that of the state or school district. The Department of Defense schools overseas have not yet joined the Compact. The Compact is very new and it is important for North Dakota to watch what they do, are they heavy handed?

Senator Bakke asked who requested the bill?

Bev Nielson said the Council of State Governments.

Warren Larson, North Dakota Council of Educational Leaders, testified in favor of the bill. They support the study. So much of what is in the bill is already being done successfully.

Chairman Freborg closed the hearing on HB 1309.

Senator Flakoll moved a Do Pass on HB 1309, seconded by Senator Taylor. The motion passed 5 – 0. Senator Flakoll will carry the bill.

Date: 2/25/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1309

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Sen. Flakoll Seconded By Sen. Taylor

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

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Flakoll

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

REPORT OF STANDING COMMITTEE

HB 1309, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1309 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1309

HB 1309

Attachment 1

Interstate Compact on Educational Opportunity for Military Children

- Military families encounter significant school challenges when dealing with enrollment, eligibility, placement, and graduation of their children, due to frequent relocations in the course of service to our country. Most military children will have six to nine different school systems in their lives from kindergarten to 12th grade.

- The Council of State Governments' National Center for Interstate Compacts, in cooperation with the Department of Defense, has worked to develop an interstate compact that deals with these issues.

- The compact reflects input from policy experts and stakeholders from 18 different organizations, including representatives of parents, teachers, school administrators, military families, and federal, state, and local officials.

- The Compact will allow for the uniform treatment, at the state and local district level, of military children transferring between school districts and states.

- Each participating state must adopt the Compact through legislation; it will go into effect when adopted by 10 states. (This is not a mandate to states, as participation by states is completely voluntary.)

- Each Compact state will appoint representation to an on-going governing Commission which will enact necessary rules and give further guidance to the Compact's implementation. Only those state commissioners will have voting authority.

- The Compact was adopted by 11 states in 2008, and efforts are continuing to educate state policymakers regarding the need for the Compact, and the nature and wide-spread use of Interstate Compacts, generally.

- Extensive information packets are available to state policymakers upon request.

www.USA4MilitaryFamilies.org

Attachment 2
HB 1309

Madam Chairperson and members of the House Education Committee, it is my honor to visit with you today in regard to House Bill 1309. I currently serve as Principal of Minot High School – Magic City Campus. Many of our students are military dependents – the children of parents who are currently on active duty in the United States Air Force.

During the past several years, we have worked to ensure that all students have a successful experience at Minot High School. This is part of the Professional Learning Communities Concept - - concentrating on the social, emotional, and educational needs of the individual student.

Although I cannot speak for all schools that serve military dependents, I can offer a sampling of what things are done at Minot High School. I would like to provide a brief explanation of the many programs that are currently in place to promote student success:

Bi-Annual Parent Meetings at Minot Air Force Base: Our administrative and counseling teams meet with parents bi-annually to ensure that our graduation requirements are compatible with Department of Defense schools. These meetings also allow us to open the lines of communication.

Many of the interventions developed at Minot High School in recent years are a direct result of these meetings. Our goal is to ensure that military dependents that enter our academic and extracurricular programs have equal opportunity for both involvement and success.

New Student Registration: Students new to Minot High School are registered with an individual counselor. Course history and graduation requirements are discussed in great detail. The registration process allows us an opportunity to help the student develop a road map that will lead to graduation and post-secondary training.

Operation Orientation: Student volunteers and counselors set forth a goal to ensure that all new students are welcomed into our school. Student guides work with new students, helping them find where to go and what to do, as well as learning the intricacies of being the part of a new school community. Our goal is to have no new student eat alone during the first week of school. Our guides do an excellent job watching out for our new students, ensuring they are gaining a positive first impression of our community. The week ends with a new student pizza party.

Wide Array of Course Offerings: Minot High School offers a wide array of course offerings that are designed to best meet the needs of all students. In addition to dual-credit opportunities through Minot State University, Minot High School has AP course offerings in Language Arts, Social Studies, Math, and Science. Many military dependents take advantage of the AP option, as this credit opportunity extends beyond the Midwest. Students who wish to attend a university anywhere in the world can transfer the AP examination results into university credit.

Athletic and Extracurricular Activities: Minot High School encourages involvement in extracurricular activities. Since Minot Air Force Base is located fourteen miles north of Minot,

we run an extracurricular bus at 6:10 p.m. each afternoon. This allows students to participate without the worry of transportation difficulties.

Student Focus Groups: Each month, the counselors at Minot High School meet with a randomly selected group of students. Each focus group is asked questions in regard to the academic program, as well as the climate and culture of the school. We use this information to ensure we are best meeting the needs of our students. It is an excellent opportunity for us to learn how our programs are received by the student body, as well as a chance for our students to feel they are making a difference. Many important changes have been implemented as the result of student suggestions.

Academic Interventions: Intervention time is built into the Minot High School schedule. Students who are failing classes are assigned to intervention time. This time allows for direct, one-on-one tutoring for the students. In order to accommodate Minot Air Force Base students who are assigned to intervention, an additional bus route was added to allow participation in this vital program.

Technology: The use of technology, such as the Internet, has greatly aided in the transition process for the children of military dependents. The Minot High School plan of study, student guide, and handbook are all listed on the district website. Many of our military families contact the school well before their arrival in Minot. Students and parents access email and the website to contact the school, make arrangements with coaches, and learn about our programs.

Ryan Kamrowski is just one student. Ryan came to Minot High School as a junior. Ryan was a promising athlete and wanted to ensure that he would be ready for the Magician football team when he arrived in Minot in August. He contacted Coach Holmen via the web, arranged for a workout schedule, and came to Minot ready to go. He had an excellent year, both in academics and athletics. Ryan is just one example of the many students and families that use technology to assist in the transition process.

Thomas Friedman has said that the technological advances seen in this century have created a flat world. We see this as evidenced in the technological links that are made with students, plans that are developed, and schedules that are built long before the student arrives at Minot High School.

Our goal at Minot High school is simple: We want to be sure that each and every student has an equal opportunity to partake in our excellent curriculum and extracurricular programs and, furthermore, that he/she feels they are truly a part of our school and community.

I would like to thank you for this opportunity to visit today and would be more than happy to answer any questions you may have.

Attachment 3
HB 1309

Interstate Compact on Educational Opportunity for Military Children

- Military families encounter significant school challenges when dealing with enrollment, eligibility, placement, and graduation of their children, due to frequent relocations in the course of service to our country. Most military children will have six to nine different school systems in their lives from kindergarten to 12th grade.

- The Council of State Governments' National Center for Interstate Compacts, in cooperation with the Department of Defense, has worked to develop an interstate compact that deals with these issues.

- The compact reflects input from policy experts and stakeholders from 18 different organizations, including representatives of parents, teachers, school administrators, military families, and federal, state, and local officials.

- The Compact will allow for the uniform treatment, at the state and local district level, of military children transferring between school districts and states.

- Each participating state must adopt the Compact through legislation; it will go into effect when adopted by 10 states. (This is not a mandate to states, as participation by states is completely voluntary.)

- Each Compact state will appoint representation to an on-going governing Commission which will enact necessary rules and give further guidance to the Compact's implementation. Only those state commissioners will have voting authority.

- The Compact was adopted by 11 states in 2008, and efforts are continuing to educate state policymakers regarding the need for the Compact, and the nature and wide-spread use of Interstate Compacts, generally.

- Extensive information packets are available to state policymakers upon request.

www.USA4MilitaryFamilies.org

Interstate Compact on Educational Opportunity for Military Children

The Council of State Governments (CSG), in cooperation with the U.S. Department of Defense, has drafted a new interstate compact that addresses the educational transition issues of children of military families. Since July 2006, CSG has worked with a variety of federal, state and local officials as well as national stakeholder organizations representing education groups and military families to create the new interstate agreement. While the compact is not exhaustive in its coverage, it does address the key issues encountered by military families: eligibility, enrollment, placement and graduation. In addition, the compact provides for a detailed governance structure at both the state and national levels with built-in enforcement and compliance mechanisms.

Applicability

The new compact applies to the children of:

- Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders;
- Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and
- Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

The new compact does not apply to children of:

- Inactive members of the national guard and military reserves;
- Members of the uniformed services now retired not covered above;
- Veterans of the uniformed services not covered above; and
- Other U.S. Dept. of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Enrollment

- Educational Records - the new compact provides that schools must share records in a timely manner in order to expedite the proper enrollment and placement of students. If the sending school cannot provide the parent a copy of the official record, an unofficial copy will be provided that may be hand carried to the school in lieu of the official record. This unofficial record can then be used for preliminary placement while the school sends for the official record. Once requested, the sending school has 10 days to provide the official record to the receiving school.

- Immunizations – the new compact provides for specific timelines, in this case 30 days from the date of enrollment, for students to obtain required immunizations in the receiving state.

- Age of Enrollment/Course Continuation – the compact requires, absent a new enrollment in Kindergarten, that a student shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level from the sending state. For example, if a student is enrolled and attends Kindergarten at the age of 5 in State A and transfers to State B, the student would be allowed to continue in Kindergarten despite State B's entrance age of 6 years. Further, the compact allows for such continuity of enrollment when a student has

completed Kindergarten and is ready for enrollment in First Grade. For example, if a student has completed Kindergarten in State A and transfers to State B, the student would be allowed to enter First Grade despite State B's entrance age of 6 or 7 years.

Eligibility

- Power of Attorney - special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

- Tuition - a local education agency shall be prohibited from charging local tuition to a military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

- Non-custodial parents - a military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.

- Extracurricular activities - state and local education agencies shall facilitate the opportunity for military children's inclusion in extracurricular activities to the extent they are otherwise qualified.

Placement

- Course placement / Educational Program placement - when the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

- Special education services – 1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and 2) In compliance with the requirements of Section 504 of the Rehabilitation Act and with Title II of the Americans with Disabilities Act, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

- Placement flexibility – local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

- Absence as related to deployment activities – a student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian prior to leave or deployment of the parent or guardian.

Graduation

- Waiver requirements – local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on-time.

- Exit exams - states shall accept: 1) exit or end-of-course exams required for graduation from the sending state; 2) national norm-referenced achievement tests or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the receiving state cannot in good faith accommodate the above alternatives, it shall use best efforts, while working with the sending state, to assure that the student receives a diploma from the sending local education agency, assuming the student meets all graduation requirements of the latter agency. Within 12 months of the effective date of this compact, the Interstate Commission shall adopt a rule addressing the acceptance of exit exams.

- Transfers during Senior year – Should a military student transferring in his or her Senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

State Coordination

- State Council – each state will be required to develop a State Council to provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact. While each member state may determine the membership of its own State Council, its membership must include at least: the state superintendent of education, superintendent of the school district with a high concentration of military children, representative from a military installation, one representative from the legislative, and executive branches of government, and other offices and stakeholder groups the State Council deems appropriate.

- Military Family Education Liaison - the State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

National Coordination

- Interstate Commission – the governing body of the new interstate compact composed of representatives from each member state as well as various ex-officio members representing impacted stakeholder groups, the Interstate Commission will provide general oversight of the agreement, creates and enforces rules governing the compacts operation and promotes training and compliance with the compacts requirements. Each state will be allowed one vote on compact matters and the Commission will maintain a variety of policy and operations committees. Rather than states operating under an interstate agreement without any national coordination, the Interstate Commission will provide the venue for solving interstate issues and disputes.

- Rulemaking – the Interstate Commission, through its member states, will draft and enforce rules for the operation of the compact. While the interstate compact mechanism provides the skeletal structure of the agreement, the rules are the muscles or actuators of the contract. The compact is basic in its scope and intent, therefore compelling the rules and rulemaking process to be dynamic in its ability to respond to changing issues without rewriting the compact at every turn.

- Enforcement – the Interstate Commission will have the ability to enforce the provision of the compact and its rules on states and school districts. Without enforcement and compliance power, the compact becomes a toothless tiger – a set of good ideas under which no one feels compelled to abide. With enforcement capacity, the compact can force states and districts to comply for the good of military children. Of course, such action could only be undertaken by the Commission itself, i.e. the state members.

Effective Date

- 10 or more states – the compact will activate once 10 or more states have adopted the language. With the bulk of military children residing in just 20 states, the Drafters have concluded that 10 is a sufficient number to begin operations.

Attachment 4
HB 1309

Testimony on HB 1309

By
Dr. Jim Stenehjem

Madam Chairman Kelsch and members of the Committee, for the record my name is Jim Stenehjem and I am the executive director of the ND LEAD Center here in Bismarck, but today I'm here as a former high school and junior high school principal from Grand Forks, where I worked from 1989-2007. I had an opportunity to work directly with students, families, and Commanders from the Grand Forks Air Force Base, as well as the North Dakota National Guard.

We appreciated having the Grand Forks Air Force Base, the "Warriors of the North," in our community and as a part of our school system. They had a really positive impact on us . We were very disappointed with the BRAC Realignment Commission's decision to remove the tanker mission from Grand Forks, but appreciated the Unmanned Aircraft mission that is being brought in.

I am here today to tell you that we did whatever we could do to make the transition of the GFAB students in our public schools as smooth as possible. They used to say that the Grand Forks Air Force Base's mission was to be the "Best Refueling Base on the Planet" and we believed it was important to support them by providing a world class educational system. It just made sense that we would not penalize a student because they have moved with their parents who were full time in the military and providing vital service and support for our country.

We practiced policies that were aligned and consistent with the Compact on education opportunity for military children; Article IV. Educational Records and Enrollment, Article V. Placement and Attendance, Article VI, Eligibility, and Article VII. Graduation.

I spoke with a counselor at Central High School this morning and relayed the kinds of expectations in this bill, and she could not remember a single situation that would have been inconsistent with this compact. In fact, she relayed to me that they had five new students last week, and one of them was a senior. They will do everything in their power to make this a smooth transition for this student so that the student can graduate this year. Their goal is to keep people moving forward in education, not in keeping them accountable for expectations they had no chance to meet.

I am not here to testify in support or opposition to this bill. I am here today to inform you that my experiences in Grand Forks were one of great support for our military partners, and our practices were consistent with those presented in House Bill 1309.

Attachment 5

Testimony on HB 1309

By

Dr. M. Douglas Johnson, Executive Director—NDCEL

Madame Chair Kelsch and members of the House Education Committee, for the record my name is Doug Johnson and I am the executive director of the ND Council of Educational Leaders which represents North Dakota's school leaders. I am here to testify in opposition to **HB 1309**.

I must first say that the intent of this legislation is praise-worthy. Further, the bill sponsors should be commended for their effort to help address of the needs the children of military families who often experience significant disruption to their education due to the multiple transfers occurring during the course of their K-12 education. However, I do have some major concerns with this bill should it be passed as currently written as this bill impacts how our state regulates local school districts in the handling or military children's educational records, enrollment, placement and attendance, eligibility for enrollment, and graduation. In addition, it would require state coordination for compliance through the development of a State Council for North Dakota.

There are several reasons why the NDCEL does not support **HB1309** as it is currently written. First, during this past week I have visited with several principals and superintendents who are directly deal with the students that would be benefit from this bill being adopted – those students who are transferred to their schools in the middle of the school year due to a military transfer. All of these educational leaders with whom I visited responded that while they support the intent of **HB1309** they are addressing most if not all of issues that this bill considers –collecting and sharing of information, enrollment, placement, and graduation. None of those with whom I've visited see a need to establish another layer of bureaucracy to address an issue that is truly a non -issue in our state.

Second, **HB 1309** requires the establishment of a State Council which includes the Superintendent of Instruction, a superintendent from a school district with a high concentration of military children, a representative from a military installation, on representative from each legislative and executive branches of government, and other offices and stakeholders the State Council would deem appropriate. This council would appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of the compact. In addition, there would be a "compact commissioner", appointed by the governor, who would be responsible for the administration and management of the compact. In essence, this bill establishes a State Council, at a cost of $425,000 for the next biennium, to address a problem which is not a problem in our state. While the fiscal may appear high, I do believe it is. There would be the cost of bring the State Council which at the very minimum would require travel expenses for at least nine members (assuming a parent from each affected base would be a member of the Council) meeting each year. The bill also requires the appointing or designating a military family education liaison to assist families and the state in implementation of the compact. One must assume that this individual will not donate their services, will require office space and support, and have some significant travel expenses the carrying out of their assigned duties. With two major air bases and nearly 6,000 military students this could easily be$175,000 for each year of the biennium.

A second and perhaps bigger concern I have with **HB1309** is that it would have a major impact on the state legislature's authority over North Dakota Century Code. The military compact agreement our State would sign should this bill be passed overrides all conflicting state code. Further, the Interstate Commission on Educational Opportunity for Milatary Children compact which the state would be required to join would have full power enforce compliance with the compact provisions, the rules and bylaws promulgated by the Commission as well as all necessary and proper means to enforce these

rules and is not limited to use of judicial process. In addition, once the state enters into this compact the must give one year's prior notice of their intent to withdraw, must have the request to withdraw acted upon by their state legislators which could easily take three years. During that time our state would be responsible for all "assessments, obligations, and liabilities incurred through the effective date of with drawl, including obligations, the performance of which extend beyond the effective date of withdrawal" from the Commission.

Finally, the NDCEL supports the concept of this bill but believes that it would be much more prudent of the state have **HB1309** be referred to the Legislative Council as a interim study during the next biennium. This would be helpful to determine, through further study, just of the major impacts and possible implication of joining this military compact will have on our state

Madame Chair Kelsch and members of the House Education Committee, I recommend that **HB1309** be referred to the Legislative Council as a interim study to further study the impacts **HB1309** will have on our state. At this time I would be happy to answer any questions that you have in regard to my testimony.

HB 1309
Attachment 6

Active Duty Family Member Moved to Minot AFB from Virginia

A Minot AFB family member of two military children that entered the Minot Public School system in the 9th and 6th grades report her children have experienced some transition issues. This family member states both her children have had curriculum problems. Mom also indicates her son a 6th grader is going to have to repeat 5th grade math, science and social studies. Since this 6th grader is repeating history he took as a 5th grader, he is now missing US History he would have been taking had he stayed in Virginia. As a result, it has become challenging for him to pay attention in class and he is not enjoying school as much as he has in the past.

This family also regrets and is concerned for the middle school children as they do not offer any honors classes. Member indicates Minot schools offer independent study in some cases but some kids learn better if they are attending with other kids. Mom continues to state children that seek out ways to get ahead in Math assignments are put in special areas to work and therefore are often teased for being overachievers. This mom remembers back when her daughter moved in the 2nd grade in which she had to learn how to do cursive writing on her own as the school she entered in the 3rd grade already had this instruction in 2nd grade. Mom indicates this is the type of thing that can be very stressful and confusing for children.

Member's 9th grade daughter had already completed Spanish I as an 8th grader so when she entered her freshman year special concessions were made for her to attend Spanish II with sophomores. The concern is when she becomes a sophomore and has to attend Spanish III with the juniors she will miss approximately 20 minutes of sophomore classes before and after so she can catch the bus to Magic City Campus. Family member states the schools have been kind and helpful; however it has been difficult process for the family to meet the academic needs of their children. This military family is extremely proactive working diligently with the schools to get their children's educational needs addressed. Concern was expressed about those young parents who may not have time the thought or the resources to advocate for their children. Are these military children falling through the cracks?

Moving from place to place is very difficult on military kids just with school schedules not to mention sports; friendships, and other activities. When schools aren't providing similar opportunities, it can be a real problem for our children. (Mom indicates her 6th grader wants to write the President and ask that all schools provide similar classes!) Family member states once children fall behind academically it is almost impossible for them to catch up again. It is imperative a system of consistency between schools from state to state be put into place.

HB 1309
Attachment 7

USAF Active Duty Member Stationed at Minot AFB, ND from Peterson AFB, CO

Over 3 years ago active duty member moved to Minot AFB, ND from Peterson AFB, CO. This active duty Mom has two daughters that entered the Minot Public School system from District 20 in Colorado Springs, CO. Both of her girls were identified and pulled out of class to participate in a high functioning Talented Gifted Program (TAG) while in the Colorado school system. Member reportedly moved to Minot AFB, ND when her children were in the 3rd and 6th grades. She stated her children were pulled from class for some semesters to attend some special programming a few hours per week with their primary teachers doing some individualized work with her girls when they could. Member indicates her children were not adequately challenged therefore did not receive the additional opportunities for the kids that need this extra academic stimulation. Both children have been in the Minot Public School system for 3 ½ years. Mom now has Permanent Change of Station (PCS) orders back to US Air Force Academy, CO in which her children will be placed once again in District 20 schools in Colorado. Member states her children are now in the 6th and 9th grades and is concerned as her daughters have most likely fallen below their potential and will probably be behind the power curve when they reenter the Colorado school system. Additionally, Mom states although her oldest daughter is now enrolled in Advanced Placement classes in High School, she missed out on a lot when in middle school and the family fears she might lose out on potential academic scholarships due to this situation.

Consistency on grading scales is also an issue for this family as they learned a 90% in most other states is an "A" but in Minot a student must obtain at least a 93% to be equal to an "A". This is a significant problem when it comes to review of transcripts and GPA during college application procedures. If there was something in place to help military children and their families get closer to securing education programs and policies that are consistent from state to state it may preclude problems such as these in the future.

HB 1309
Attachment 8

Family Member of USAF Active Duty Member Stationed at MAFB

Approximately 7 years ago active duty AF family moved to Minot AFB, ND, from Mountain Home AFB, Idaho. This active duty family had adopted a foster child at 5 months, who had been diagnosed with developmental delays. Upon the babies arrival to the family all the necessary intervention services were in place to address her developmental issues. Although she 'graduated' from the program at age 4, she continued to receive support services and intervention as a peer for other children with developmental delays. When the family moved to Minot AFB, they were initially unaware of any support services their child might be eligible for. In addition, they tried to reenroll their daughter in the North Dakota Medicaid system, but were repeatedly turned down due to ineligibility based on the family making too much money. The family eventually contacted the Medicaid representative in Boise, ID, and asked them to contact the North Dakota Medicaid system and explain the law which requires them to provide Medicaid coverage when an adoptive family moves from one state to another. Medicaid coverage was then reinstated.

The family member stated their daughter's first year of school (Kindergarten) in the Minot AFB School went well, but when she entered first grade there were numerous issues. Member reports these issues were attributed to behavior problems by her teacher and the principal of the school. The family then took the initiative to take their daughter's Individual Family Service Plan, previous health reports and tests to Trinity Health to have their daughter receive additional testing and counseling in order that there daughter might receive professional intervention and possibly qualify for an IEP or 504 Plan or, at the very least, consideration for her developmental delays. Once these test results were received, the family met multiple times with the teachers, counselor and principal. While receiving assistance and confirmation from the counselor and the physical education teacher, they received no support from the principal or teacher. The family member then, with the principal's concurrence, developed a 504 Plan for their daughter with the help of professionals at Trinity Mental Health, Pathfinder, and the North Dakota Center for Persons with Disabilities. This 504 Plan was reviewed and accepted by the principal, but never implemented. The family then moved houses on Minot Air Force Base, and changed schools prior to their daughter entering the second grade. Their daughter has never been assessed by a school psychologist, and there have never been any referrals provided to the family. Since these parents had some history with advocacy in the past, they took it upon themselves to have their child tested. A local child psychologist provided therapies and additional referrals to address their child's needs. Today their daughter is 11 years old in fifth grade and has been placed in a gifted/talented program where she is thriving. They are especially grateful to the physical education teacher, Mrs. Gerhart, who was a tremendous support and helped the child regain self-confidence and self-esteem over the next several years.

Family member stated their concern is for those parents that do not have the skill to advocate for their own children adequately. They continued to state that there is no consistency from state to state. Additionally they report if there were consistency and a vehicle to supervise potential educational issues their daughter may not have had to struggle to get through the first grade and may have ultimately progressed further academically in her first years of school, with less damage to her self-esteem and not received a label within that school of being a difficult, problem child.

AB 1309
Attachment 9

Talking Points for the Legislative Hearing for
Interstate Compact on Educational Opportunity for Military Children
Education Committee, ND House of Representatives
Wednesday, 28 January 2009

Madame Chair—

Ladies and Gentlemen of the Legislature....

- I'm Colonel Steven Basham, Vice Wing Commander, 5th Bomb Wing, Minot AFB, and I'm here today representing Col Joel Westa, 5th Bomb Wing Commander as well as all the Airmen of Minot AFB.
- I'm also a parent of two school age children

Please let me start by recognizing the tremendous support our Airmen and their families at Minot AFB receive from the surrounding North Dakota communities. Minot AFB hosts ~~two~~ three schools from Minot School District and certainly enjoys a great working relationship and no comments of mine today should be taken otherwise. In fact, our local educators work very hard to meet the needs of students and for that we are truly thankful.

It comes as no surprise that our military families face many challenges, notably frequent moves and numerous deployments and that has an impact on our school-age children.
Studies by the Military Child Education Coalition show the average military child experiences 6 to 9 different school systems between grades K thru 12.
I'm a perfect example of that statistic. My oldest daughter, who is 9 years old, will have attended 5 different schools by the time she is in 4th grade. I can expect her to attend 4 to 5 additional schools by the time she reached the ~~3rd~~ 12th grade, should I continue to serve.

Please let me take a moment to identify some of the very real transition challenges military children face

- Inconsistent curriculum requirements such as U.S. History being taught in 5th grade in one state and 4th grade in another, therefore making it difficult for the child that moves in between the two grades to receive this education. You can only imagine how difficult it is to get the timing right for learning the multiple levels of math or a foreign language.
- Honors programs and Special needs services vary between states making it difficult for children that need to be challenged and those that are struggling to reach their full potential. One state may offer gifted and talented or advance placement courses while another will not. One state may offer programs that help children that struggle with learning at early ages which helps get through the formative years, only to move to another state that does not.
- Non-standard grading systems such as an "A" in one state being on a scale from 90 points and up while another state has the cutline for an "A" at 93. This non-standard grading has the very real possibility of negatively impacting college application procedures or scholarship opportunities.
- Senior students face the possibility of delayed graduation because their transcripts from previous schools do not fulfill the requirements of the school they are attending in their Senior Year, following a required military change of station. It's interesting to note the number of military families that choose to leave their children with friends so that they can graduate on time and avoid problems during such a challenging year.

These are but a few of the challenges that our families face yet they are all real-world examples. In the Air Force, we refer to the process of Airmen taking care of Airmen as the Wingman Concept. It's a belief that every Airman should work to take care of their fellow Airmen, while at the same time ask for help when needed. That's what a wingman does; he looks out for the others in the group.

Beside parents, the Wingmen in a military child's life include the principals, teachers, and counselors, school systems, etc. They are an integral part in helping make the transition from school to school as seamless and non-traumatic as possible.

While there are some parents who know how to navigate the treacherous waters associated with moving and can ease the stress for their children.

There are many others who do not possess the knowledge, skill or time to effectively advocate for their child. This is where the schools can have their greatest impact and help ease the stress in an already stressful situation

We welcome any opportunity or partnership that would work toward this seamless transition for each military child, especially one that would provide consistency, cooperation and uniformity from state to state. A structure that would provide a springboard for local educators to address transition issues certainly would be beneficial and a large group of committed individuals working toward common goals undoubtedly results in stronger advocacy to ensure quality educational opportunities for all military children.

In closing, I would like to thank you for this opportunity to address this committee. As Airmen, we strive to always focus on the mission. Ultimately, when we know our families are cared for, our focus becomes even clearer.

Attachment 10

NORTH DAKOTA
SCHOOL BOARDS
ASSOCIATION
INCORPORATED

Excellence in North Dakota public education through local school board governance

House Education Committee
HB1309

Madam Chair and members of the Committee, my name is Bev Nielson with the North Dakota School Boards Association. I am speaking in opposition to **HB1309** in its current form.

I want to begin my testimony by stating clearly that NDSBA has the utmost respect for our military personnel and sensitivity to the challenges faced by military students. We believe our schools are doing an exceptional job.

Our opposition arises out of concern about relinquishing state and local authority over education policy to an independent entity whose decisions have the weight of law and create a right action against the state—and potentially against local districts. To my knowledge there has never been a problem brought to the legislature regarding our service to military students nor has the subject been studied.

We propose this bill be amended to an Interim Study. This would allow all parties to evaluate what is currently being done and whether adjustments to our state laws could facilitate easy transition of students.

We think it is possible the Compact is a drastic solution looking for a problem that doesn't exist in North Dakota. We hope the Compact structure and authority will be carefully studied and not just accepted on emotion.

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This compact is NOT to be taken lightly, not because the students' issues aren't real and important, but because of the structure it creates, its ability to supersede state law, and the right to assess dues and fees based on expenses with no apparent limit. The Compact is given authority to hire employees and attorneys, lease and purchase property, defend and bring legal action, and have offices in multiple states. The cost of supporting this entity could easily rise substantially and a state cannot just bow out if it gets too expensive.

There is a fiscal note of $425,000 attached, which only estimates the cost of a State Council, Family Liaison, State Commissioner, and office support. The fees imposed by the Compact on its members are not included. To our knowledge there is **no appropriation** for any of these expenses.

In summary, we do not believe there is a compelling reason to join this Compact immediately. We propose a study of current issues in North Dakota, current practices to accommodate military students, and whether the issues are--or can be--addressed in state law.

Also, it would provide time to observe and evaluate how the Compact is functioning, costs being incurred by member states, and whether the benefits of joining would out-weigh relinquishing state authority and expenditure of state funds.

Thank you for considering making **HB1309** a study resolution. I would be happy to answer any questions you may have.

Bev Nielson, NDSBA
701-226-7736

TESTIMONY ON HB 1309
SENATE EDUCATION COMMITTEE
February 25, 2009
By: Bob Marthaller, Director
School District Support Services
701-328-2267
Department of Public Instruction

Mr. Chairman and Members of the Committee:

My name is Bob Marthaller and I am the Director, School District Support Services for the Department of Public Instruction. I am here to speak in favor of Engrossed House Bill 1309.

HB 1309 as introduced in the House was worthy in intent but presented many questions that remain unanswered. The unknown actual cost to the state and school districts to become a member of the Compact and to fully implement all aspects of the plan, administration of the Compact and the overall impact on local districts and North Dakota law should be studied before a decision is made to join or not to join the Interstate Compact on Educational Opportunity for Military Children.

The Department stands in support of Engrossed House Bill 1309 to direct the Legislative Council to consider studying the Compact.

Mr. Chairman and Members of the Committee I will stand for any questions you may have.