

2009 SENATE EDUCATION

SB 2202

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2202

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: January 20, 2009

Recorder Job Number: 7314

Committee Clerk Signature

Minutes:

Chairman Freborg opened the hearing on SB 2202. All members were present. Senator O'Connell is invoking rule 502 and sitting in for Senator Taylor this week.

Senator Bakke introduced the bill. See written testimony.

JoAnn Brager, Vice President of Public Policy for the North Dakota Association of Young

Children testified in favor of the bill. See written testimony.

Sandy Clark, North Dakota Farm Bureau, testified against the bill. They oppose state funded kindergarten and they oppose compulsory kindergarten. They feel this is a decision for parents to make. It is the parent's job to take care of their children and yet we keep sending them to school earlier and earlier.

Barb Tangesdal, University of Mary, testified in a neutral position. There is no research on the age of entry to kindergarten. Except for at risk kids, this bill allows children to be prepared for school. Pre – kindergarten is very important and we will hear more about that later in the session.

Senator Freborg reminded those in attendance that he does not normally allow neutral testimony in this committee. He suspects most people are either in favor of or opposed to a bill.

Chairman Freborg closed the hearing on SB 2202

Senator Freborg asked what percentage of students attend kindergarten.

Senator Bakke said about 90 – 95%. Department of Public Instruction might know.

Senator Flakoll said he has amendments coming.

There was discussion of various scenarios with a child turning 6 at different times of the year and how this bill would affect their school attendance.

Senator Freborg said the same criteria set up now for children age 7 and first grade would apply here to children age 6 and kindergarten.

Senator Flakoll asked if there was someone in the room who could provide some answers.

Gary Gronberg, Assistant Superintendent, Department of Public Instruction, appeared for questions. He said the rule would be when a child reaches the age of 6 before September 1 that would be the year of enrollment. Children reaching age 6 after September 1 would wait until the next year.

Senator Flakoll asked if the yoyo issue applies here.

Gary Gronberg said that is addressed in current law. Once they start kindergarten, they have to finish. This bill moves the age down by one year.

Senator Flakoll asked if they can withdraw their child once.

Gary Gronberg said currently, that is the rule for kindergarten. Parents can't withdraw their child from first grade.

Senator Flakoll said some parents use kindergarten as a convenience and send their children when they feel like it. Would this bill correct this.

Gary Gronberg said it should. With this bill, a 6 year old must be in some form of education and if not already achieved, that education must be kindergarten. The in and out would have to happen at age 5 if it's going to happen.

Senator O'Connell had some questions about the fiscal note. It says the bill would add about 200 students. He was under the impression the state paid for half day kindergarten but the fiscal note shows full day payment.

Jerry Coleman, Department of Public Instruction, said it is at a full time kindergarten rate.

Right now, the half time kindergarten programs in the state are almost non-existent . 95% are full time programs. 200 students is an educated guess.

Senator Flakoll said he will try to have amendments tomorrow.

Chairman Freborg closed the hearing on SB 2202.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2202

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: January 21, 2009

Recorder Job Number: 7411

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on SB 2202.

Senator Flakoll distributed amendments. They mirror the intent of the bill in the House. They move up the date. He wants folks to have some time to look at the amendment. He thinks it would make the bill better.

Senator Flakoll said the amendment is somewhat extensive.

Senator Bakke asked if it changes the substance of the bill. Does the amendment just add the date when the child turns 6 but 6 is still the mandatory age?

Senator Flakoll said the intent is not to change the goal of the bill. It doesn't alter the original intent.

Senator O'Connell said on page one, why is the age of 21 listed?

Senator Flakoll said it would not affect people except maybe summer school. It doesn't change much.

Senator Bakke said the age of 21 has impact in special needs students. They are eligible for services until their 21<sup>st</sup> birthday.

Senator O'Connell said that is right.

Senator Flakoll said if the amendment is adopted, there could be a slightly smaller fiscal note, there potentially could be a smaller kindergarten class the first year of adoption of the legislation. We would lose 2 months of children.

Senator Lee asked about the implementation date of July 1, 2010. There is not date on the amendment, is there a date in the bill?

Senator Flakoll said yes.

Senator Bakke said she has no problems with the amendments.

Senator Bakke moved amendment 90188.0101, seconded by Senator Flakoll. The motion passed 5 – 0.

Senator Bakke moved a Do Pass As Amended and Rerefer to Appropriations on SB 2202.

The motion passed 5 – 0. Senator Bakke will carry the bill.

**FISCAL NOTE**  
**Requested by Legislative Council**  
03/19/2009

Amendment to: Reengrossed  
SB 2202

**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).*

Reengrossed Senate Bill No. 2202 with House amendments provides for a Legislative Council study of school enrollment and attendance.

**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.*

There is no fiscal impact relating to this bill.

**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.*

<b>Name:</b>	Allen H. Knudson	<b>Agency:</b>	Legislative Council
<b>Phone Number:</b>	328-2916	<b>Date Prepared:</b>	03/19/2009

# FISCAL NOTE

Requested by Legislative Council  
02/18/2009

Amendment to: Engrossed  
SB 2202

**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
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$1,580,000	\$0
<b>Appropriations</b>	\$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 changes the compulsory attendance requirement to ages six to sixteen. In addition, a child must complete a full or half day kindergarten program in order to enroll and attend the remainder of the public school grades, beginning with grade one.

**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 amendments move the dates for determining the ages for entering and exiting public school from September 1 to August 1. The fiscal impact of moving the dates is not considered significant for the purposes of this note.

The Department of Public Instruction does not collect data on six year olds not attending school. However, based on resident birth statistics and school enrollment reports, reducing the compulsory attendance age to six should not add more than 200 students to the public school system. Most six year olds are already attending school.

These students will be eligible for state aid. The effective state aid payment for a full time student in 2008-09 is roughly \$3,950. 200 ADM @ \$3,950 adds \$790,000 annually or \$1,580,000 for a biennium.

The bill becomes effective on July 1, 2010. Since state aid is based on previous year student statistics, the impact on state sources would not occur until the 2011-2013 biennium. The impact on school districts would be felt in the 2010-11 school year and depends on their ability to absorb additional students into their current systems. Any incremental costs are expected to be minimal.

**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.*

Any fiscal impact will not occur until the 2011-13 biennium.

<b>Name:</b>	Jerry Coleman	<b>Agency:</b>	Public Instruction
<b>Phone Number:</b>	328-4051	<b>Date Prepared:</b>	02/19/2009

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/23/2009

Amendment to: SB 2202

**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	\$1,580,000	\$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.*

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\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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These students will be eligible for state aid. The effective state aid payment for a full time student in 2008-09 is roughly \$3,950. 200 ADM @ \$3,950 adds \$790,000 annually or \$1,580,000 for a biennium.

The bill becomes effective on July 1, 2010. Since state aid is based on previous year student statistics, the impact on state sources would not occur until the 2011-2013 biennium. The impact on school districts would be felt in the 2010-11 school year and depends on their ability to absorb additional students into their current systems. Any incremental costs are expected to be minimal.

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*appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Any fiscal impact will not occur until the 2011-13 biennium.

<b>Name:</b>	Jerry Coleman	<b>Agency:</b>	Public Instruction
<b>Phone Number:</b>	328-4051	<b>Date Prepared:</b>	01/26/2009

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/14/2009

Bill/Resolution No.: SB 2202

**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
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$1,580,000	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

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Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
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This bill changes the compulsory attendance requirement to ages six to sixteen. In addition, a child must complete a full or half day kindergarten program in order to enroll and attend the remainder of the public school grades, beginning with grade one.

**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 Department of Public Instruction does not collect data on six year olds not attending school. However, based on resident birth statistics and school enrollment reports, the number of students added to the public school system should not be more than 200. Most six year olds are already attending school.

These students will be eligible for state aid. The effective state aid payment for a full time student in 2008-09 is roughly \$3,950. 200 ADM @ \$3,950 adds \$790,000 annually or \$1,580,000 for a biennium.

The bill becomes effective on July 1, 2010. Since state aid is based on previous year student statistics, the impact on state sources would not occur until the 2011-2013 biennium. The impact on school districts would be felt in the 2010-11 school year and depends on their ability to absorb additional students into their current systems. Any incremental costs are expected to be minimal.

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**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.*

There is no appropriation contained in this bill or in the Department of Public Instruction's appropriations bill HB 1013 to fund the changes proposed in this bill.

<b>Name:</b>	Jerry Coleman	<b>Agency:</b>	Public Instruction
<b>Phone Number:</b>	328-4051	<b>Date Prepared:</b>	01/19/2009

PROPOSED AMENDMENTS TO SENATE BILL NO. 2202

Page 1, line 1, after "sections" insert "15.1-06-01," remove the second "and", and after "15.1-22-01" insert ", and 15.1-22-02"

Page 1, line 3, after "attendance" insert "and the age of admission to schools"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 15.1-06-01 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-01. Schools free and accessible - School ages.**

1. Each public school must be free, open, and accessible at all times to any child provided:
  - a. The child may not enroll in grade one unless the child reaches the age of six before ~~September~~ July first of the year of enrollment;
  - b. The child may not enroll in kindergarten unless the child reaches the age of five before ~~September~~ July first of the year of enrollment; and
  - c. The child has not reached the age of twenty-one before ~~September~~ July first of the year of enrollment.
2. Notwithstanding ~~the provisions of~~ subsection 1, a school district may not enroll in grade one a child who is not six years old before ~~September~~ July first, unless the child will be six years old before ~~January~~ November first and:
  - a. The child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the school district, can demonstrate special talents or abilities; or
  - b. The child has completed an approved kindergarten program.
3. Notwithstanding subsection 1, a school district may not enroll in kindergarten a child who is not five years old before ~~September~~ July first unless the child will be five years old before ~~January~~ November first and the child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the school district, can demonstrate special talents or abilities."

Page 3, after line 13, insert:

**"SECTION 5. AMENDMENT.** Section 15.1-22-02 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-22-02. Public kindergarten - Requirements.** A school district operating a kindergarten:

1. May not employ an individual as a kindergarten teacher unless the individual is licensed to teach by the education standards and practices board or approved by the education standards and practices board.
2. Shall submit to the superintendent of public instruction and follow a developmentally appropriate curriculum.
3. Shall provide at least the equivalent of thirty full days of instruction, on a half-day or full-day basis, as determined by the school board.
4. Shall apply all municipal and state health, fire, and safety requirements to the kindergarten.
5. May not enroll a child who is not five years old ~~by midnight August thirty-first~~ before July first of the year of enrollment, unless the child will be five years old ~~on or before December thirty-first~~ November first and:
  - a. The child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the kindergarten operator, can demonstrate special talents or abilities; or
  - b. The child has been enrolled in another approved kindergarten."

Page 5, line 1, replace "1" with "2" and "3" with "4"

Renumber accordingly

Date: 1/21/09  
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2202

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Amendment 90188-0101

Motion Made By Sen Bakke Seconded By Sen Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor		
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓		<u>Sen. Ocasio</u>	✓	

Total (Yes) 5 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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



Date: 1/21/09  
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2202

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass As Amended and Refer to Appropriations

Motion Made By Sen. Bakke Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor		
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓		<u>Sen. OConnell</u>	✓	

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Bakke

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

**REPORT OF STANDING COMMITTEE**

**SB 2202: 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 2202 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "15.1-06-01," remove the second "and", and after "15.1-22-01" insert ", and 15.1-22-02"

Page 1, line 3, after "attendance" insert "and the age of admission to schools"

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3. Notwithstanding subsection 1, a school district may not enroll in kindergarten a child who is not five years old before ~~September~~ July first unless the child will be five years old before ~~January~~ November first and the child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the school district, can demonstrate special talents or abilities."

Page 3, after line 13, insert:

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**15.1-22-02. Public kindergarten - Requirements.** A school district operating a kindergarten:

1. May not employ an individual as a kindergarten teacher unless the individual is licensed to teach by the education standards and practices board or approved by the education standards and practices board.
2. Shall submit to the superintendent of public instruction and follow a developmentally appropriate curriculum.
3. Shall provide at least the equivalent of thirty full days of instruction, on a half-day or full-day basis, as determined by the school board.
4. Shall apply all municipal and state health, fire, and safety requirements to the kindergarten.
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  - a. The child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the kindergarten operator, can demonstrate special talents or abilities; or
  - b. The child has been enrolled in another approved kindergarten."

Page 5, line 1, replace "1" with "2" and replace "3" with "4"

Renumber accordingly

2009 SENATE APPROPRIATIONS

SB 2202

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2202

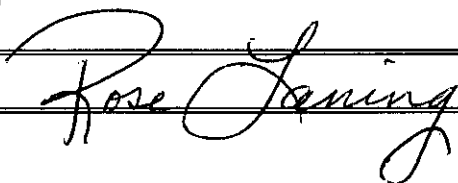
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 01-28-09

Recorder Job Number: 8027

Committee Clerk Signature



Minutes:

**Chairman Holmberg** called the committee hearing to order at 2:15 pm in regards to SB 2202 concerning compulsory kindergarten attendance.

**Chairman Holmberg** welcomed some students from Dickinson and told them we will be hearing a bill about compulsory kindergarten attendance. It's SB 2002 and has already had a hearing in the Senate Education Committee and they liked the bill so they sent it to us and we have to look at it as an expenditure and if it's a wise investment of our funds.

**Senator JoNell Bakke**, District 43, Grand Forks

Testified in favor of SB 2202. (Written attached testimony # 1)

**Senator Warner:** Do you have census data for how many kids are in those years?

**Senator JoNell Bakke:** About 95% of the kids who are supposed to be in kindergarten have been going to kindergarten, but I don't have the exact figures.

**Senator Seymour:** Why age six, why not age five?

**Senator JoNell Bakke:** On the books, we have age seven as the time that they would go into first grade, so we're lowering that to age six for first and age five for kindergarten. Six is the number we're changing to make it compulsory.

**V. Chair Bowman** asked if there has ever been any testing to see if young kids at that age can ride a school bus for 1 ½ hours or however long it takes to get to town and still be in the

mindset of learning. We're talking a lot of distance, and in weather like this, we're putting them on a bus and may have a blizzard before school starts. If it's compulsory, we have to do it.

Are we doing right thing for that age in those conditions?

**Senator JoNell Bakke** replied she didn't know of any study that addresses that particular issue, but thought it said something to the legislative body about the move to consolidation of schools and taking the schools out of the close proximity of children, so maybe that's another issue to look at.

**Senator Kilzer:** I've been told there are two things that are really bad about this bill. Number one is that it removes parental discretion. Some children are ready for kindergarten at five and some are not and according to this bill, the parent's have not say whatsoever. The second thing is that a full day is too much for any child of the age of five. This is anti- school choice.

Parents are the first people who have responsibility for the education of their children and that should include when and where. "When" is how old they are and "where" is the school of their choice and we don't allow it on either stance and this one or bill is the "when".

**Senator JoNell Bakke:** If you look at the research, it is showing that children are much more capable of handling those types of periods of time. They are far more successful as they proceed through the grades when they've had that early intervention and they've had kindergarten. I think part of the issue is that often times the parents who are responsible and are working with their kids and get their kids to kindergarten, have their children involved, that there are a large percentage of our parents who haven't always been the most responsible people when it comes to the education of their children and so it is somewhat to address those parents as well.

**Senator Kilzer:** I'm sure that the early intervention, I hate that word, because it just means that you're intruding into the parent's responsibility. We know from BECEP and all the early

child programs that they are good for awhile, but when you get down several years, it doesn't make any difference. I'd bet that the long term studies don't bear out what you just said.

**Senator Warner:** Isn't there another bill in the legislature for cutoff date for the end of August to July? For kids that aren't adequately prepared. Is that bill before the legislature?

**Senator JoNell Bakke:** There is a house bill that talks about moving the cutoff date so that the children would be slightly older going into kindergarten. I believe that's been heard in the House, but I don't know if it's been voted on yet. There were some amendments made to my original bill that **Senator Flakoll** will explain. He is here to address some of those. The original bill did not include a state cutoff date. And that was added.

**Senator Wardner:** I'm surprised that some weren't sending their children to kindergarten if the school district had it. My question for you is about the Head Start children. Aren't they going right from Head Start to kindergarten or is there a group of kids in between? Those that don't qualify for Head Start but aren't going?

**Senator JoNell Bakke:** There are guidelines for enrollment in Head Start. There are certain economic eligibility statements. There are also some issues relative to, they have to have a corresponding group of kids who are from middle income homes so there is a whole dynamic there and sometimes there are waiting lists for Head Start. In Head Start, once you are four, they usually go to kindergarten, but they don't have to. Some parents may choose not to, at this point, to continue their child from Head Start right into kindergarten. I don't know of very many cases where that has happened, but that is an option.

**Chairman Holmberg** asked for additional questions. Thank you very much.

**Senator Tim Flakoll, District 44**

I have amendments I would like to pass out to hopefully take care of a few things. We adopted amendments earlier in the 6<sup>th</sup> order in the Senate with respect to cutoff dates. It was our intent

at that time that that would take effect in 2010, which is actually different because there was a bill referenced earlier which was HB 1378, I believe. Theirs would start this fall. We wanted some time to let this play into effect, so we're looking at the year 2010 in terms of the effective dates of both this and the entire bill before you. There was a little angst, and maybe some of you have received correspondence from school administrators about the July 31 cutoff date and how that might affect the numbers pipeline because instead of having twelve months of children that would be eligible for kindergarten as a five year old, they would have ten months. Currently you have to be five by September 1 to enroll in kindergarten. On the floor, we adopted July 1. The .0201 amendment proposed that be August 1 for a five year old. So essentially, we wouldn't have four year olds enrolling in kindergarten. It would all be five year olds at that time. Being this is an appropriations committee, with the amendments that have been put on with the changing of the dates and such, we will actually ratchet down the appropriation because when we required all day kindergarten, that would tip it up a little bit because you have more students that would have to be enrolled in kindergarten. So by taking 11/12 of a year in the second year of the biennium, you're sliding that back down gently so if we take 11/12 of a year times the 7500 or 8000 students who actually have – so we would actually have fewer students. I think it will make it more revenue neutral or actually not cost as much to the state. That would essentially constitute the amendments that we're asking you to review and consider.

**Chairman Holmberg:** Because of how these dates are does not impact the biennium we're working on, it will be the next biennium, 2011?

**Senator Tim Flakoll:** No, Mr. Chairman, it would be for fall term 2010. It will be the second year of the biennium.



**Chairman Holmberg:** So this fiscal note then is incorrect, because this fiscal note suggests that it starts in 2011 – the fiscal impact. Because their payment is based upon the previous years....

**Senator Tim Flakoll:** Whatever happens, if you have not received a new fiscal note, you will need one eventually at some point because with adoption of the amendments on the 6<sup>th</sup> order that the Senate had, that would change the fiscal note. These would again change the fiscal note. It may not be accurate of the bill before you.

**Chairman Holmberg:** It's a sliding scale. It will change. The fiscal note is dated the day after you sent the bill out of your committee and prior to us having it here, it's dated the 23<sup>rd</sup>.

Discussed the dates of the fiscal notes.

**Chairman Holmberg** asked for any more questions or anyone wishing to testify in favor or in opposition to the bill. Hearing none, he then closed the hearing on SB 2202.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2202

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 10, 2009

Recorder Job Number: 9141

Committee Clerk Signature

*Rose Lanning*

Minutes:

Sen Flakoll brought in bill and explained the amendments.

**Senator Mathern moved Do Pass on amendment .0201**

**Senator Robinson seconded.**

**Voice vote and motion passed.**

Discussion followed.

**Senator Krauter moved Do Pass on SB 2202.**

**Senator Seymour seconded.**

**A Roll Call vote was taken. Yea: 10    Nay: 3    Absent: 1**

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2202

Page 1, line 12, replace "July" with "August"

Page 1, line 14, replace "July" with "August"

Page 1, line 15, replace "July" with "August"

Page 1, line 18, replace "July" with "August"

Page 1, line 19, replace "November" with "December"

Page 2, line 2, replace "July" with "August"

Page 2, line 3, replace "November" with "December"

Page 4, line 23, replace "July" with "August"

Page 4, line 24, remove the overstrike over "~~December~~" and remove "November"

Page 6, line 15, replace "Sections 2 through 4 of this" with "This" and replace "become" with "becomes"

Renumber accordingly

Date: 2-10-09  
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2202

Senate \_\_\_\_\_ Committee \_\_\_\_\_

☐ Check here for Conference Committee

Legislative Council Amendment Number 0201 Amendment

Action Taken DO Pass Amendment

Motion Made By Sen Mathern Seconded By Sen Robinson

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner			Senator Robinson		
Senator Fischer			Senator Lindaas		
V. Chair Bowman			Senator Warner		
Senator Krebsbach			Senator Krauter		
Senator Christmann			Senator Seymour		
Chairman Holmberg			Senator Mathern		
Senator Kilzer					
V. Chair Grindberg					

Total Yes \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*Voice vote approval*

Date: 2-10-09  
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2202

Senate \_\_\_\_\_ Committee \_\_\_\_\_

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Sen. Krauter Seconded By Sen. Seymour

Representatives	Yes	No	Representatives	Yes	No
Senator Krebsbach	✓		Senator Seymour	✓	
Senator Fischer	✓		Senator Lindaas		
Senator Wardner	✓		Senator Robinson	✓	
Senator Kilzer		✓	Senator Warner	✓	
V. Chair Bowman	.	✓	<del>Senator Mathern</del>		
Senator Christmann		✓	Senator Krauter	✓	
V. Chair Grindberg	✓		Senator Mathern	✓	
Chairman Holmberg	✓				

Total Yes 10 No 3

Absent 1

Floor Assignment Education Committee

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

*Woke*

**REPORT OF STANDING COMMITTEE**

SB 2202, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2202 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "July" with "August"

Page 1, line 14, replace "July" with "August"

Page 1, line 15, replace "July" with "August"

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Renumber accordingly

2009 HOUSE EDUCATION

SB 2202

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2202

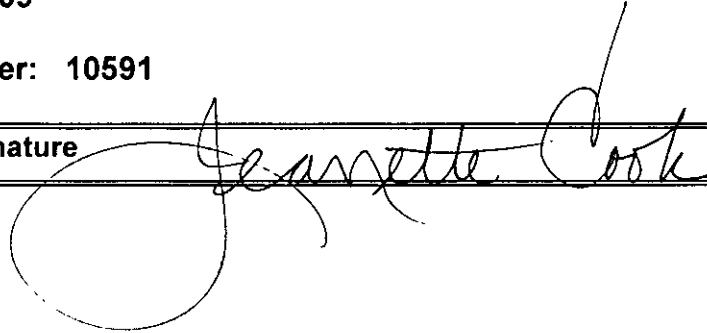
House Education Committee

☐ Check here for Conference Committee

Hearing Date: 03/10/09

Recorder Job Number: 10591

Committee Clerk Signature

A handwritten signature in cursive script, reading "Jeannette Cook", is written over a horizontal line. The signature is written in dark ink and is somewhat stylized.

Minutes:

**Senator JoNell Bakke, District 43 Grand Forks,** introduced SB 2202. See attachment #1.

**Representative Lisa Meier:** Can you explain the changes that were done in the Senate?

**Senator JoNell Bakke:** There was an amendment that added the cutoff date language that originally was not in the bill. The only thing that was in the bill was from age seven to age six. It was felt that since there was another bill out there talking about the cutoff date, that they would add that language to make sure that it was also addressed. The bill in your chambers started out with a July cutoff date, and we went with August 1<sup>st</sup>, simply because we were more concerned about making sure that four year olds weren't starting kindergarten. There was some concern by the school districts relative to some fiscal issues moving it back to July. August would do what we want to do, which is basically to make sure that children are not starting at four. We also changed some language on the bill that you sent us. We redid some of the wording relative to the screening that is done, if the parents want the children to start early.

**Representative Lyle Hanson:** Have you acted on our bill, the July bill?



**Senator JoNell Bakke:** Yes, we have. It went to the floor for amendments yesterday. I will be taking it to the floor today. It has August 1<sup>st</sup> on it, and the new language relative to academic, social, and emotional readiness. It has a Do Pass recommendation.

**Representative Cory Mock:** What other states have mandatory kindergarten?

**Senator JoNell Bakke:** I don't know. Someone from DPI would probably be able to answer that. I do know that we are one of very few that doesn't. When we went to fully funded full day kindergarten, we were one of very few that still had half day kindergarten.

**Representative Bob Hunsakor:** Apparently, they must feel that their young person is not emotionally or physically ready. Is there a way of opting or testing out, until they feel that that person is ready?

**Senator JoNell Bakke:** I think that there has been a misconception that a lot of people felt that their children had to start kindergarten when they are five. That is not what this bill is doing. It says that by the age of six they must be in school. So, it just says that a child can start kindergarten at age five if they are five by August 1<sup>st</sup>. If they are six by August 1<sup>st</sup>, they need to be in kindergarten. If a parent feels that their child isn't ready or is ready, we have worked with DPI who has screening mechanisms that can be used to be there as a resource for parents.

**Representative Bob Hunsakor:** Take the case of a child, that even at age six, is just not ready, then what?

**Senator JoNell Bakke:** If a child has reached the age of six and isn't socially or emotionally ready for school, then we need to have them in school, so we can find out why. Then we can provide some of the services they need to jump start them a little bit in this. I am not as concerned about the academic side of it. That is what we, as teachers, are there for. I really don't think that you can say a child has a disability until they are in third grade. But, there are a

lot of things that can be done in school with intense programs. If we get the child early enough, we can turn some of the academic difficulties around. There are a lot of research based programs that are just doing wonderful things. But, if the child is not there, we can't provide that service. If they aren't ready by the time they are six, that is one reason that we need them there.

**Representative Bob Hunskor:** I still go back to the fact that there may be that child that is just not ready. If that person has to go to school, it may take one on one tutoring because of whatever condition that child is dealing with. Then what do we do?

**Senator JoNell Bakke:** In those individual situations, they need to sit down with the school board and talk about the child. Then the school district will work with them to provide the services they need. I think, if at age six, they are having that much difficulty in getting that child ready for that experience, they need to start working with someone. Otherwise it will still be a problem at age seven, eight, and continue to be a problem.

**Representative Jerry Kelsh:** This bill would not allow a student that was six to start the first grade, correct? They would have to go to kindergarten before they go to first grade?

**Senator JoNell Bakke:** I don't know that it is that specific. There are some kids that have entered first grade at six. With the way that curriculums are so progressive, I don't know that I would ever recommend that a kid skip kindergarten and go right to first. This bill would require that all districts offer a kindergarten program. Ninety-five percent of the kids in our state right now are going to kindergarten. The five percent that aren't, in some cases, it is because they aren't offering a program in their area. I think that this will get them in the loop faster. My intent was that kindergarten *would be* compulsory, and we would have children in those kindergarten classrooms. Those social skills, those abilities to get along, those abilities to cooperate, and get into the routine of school are so important. That is where they learn it.

Kindergarten isn't as much about the academics as it is about social growth. Particularly in rural areas where we may have children living on the family farm and don't have a lot of social interaction other than with siblings.

**Representative David Rust:** You talk about the students that might need special education services. Aren't those students generally identified by Child Find and services offered at age three? Many times don't those students become a part of the special education services for Pre-K?

**Senator JoNell Bakke:** You are absolutely right. Children with obvious disabilities are identified and put into a preschool special needs program where they are given additional training and stimulus. You have to realize that there are a whole wealth of other children out there who have disabilities that you don't see. Maybe there is a child at home that just throws tantrums nonstop, and the parents just assume that is part of being a terrible two or terrible three. Then the tantruming doesn't stop when they are six to eight years old. Then, they are in a school environment where they are continuing to display those types of aggression. You may have children who have a learning disability in math, or in reading, or in writing. Those aren't things that you see until you are asking them to read, write, or do math.

**Chairman R. Kelsch:** Aren't we identifying children in kindergarten or first grade that have slight autism or slight aspergers, some of those types of issues that the parents might not recognize?

**Senator JoNell Bakke:** There is a whole continuum of autism. You can't say that all children who are autistic demonstrate these characteristics. There is a whole spectrum of them, and every single one of them is so different.

**Representative Brenda Heller:** How would you answer a parent that makes a statement that we are taking away their right to choose when our child is ready to go to school? If a parent

decides that they don't want to send their child to kindergarten, even though that this law is in place. Could they be charged with truancy?

**Senator JoNell Bakke:** Are we talking about a five year old or a six year old?

**Representative Heller:** The law right now says that you have to be seven to start first grade?

**Senator JoNell Bakke:** It says that you have to be six, and you have to be in kindergarten. I think that if a parent firmly believes that their child isn't ready, then they need to approach the school district and work with them. If a parent has approached me and said to me, "My child isn't ready. What do I do?" I would tell them that we should get some screening done to see if they are ready, and then make the decision as a group. If a parent just keeps them at home, the district probably does have some legal obligation to say that the child is truant.

**Representative Heller:** So, what you are saying is the school board or superintendent can override what it says in the North Dakota Century Code?

**Senator JoNell Bakke:** I don't think so, but I think that they need to work with the families on that. Then they would need to contact the DPI.

**Representative Bob Hunsakor:** You do have some parents that feel that the interaction with mom and dad at that age is very important. They feel that is more important at age six. They would much rather have those interactions at home until age seven. I know it is a small group, but they are there.

**Senator JoNell Bakke:** I am aware of that. It is something that you are going to have to decide on the policy side. I have had thirty-five foster kids and have two special needs kids of my own. I understand some of that tendency to want to keep them close. I think that once the child gets there, the benefits way out weigh the hardships of the parent. To be honest, sometimes it isn't as much that the child isn't ready, as the parent isn't ready. Doctor Perry

talked about the importance of the preschool years, and how our society is in trouble because we aren't providing the services those kids need.

**Chairman R. Kelsch:** Do you know the percentage of parents that work outside of the home?

**Senator JoNell Bakke:** I do not, but I do know that our state is number one in the nation for families have two and three jobs. There are more families in the state of North Dakota per capita that have more than one job than any other state in the nation because of our low salaries. In order to make ends meet, fathers and mothers are working two jobs.

**Representative Jerry Kelsh:** Can I get a clarification? On page 4, line 22, subsection 5, it says, "May not enroll a child that is not five years old before August 1<sup>st</sup> of the year of enrollment unless the child will be five years old before December 1<sup>st</sup>." Doesn't that say the date of December 1<sup>st</sup>?

**Chairman R. Kelsch:** What they are saying is that you can enroll a five year old into the kindergarten program. This makes it mandatory for all six year olds. If you turn six by August 1<sup>st</sup>, then you would need to enroll in kindergarten.

**Linda Paluck, Director of School Approval and Accreditation for the Department of Public Instruction,** spoke in favor of SB 2202 relating to compulsory kindergarten attendance. See attachment #2.

**Representative Heller:** If parents can already decide if they want to send their child to kindergarten as early as five, if they want to. Why do you think it is necessary to demand that they do so at six?

**Linda Paluck:** We have so many students that are already in school at the age of six. That is a very good question. I will give you a scenario. When I was in a former school district, we did a book study on a book called, Keeping the Promise. It was a study of a school district in Washington, called the Keniwick School District. Some of their kindergarten students were

coming to school and some were remaining at home. What they found was, that when some of the kids were coming in, they were right at the level that they were emotionally and academically ready. Some of the kids that were not, through vocabulary or maturation, proved to be about a year behind on some of their assessments. They wanted to know how many kids were coming in behind. It was about 20%. They continued to measure these students. Some of them were two years behind. When you have a student that is one or two years behind, you can give them lots and lots of one on one attention. They will make that year's growth, but when they go on into the next grade level, they would still in fact be a year behind. So, they continued to track. But, we thought, this is in Washington. Does this happen in North Dakota? We agreed that it does happen. There are many students that come to us a year behind. When do they get a chance to catch up? That was the dilemma and the purpose of this book. How do we address these kids that need to catch up? So, what they were finding is that later on in life, these kids tend to give up more quickly because they are continually struggling to make that bar. It was a very interesting books study and really made us stop and think about some of the kids that we have been working with.

**Representative Heller:** Is that proven research?

**Linda Paluck:** Yes, it came from one of the folks that spoke at the NWEA conference in Portland, Oregon, from an online assessment that about 85% of our schools are using right now.

**Representative Karen Karls:** I have heard from several young teachers that I know, that children are in school for so many years, and by about third grade that they are burned out. I have also heard that by third grade kids, that have been in Head Start, are not ahead any more. Do you have any comments?

**Linda Paluck:** I have not really read any research on that. Was there a true investigation or measurement done of their abilities and strengths? Sometimes, it isn't as much of having a student in your classroom that just knows everything, and you don't have to worry about them. Those students are just as challenging. We have to step up to the plate and address their needs as well. It seems to me in the years that I spent in the classroom, there was never one child exactly like another one. It wasn't often, but a couple of times I did hold a child back. Wouldn't it be nice to have an exact way to measure whether a child should go on or not? Unfortunately, the only way we have to measure is by the chronological age, that is not perfect. That is why we are here today.

**Representative Heller:** Could a school district override the North Dakota Century Code and make a decision to allow a child to stay home from school?

**Linda Paluck:** I don't believe they can. If a parent comes in to the school and tells the school that they do not think their child is ready, that would be a key opportunity to sit down and have a conversation with that parent. Maybe the parent has already gone through all the necessary testing and can show us that the child is truly not ready. But, if they were to say that I know they are ready, but I just can't let go. If it is a compulsory age, they would make them come to school.

**Representative David Rust:** Do you know how many schools in North Dakota do not have a kindergarten program?

**Someone from DPI in the background:** This year every school is offering kindergarten.

**Representative David Rust:** Currently, you can't fail kindergarten? So, whether they go to kindergarten or not, or pass or fail kindergarten, they can be in first grade, correct? So, can you fail kindergarten?

**Linda Paluck:** Before that, there would definitely be lots of discussion between home and school. As far as failing kindergarten, it depends on what part of kindergarten that they need to have more experience with before they move on. Some kids that are socially not ready may be held back by parents.

**Chairman R. Kelsch:** If you recall, when Amy Neil came in and testified from Minot, she testified that she will sit down with parents and have students repeat kindergarten. It is not the school flunking them, but a decision made by the parents and the school.

**Representative David Rust:** I think that with most schools, that would be the case. But, every now and then, you get into cases where neither party wants to budge on that. Then you need to go into law, and see who really has the trump card.

**Chairman R. Kelsch:** I have a question regarding your table. What is the percentage of six year olds that attend first grade in the state of North Dakota?

**Linda Paluck:** We don't have that information here, but could get it for you. Just a comment about retention: Sometimes, if a teacher wanted to retain a child, and the parent refused, a letter was written that explained both sides. Then both the parents and the teacher would sign the letter. It would go into the student's file, and the student would go on.

**Representative David Rust:** I think that the vast majority of our kids are six years old. Did I misunderstand, doesn't this allow kids to start kindergarten at age five?

**Chairman R. Kelsch:** It does, but what it mandates is that they HAVE to have them in kindergarten by age six.

**Linda Paluck:** We are not advocating that a child be in kindergarten by age four.

**Representative Bob Hunsakor:** I think that we have all had e-mail from parents that have had two or three children. They may have started the first one probably too early. That child



struggled throughout school. So, with the next one they waited until age seven and because that child was more mature it worked much better. Could you comment on that?

**Linda Paluck:** I lived that. I went to kindergarten when I was five, and I was the youngest in the class. I was the youngest in the dorm when I started college. Looking back it would have been better if my mom had kept me around for a while, so I had a chance to mature. I struggled in grade school. It took me a long while before I caught up with that. Once again, it goes back to the "stages not ages".

**Representative David Rust:** The compulsory age is seven for grade one, now, correct?

**Linda Paluck:** Yes.

**Representative John Wall:** On page two of your testimony, the last paragraph. You talk about the process to measure a child's academic, social, and emotional readiness rather than demonstrate special talents and abilities. I know that we need to reconcile with HB 1378. Which language do you prefer?

**Linda Paluck:** I would agree with the amendment brought forward by Senator Flakoll that reads academic, social, and emotional readiness.

**Chairman R. Kelsch:** That language was derived from some recommendations from a parent from Ray, North Dakota. We had gotten some e-mails from her, and we added the language in here because it seemed to make more sense.

**JoAnn Brager, Vice President of the Public Policy for the North Dakota Association for the Education of Young Children,** spoke in support of SB 2202. See attachment #3. She answered Representative R. Kelsch's question. Eighty-seven percent of North Dakota parents with children under the age of five are working outside of the home.

**Vice Chair Lisa Meier:** Where did you get the statistics from?

**JoAnn Brager:** They came from North Dakota Kid Count from the NDSU data center. It is a statistical document that they put out every year.

**Representative Phillip Mueller:** Can you clarify that? Eighty-seven percent had a parent or both parents working outside of the home?

**JoAnn Brager:** My understanding is that eighty-seven percent of children under the age of five have one or both parents working outside of the home. If it is a single parent family, then the single parent is working. If it is a two parent family, both parents are working outside of the home.

**Representative Heller:** I know of an instance where a mother sent her child to kindergarten at age five. At the end of that year of kindergarten, the teacher said that this child know what is going on in class but is not ready to continue socially. So, the parent kept her home the next year and taught her on her own. By the end of that year, that six year old child could read books. So, if this law went into place, that option would be taken away, for a parent to teach their child on their own. So, when he entered first grade that child could read. So, it is not always negative that they don't know what they need to know. We might be putting other kids at a disadvantage.

**JoAnn Brager:** As a former kindergarten teacher way back in the eighties, one of the pieces that I always worked with very carefully with parents was: What would you like to see your child accomplish when they leave kindergarten? It was amazing that the answer back then was: We would like our child to make friends, so they are comfortable coming to school. The child that learned how to read, I say for that child, it was wonderful. Homeschooling can be still be an option should this bill go through.

**Representative Jerry Kelsh:** That is addressed in the bill. It says a parent may withdraw a student for the purpose of homeschooling. It is current law, really.

**LeAnn Nelson, the North Dakota Education Association,** spoke in support of SB 2202.

See attachment #4. She also provided information from a Denver meeting. There has been a longitudinal study that has been going since 1998/1999, called the "Kindergarten Class of 1998-99". It tells what they found out through this research. See attachment #4a. She gave examples of what she had done with her own children as relating to kindergarten. (57 min.)

**Leon Walter, a parent from Ray, North Dakota,** spoke in support of SB 2202. See attachment # 5.

**Vice Chair Lisa Meier:** What are the ages of your children?

**Leon Walter:** I have a five year old girl, who is doing very well in kindergarten this year. I have a four year old girl with a late July birthday who is very excited for kindergarten next year. Then, I have a two year old girl with a late July birthday.

**Chairman R. Kelsch:** Mr. Walter had had some concerns on HB 1348 and had voiced those to us. I managed to get those on over there (the Senate). So, we will try to get this bill in as good of shape as we can before we send it out. We thought that your comments were very thoughtful and were right on the mark.

**Representative David Rust:** My understanding was that before that early entrance was designed for only about 5% of the kids to make it. It was more than a readiness thing.

**Chairman R. Kelsch:** I think that the philosophies have changed for that early entrance. I sponsored a bill on that early entrance back in the early nineties. It was met with a good deal of resistance because people thought that it was only for gifted and talented children.

**Doctor James Bartlett, Executive Director of the North Dakota Home School Association,** spoke in opposition to SB 2202. See attachment # 6.

**Chairman R. Kelsch:** When do your home schoolers typically start education their children? The mandatory age they would have to file the letter of intent would be seven.

**Doctor James Bartlett:** They would start as soon as they are born. Many will actually tell you that. There is no transition phase, they will look at the child and see when is the best time for that child and work with them.

**Representative Corey Mock:** I guess - - - - -(inaudible) too soon?

**Doctor James Bartlett:** No, the child is alive and well and is a human being and can hear it.

**Representative Corey Mock:** I looked at some of this testimony, and the research that you have shown says that: (page 3 in the middle of the page) "students in schools with all-day kindergarten programs have statistically higher 3<sup>rd</sup> grade test scores, but there is no impact on 5<sup>th</sup> grade scores." Could it be that argued that once you get that far away from kindergarten, teachers are having to accommodate the needs of students that weren't enrolled in those programs so much, that those who were advanced sort of fall by the wayside?

**Doctor James Bartlett:** Yes, I think that is quite true in the sense that the school has to teach to the lowest common denominator. So, all through the grades when they are teaching to whoever needs the most attention, those that are at a higher level and ready to go faster can't be accommodated by a normative system.

**Representative Corey Mock:** Then I guess I would suggest, based on that, it would be wise for the benefit of all students in all grades to give them that advantage. Obviously the research shows that students that enroll in all day kindergarten have higher scores at a younger age. Wouldn't it be in the best interest of the state to make sure that all of those students have that opportunity? Then the lowest common denominator, as you say, is higher?

**Doctor James Bartlett:** What you are not seeing here is what the research is showing is that the scores of the same children when they move to the next grade up, it show no benefit to having the earlier education.

**Representative Phillip Mueller:** You made a good case that you don't care for age six. What should the age be?

**Doctor James Bartlett:** Thinking from a home school perspective, they would want to watch for the readiness of their own children and then begin when they see that they are ready.

Some of the research that we have says that it would be better to wait on the Math until the children are especially ready. So, they might say age 10 for Math, not for everyone, but for the child that doesn't want to learn math yet. So, they wouldn't want to try to peg one age to everyone, but to leave it open to be flexible for the actual needs of the children.

**Representative Phillip Mueller:** So, in the circumstance that you described, there are no tests involved, no readiness things? It is just mom and dad's call?

**Doctor James Bartlett:** Yes, because there is no one who cares more about those children advancing than the parents themselves. So, those parents are watching. In our case for instance we started our older boys in math right away, age six or so. When our youngest one came along we kept trying to start him, and he just wasn't ready. Now he is older and jumping past his brothers. People are created by God very uniquely, and to try to fit them into one mold doesn't seem to get the best results from both the research and our experience as home schoolers.

**Vice Chair Lisa Meier:** How much resistance have you had in your organization towards this piece of legislation? I know this is your personal view.

**Doctor James Bartlett:** We have been putting more effort into other bill, but I would say fifty people contacted me. Our newsletter goes out around the state to announce what we are involved in. So, the e-mails you are getting from our home schoolers might be the best measure to answer that question. This is a testimony not only from me, but from our board and the legislative team.

**Representative John Wall:** In the third page of your testimony it says that in the largest study in child care and development, researchers found that the more time children spent in child care, the more likely their sixth grade teachers were to report behavioral problems. What do you define as child care?

**Doctor James Bartlett:** I didn't personally do this study, so I would have to refer you to the people that did. They are referred to in the attached paper. Generally, if I were to say what they were thinking here, child care is before children are going to public school, such as daycare.

**Representative John Wall:** Would that pertain to this bill?

**Doctor James Bartlett:** It applies in a sense of what happens when young children are forced into more structured atmospheres and away from the home, which is parallel to what is being done when children are being taken from the home and being put into kindergarten earlier.

**Chairman R. Kelsch:** Except that the way this law would read, actually kids would be mandated to start later than they can already go. So, it really is an older age. You talk about filing the letter of intent, but some of us were taken aback when we heard the testimony on 1171. The testimony of a couple of individuals talked about when it is calving season, they stop teaching. Isn't it fair to say, that yes, you may have to file a letter of intent, but if 1171 passes you are not going to have anyone monitoring you. You can file the letter of intent at age six, and you don't have to be teaching, because we wouldn't know if you were or not.

**Doctor James Bartlett:** It is true that if 1171 passes, that would mean less restrictions to entry for home schoolers. At the same time, the requirement to make progress is there in the parents' minds. They would want to make progress and be able to put them in the next grade up. So, there is that aspect of compulsion because the statement of intent would have to be filed a year earlier.

**Representative Corey Mock:** What is the typical age that a home school parent files the letter of intent?

**Doctor James Bartlett:** Since the compulsory school age is seven at this time, the parents will file at age seven until they get up to age sixteen. With this bill the parents will have to file the letter of intent a year earlier at age six.

**Representative Heller:** I appreciate fact that you cited your research and the studies in your testimony. That gives us as legislators a chance to go into those studies and look at them more closely.

**Representative Phillip Mueller:** I agree with Representative Heller. Have you looked at other studies that go in direct conflict or in opposition to any of the statements in this particular document?

**Doctor James Bartlett:** It is interesting how you think that science could be neutral, but it isn't. When people are looking at these studies and wanting to put children into school earlier for the reasons of socialization, they are looking at not just the idea that they are going to be able to pass the SAT when they get ready for college. They are also looking at socially enculturating that child to fit with a society that is aiming at a semi-socialism point of view. It is a philosophical view that comes into some of those studies. The best way to look at the science even, is to look at the numbers and see what actually was done. What questions were actually answered? Then not read the discussion and conclusion section, but just look at the numbers and see what it really is saying based on that. Then when the scientists interpret the data, we are bringing in the two different sides of the camp. It depends on where you have funding coming from. If you have funding coming from federal or education establishment sources, notice those in the study that support bringing more funding to the public school system. If you look at independent studies, you will find that that might not be the case.

**Representative Phillip Mueller:** So, have you looked at any of the other studies?

**Doctor James Bartlett:** Yes.

**Warren DeKrey read written testimony in opposition to SB 2202 for Betty Naaden, a former social worker and mother of three children who has a voice problem. See attachment # 7.**

**Chairman R. Kelsch:** In the information from Michael Sullivan, was that national statistics or is that statewide (North Dakota) statistics?

**Betty Naaden:** It was given at a convention in North Dakota, but the statistics are nationwide. (Auditory difficult to understand.)

**Warren DeKrey:** My daughter has four boys, and she started all four boys in the first grade at age seven. The benefit was certainly was definite for those four boys, especially as they got into the higher grades with more maturity. I think that parents should be given consideration as to when their children should go to school. I have a lot of respect for teachers because my teachers had a great impact on me in my life. I do think that parents also should have the ability to enter strongly into the decision of when their children should start school.

**Betty Naaden:** (much difficulty in speaking) Before I was interested in presenting this today, since I was preparing this information, in talking to different people, I learned that there are many people who wished that they has sent their boys later. It was stated to me many times, it wasn't their personal experience, it was someone else they knew. Through the years when a young man had a difficulty with school and life, I started to ask a question. When was his birthday and when did he start school? **Every time** the child was young and close to the cutoff date.

**Jeff Miller, from Rugby and a parent of four sons,** presented testimony on SB 2202. We home schooled the first two for kindergarten. Our third son was home schooled since fourth



grade to present, and our youngest was just home schooled for sixth grade. We have opportunity for home school and much experience in public schools. Our school works very good with us. My concern in mandating that children start formal education at six years old is basically if HB 1171 is not passed in the Senate, then you have limited the first year option of home schooling to only those that meet certain criteria. If that doesn't pass and this does then you limit parent's choice. We did not start each of our four sons in first grade until they were seven. We made this decision initially by researching materials and visiting with other parents and educators as to what material level was best to start our children with, especially boys. It turned out to be one of the best decisions that we've ever made. I have talked to many parents and educators that concur with that. Especially since boys mature slower than girls. It is much easier when the children are one of the older ones in the class rather than one of the younger ones in most areas of understanding the materials taught, adjusting to the materials, and adjusting to interacting with fellow students. Even in sports related activities, we have seen the value of having a year more maturity than fellow classmates. My concern is that this bill is contingent on 1171. If that doesn't pass, and this does, then you have only relegated to certain select group the ability to home school that first year. You have taken that right away from the parents. I would like to see this defeated. I don't think we have a problem with the current law. I think we do fine, and North Dakota does fine as a state. Unfortunately, our whole system ranks 24<sup>th</sup> in the world. I think that it is a lot bigger problem than mandating that we start our children at six years old.

I do want to thank you for taking the time to run and serve in the legislature.

There was no further testimony on SB 2202.

The hearing was closed on SB 2202.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2202

House Education Committee

☐ Check here for Conference Committee

Hearing Date: 03/16/09

Recorder Job Number: 11049 & 11050

Committee Clerk Signature

*Janette Cook*

Minutes:

**Chairman R. Kelsch** brought SB 2202 before the committee. She handed out amendments.

See attachment #1.

**Vice Chair Lisa Meier:** I had some concerns with the language in SB 2202. One of the concerns that I had was if a student is from out of state, moves into the state, enrolls in North Dakota public education, and enters first grade. If they haven't had kindergarten in the state that he/she moved from, what happens to that student? We, Representative Mueller and I, thought maybe it would be a good idea to look at what other states are doing. I had some questions on the readiness tests as well. What kind of tests are they going to be giving in order to know if they are ready for kindergarten? Another thought was with the truancy bill that we just passed today on the floor, how will that affect kindergarten students? For example: If you have a kindergarten student that just doesn't want to go to school, how does that affect that kindergarten student and the family as well? The question came up with home schools too. They had some questions. So, with that madam chair, we're working with Legislative Council to put together a study for mandatory kindergarten that we can look at in the interim as our education interim committee proceeds. We have never done a study on kindergarten in North Dakota as far as I know. So, we thought that maybe it would be a good idea to look at

kindergarten and all the methods of delivering kindergarten in our state. So, then before you, you have the study.

**Chairman R. Kelsch** passed out attachments #2 and #3. They show what ages different states have as a compulsory age for kindergarten. See attachment #3. Attachment #2 gives information about home school students, and when they start school as well as data on all children that started kindergarten and first grade.

**Vice Chair Lisa Meier:** This is good information to see what is going on in other states.

**Representative Lyle Hanson:** How does this amendment match 1400? Does that change the starting date to July?

**Chairman R. Kelsch:** No, that bill has already passed both chambers and is on its way to the Governor's office for signature. The start date is August 1<sup>st</sup>.

**Representative Lyle Hanson:** In this amendment, it includes the age of admission?

**Chairman R. Kelsch:** Yes, what that is doing is looking at whether or not you have compulsory kindergarten or what age you want to start kindergarten.

**Representative Phillip Mueller:** I have heard that there are 200 kids in the state that aren't in kindergarten by age six. Does anybody know if that is correct?

**Vice Chair Lisa Meier:** I have heard 4-5% of the kids.

**Chairman R. Kelsch:** He is asking how many kids are not in school by age six. We would need to know what the full population is in the whole state.

**Representative Heller:** It says on the fiscal note that DPI does not collect data on six year olds, however based on resident birth statistics and school enrollment reports, reducing the compulsory attendance age to six should not add more than 200 students to the public school system.

**Representative Phillip Mueller:** I suppose that is the best guess that we have.

**Representative David Rust:** It says on this report of first grade children that there are 1,236 first grade children that will turn seven during the summer of 2009. That means they were six and weren't in first grade, right?

**Chairman R. Kelsch:** No, they are in first grade as a six year old. Those were the five year olds that were in kindergarten and have a summer birthday.

**RECORDER QUIT AT 1 MINUTE 42 SECONDS.**

There was some discussion about this being a hog house amendment.

The committee was recessed for ten minutes while Chairman R. Kelsch went to testify in Appropriations.

**Discussion continued.**

**Representative Lee Myxter:** I am going to oppose the amendment. I think that maybe we are ducking the issue. The Fargo Public Schools and teachers in Fargo support the bill. I would support the bill.

**Vice Chair Lisa Meier** moved the amendment.

**Representative John Wall** seconded the amendment.

**Representative Corey Mock:** I am comforted by the fact that over half of the states have a compulsory attendance age. I did some research, and fourteen states currently have mandatory kindergarten, of those, two are not below us in ( - - - inaudible - - - ) Louisiana and Nevada, both have compulsory attendance at age seven. I believe that this is the state funding kindergarten, and it is a good time to lower the compulsory attendance age. It really is a concern to a few, I don't see how they are truly...that paramount of a concern as there are plenty of options. The overwhelming majority of North Dakotan have their children enrolled

prior to or by the age of six. I am going to oppose the amendment. I would like to see the bill go before the house floor as it is written.

**Representative Phillip Mueller:** I feel much the same way as the two previous speakers. I think that the only valid concern in regard to passing the bill is if we take it to the House floor and it doesn't pass, then we won't do anything with it for two years. So, I would say that this is better than nothing, but I like the bill the way that it is.

**Vice Chair Lisa Meier:** What I like about this amendment is that at least you give it a chance to be studied and maybe it will be something that can come out of the interim committee for the next session. If the bill dies; it dies. At least if the amendment passes, then there is something to be looked at in the interim and be brought forward next session.

**Representative Jerry Kelsh:** I was wondering how much study did you do on this in your commission on education?

**Chairman R. Kelsch:** The commission didn't talk about compulsory.

**Representative Bob Hunskor:** My concern is for the very few kids that who socially, physically, or academically or for whatever reason are not ready and have to go to school. If they have to go to school, it may wreck their life for many years thereafter. So, it seems like there should be a provision in there, through the study or whenever this ends, that would allow for an opt out in those situations. That's not in this bill, is it?

**Chairman R. Kelsch:** No, but that is part of the study resolution.

**Representative Bob Hunskor:** I think that is pretty important. If you hurt a child, even if it is only a small number (inaudible) like that.

**Representative Lyle Hanson:** If we send the original bill up to the floor and it gets killed; do we have a bill that we could put the study on to?

**Chairman R. Kelsch:** We don't because we really don't have any K-12 bills left. Most of the bills that we have left are higher ed bills. Maybe it could go on 1400, if it doesn't already have 30 amendments.

A roll call vote was taken on the amendment. **Aye 8 Nay 6 Absent 0**

**The amendment passed.**

**Vice Chair Lisa Meier** moved a **Do Pass as amended.**

**Representative Phillip Mueller** seconded the motion.

A roll call vote was taken. **Aye 9 Nay 5 Absent 0**

**The motion passed.**

**Vice Chair Lisa Meier** will carry **SB 2202.**

**This bill will go to a study resolution.**

VR  
3/14/09

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2202

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 school enrollment and attendance.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE COUNCIL STUDY - SCHOOL ENROLLMENT AND ATTENDANCE.** During the 2009-10 interim, the legislative council shall consider studying school enrollment and attendance, including the age of admission, the quality and use of development and readiness screening instruments, compulsory attendance requirements, statutory exemptions from compulsory attendance requirements, and truancy. The study must examine other states' requirements for school enrollment and attendance and research governing the short-term and long-term impact of enrollment and attendance decisions on students. 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: 3-16-09  
Roll Call Vote #: 1

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2202**

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Rep Meier Seconded By Rep Wall

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch	✓		Rep. Lyle Hanson		✓
Vice Chairman Lisa Meier	✓		Rep. Bob Hunsakor	✓	
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	✓				

*to accept amendment*

Total (Yes) 8 No 6

Absent 0

Floor Assignment \_\_\_\_\_

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



Date: 3-16-09  
Roll Call Vote #: 2

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2202**

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By Meier Seconded By Mueller

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch	<input checked="" type="checkbox"/>		Rep. Lyle Hanson	<input checked="" type="checkbox"/>	
Vice Chairman Lisa Meier	<input checked="" type="checkbox"/>		Rep. Bob Hunsakor	<input checked="" type="checkbox"/>	
Rep. Brenda Heller		<input checked="" type="checkbox"/>	Rep. Jerry Kelsch	<input checked="" type="checkbox"/>	
Rep. Dennis Johnson	<input checked="" type="checkbox"/>		Rep. Corey Mock	<input checked="" type="checkbox"/>	
Rep. Karen Karls		<input checked="" type="checkbox"/>	Rep. Phillip Mueller	<input checked="" type="checkbox"/>	
Rep. Mike Schatz		<input checked="" type="checkbox"/>	Rep. Lee Myxter		<input checked="" type="checkbox"/>
Rep. John D. Wall	<input checked="" type="checkbox"/>				
Rep. David Rust		<input checked="" type="checkbox"/>			

Total (Yes) 9 No 5

Absent \_\_\_\_\_

Floor Assignment Rep. Meier

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

Goes to a study

**REPORT OF STANDING COMMITTEE**

SB 2202, as reengrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2202 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 school enrollment and attendance.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE COUNCIL STUDY - SCHOOL ENROLLMENT AND ATTENDANCE.** During the 2009-10 interim, the legislative council shall consider studying school enrollment and attendance, including the age of admission, the quality and use of development and readiness screening instruments, compulsory attendance requirements, statutory exemptions from compulsory attendance requirements, and truancy. The study must examine other states' requirements for school enrollment and attendance and research governing the short-term and long-term impact of enrollment and attendance decisions on students. 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 TESTIMONY

SB 2202

SB2202– Relating to compulsory kindergarten attendance; and to provide an effective date.

Chairman Freborg and members of the education committee, for the record my name is Senator JoNell Bakke and I represent district 43. I bring before you today SB2202 which would make kindergarten compulsory by lowering the age from seven to six.

Last session, this committee along with the legislative body as a whole, made a commitment to full day, fully funded kindergarten. Reports from the Department of Public Instruction indicate the following figures for kindergarten enrollment.

School Year	Kindergarten Enrollment
2006-07	7,641
2007-08	7,683
2008-09	8,007

These statistics indicate to me that the citizens of our state find a value in kindergarten services and realize the importance of early educational opportunities in their child's life. If we as a state feel kindergarten is important enough to fully fund it, then I think it is important that we make sure that all children participate and no child is left behind.

Thank you for your <sup>attention</sup> ~~attent~~ to this matter and I would stand for any questions at this time.

January 20, 2009

From: JoAnn Brager, Vice President of Public Policy for the North Dakota Association for the Education of Young Children

To: Chairman Freborg

Re: SB 2202 Compulsory kindergarten attendance

My name is JoAnn Brager and I am the Vice President of Public Policy for the North Dakota Association for the Education of Young Children. The Association represents 400 members in North Dakota who work with and on behalf of children ages birth through age 8 years.

The Association supports SB 2202 and urges a "yes" vote to compulsory kindergarten in North Dakota. Many skills that were once taught in 1st grade are being introduced in kindergarten. The shift from a play-based curriculum to the teaching of discrete skills and specific expectations for achievement is being reinforced by the standards movement. Child-development experts stress the importance of a developmentally appropriate curriculum for kindergarteners. Academic skills should be taught within a play-based curriculum that takes into account the wide range of skill levels present in a kindergarten classroom and that allows each student to reach his or her maximum potential. Moreover, the teaching of social skills such as cooperation, negotiation and working well within a group should remain an integral part of the kindergarten curriculum (NAEYC, 1996).

Due to the higher level academic skills that are now taught in kindergarten we believe that children attending kindergarten will reach their maximum potential. Please pass SB 2202.

Thank you for your time and I would be happy to answer any questions you may have.

SB2202-- Relating to compulsory kindergarten attendance; and to provide an effective date.

Chairman Holmberg and members of the appropriations committee, for the record my name is Senator JoNell Bakke and I represent district 43 in Grand Forks. I bring before you today SB2202 which would make kindergarten compulsory by lowering the age from seven to six.

Last session this committee, along with the legislative body as a whole, made a commitment to full day, fully funded kindergarten. Reports from the Department of Public Instruction indicate the following figures for kindergarten enrollment.

School Year	Kindergarten Enrollment
2006-07	7,641
2007-08	7,683
2008-09	8,007

These statistics indicate to me that the citizens of our state find a value in kindergarten services and realize the importance of early educational opportunities in their child's life. If we as a state feel kindergarten is important enough to fully fund it, then I think it is important that we make sure that all children participate and no child is left behind.

The Governor's education bill this session addresses preschool programs. If we are going to start providing these preschool services, we need to make sure that our children are in kindergarten so that we don't create gaps in our educational system.

Thank you for your attention to this matter and I would stand for any questions at this time.

## Senator JoNell A. Bakke - SB2202

---

Chairman Kelsch and members of the education committee, for the record my name is Senator JoNell Bakke and I represent district 43 in Grand Forks. I bring before you today SB2202 which would make kindergarten compulsory by lowering the age from seven to six as well as change the cut-off date for enrollment in kindergarten.

Last session this committee, along with the legislative body as a whole, made a commitment to full day, fully funded kindergarten. Reports from the Department of Public Instruction indicate the following figures for kindergarten enrollment.

School Year	Kindergarten Enrollment
2006-07	7,641
2007-08	7,683
2008-09	8,007

These statistics indicate to me that the citizens of our state find a value in kindergarten services and realize the importance of early educational opportunities in their child's life. If we, as a state, feel kindergarten is important enough to fully fund it, then I think it is important that we make sure that all children participate and no child is left behind.

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Thank you for your attention to this matter and I would stand for any questions at this time.

**TESTIMONY ON SB 2202  
EDUCATION COMMITTEE**

**March 10, 2009**

**by Linda M. Paluck, Director of School Approval & Accreditation**

**701-328-1718**

**Department of Public Instruction**

Madam Chairman and members of the committee:

My name is Linda Paluck and I am the Director of School Approval and Accreditation for the Department of Public Instruction. I am here to speak in favor of SB 2202 relating to compulsory kindergarten attendance.

As a former first grade teacher my students entered grade 1 at the age of six or seven. Because the law set the compulsory age at seven it was impossible for me to seek legal <sup>assistance</sup> ~~action~~ when six year olds were chronically truant. I was left to "letters of attention" only suggesting the importance of a child being at school. This letter was usually written by the building principal or me. Children missing school due to health concerns of the child or certain family situations were handled on a case by case basis.

The following table has been produced to clarify the intent of this bill:

Typical School Age		Required School Age Under <u>Current</u> Legislation		Required School Age Under <u>Proposed</u> Legislation	
Grade Level	Student Age	Grade Level	Student Age	Grade Level	Student Age
PK	4	PK	N/A	PK	N/A
K	5	K	N/A	K	6
1	6	1	7	1	7
2	7	2	8	2	8
3	8	3	9	3	9
4	9	4	10	4	10
5	10	5	11	5	11
6	11	6	12	6	12
7	12	7	13	7	13
8	13	8	14	8	14
9	14	9	15	9	15
10	15	10	16	10	16
11	16	11	17	11	17
12	17	12	18	12	18



The department has heard concerns that requiring kindergarten, as this bill does, removes options for parents. As illustrated in the above table, the option for parents to send children to kindergarten continues for parents; however, this bill identifies kindergarten as the entrance point for formal education. As you can see, typically children enter kindergarten at about age 5. The proposed legislation does not require these 5 year olds to attend kindergarten; rather it requires that children at age 6 begin their formal education in kindergarten. In the typical progression of school age, age 6 children are in first grade.

This bill sets the compulsory attendance age to age six which would assist me greatly if I were still practicing in the field; however, there are points within this bill which I feel need to be addressed if this bill were to proceed:

First, there are several sections of the bill with contradicting language. Since this bill requires kindergarten, it should contain no language for direct entrance into grade one. Specifically the following sections would need to be revised:

- A. 15.1-06-01(1)(a) – “The child may not enroll in grade one unless the child reaches the age of six before August first of the year of enrollment;” (page 1 – lines 11-12 of proposed legislation).
- B. 15.1-06-01(2)(a), 15-1-06-01(2)(b) “Notwithstanding subsection 1, a school district may not enroll in grade one a child who is not six years old before August first, unless the child will be six years old before December first and:  
(a) The child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the school district, can demonstrate special talents or abilities; or (b) The child has completed an approved kindergarten program.  
(page 1 – lines 17-23 of proposed legislation).

Second, there is currently discrepancy between section 15.1-06-01(3) in this bill and a very similar bill, HB 1378. Senator Flakoll recently proposed amendments to HB 1378 which would require the developmental and readiness screening instruments used for early entrance processes to measure a child’s academic, social and emotional readiness rather than demonstration of special talents or abilities as outlined in current legislation. The department recommends

that early entrance processes between both bills provide consistent language. This change would occur on page 2 – lines 4-6 of the proposed legislation.

Lastly, the current law and purposed legislation requires schools to administer developmental and readiness screening instruments to determine if early entrance into kindergarten is an option. Schools are seeking clarity in the type of assessments and/or procedures to be used to meet this provision. The DPI respectfully requests the authority to write Administrative Rules to develop such clarity. A consistent measurement of assessing student's ability would ensure a more equitable early entrance process throughout North Dakota.

Madam Chairman, this concludes my testimony. I stand for any questions you may have.

March 10, 2009

From: JoAnn Brager, Vice President of Public Policy for the North Dakota Association for the Education of Young Children

To: Chairperson Kelsch and the House Education Committee

Re: SB 2202 Compulsory kindergarten attendance

My name is JoAnn Brager and I am the Vice President of Public Policy for the North Dakota Association for the Education of Young Children. The Association represents 400 members in North Dakota who work with and on behalf of children ages birth through age 8 years.

The Association supports SB 2202 and urges a "yes" vote to compulsory kindergarten in North Dakota. Many skills that were once taught in 1st grade are being introduced in kindergarten. The shift from a play-based curriculum to the teaching of discrete skills and specific expectations for achievement is being reinforced by the standards movement. Child-development experts stress the importance of a developmentally appropriate curriculum for kindergarteners. Academic skills should be taught within a play-based curriculum that takes into account the wide range of skill levels present in a kindergarten classroom and that allows each student to reach his or her maximum potential. Moreover, the teaching of social skills such as cooperation, negotiation and working well within a group should remain an integral part of the kindergarten curriculum (NAEYC, 1996).

Due to the higher level academic skills that are now taught in kindergarten we believe that children attending kindergarten will reach their maximum potential. Please pass SB 2202.

Thank you for your time and I would be happy to answer any questions you may have.

## **Reengrossed SB 2202 – Compulsory Kindergarten House Education Committee Hearing – Tuesday, March 10**

Good Morning Chairperson Kelsch and Members of the House Education Committee. For the record my name is LeAnn Nelson with the North Dakota Education Association (NDEA). I am here to voice NDEA's support for Reengrossed SB 2202.

NDEA supports efforts to provide opportunities to students which help prepare them for academic learning in a school setting. Kindergarten is a magical time in a child's life. During kindergarten, children learn to get along with each other, they discover the joy and challenge of reading and writing, and they learn what it means to be in school. For children to grow and thrive in kindergarten, they need a few simple things: they need care and attention from their teacher and education support professionals; they need developmentally appropriate activities that engage them as young learners; and they need time to process information and to move between activities. We know that kindergarten is a key "bridge year" for children—a year for children to have that time to move from unstructured play and early learning to the more structured learning environment of formal schooling.

### Some Benefits:

#### **Academic**

##### *From the Kindergarten Class of 1998-99 Longitudinal Studies*

- Children increased their specific knowledge and skills in reading from when they first entered kindergarten. After a year of kindergarten, those who could recognize their letters increased from 65 percent to 94 percent; children who could understand the letter-sound relationship at the beginning of words rose from 29 percent to 72 percent; and those who could understand the letter-sound relationship at the end of words increased from 17 percent to 52 percent.
- By the end of kindergarten, nearly all children recognized shapes and numbers (99 percent)

and a majority understood the relative size and order of objects. Also, almost five times (18 percent) as many children could solve simple addition and subtraction problems at the end of kindergarten as at the beginning.

*(The Kindergarten Year, U.S. Department of Education Institute of Education Sciences)*

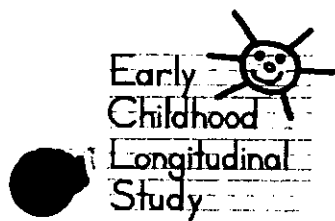
### **Is Cost Effective**

- Investments in quality early childhood programs generate returns of 3-to-1 or even higher, which translates to \$3 saved for every \$1 invested. An early investment in children's social, emotional and intellectual skills means lower grade retention and dropout rates for students later in life. *(Economic Policy Institute and Committee for Economic Development)*

### **Concern**

Yesterday I attended a hearing on Engrossed HB 1418 (relating to early childhood care workforce development). I asked Blake Crosby, Manager of Child Care Business Center, if compulsory kindergarten would have any effect, businesswise, for childcare providers. He stated that initially there was some concern, but he said that the concern was short lived. Currently only 39% of child care needs are being met. According to Mr. Crosby there is such a need for child care that once children attend Kindergarten there are children ready to fill those open child care spots.

Chairperson Kelsch and Members of the House Education Committee with all the research that supports the benefits of kindergarten, NDEA hopes that you will support Reengrossed SB 2202 as well. Thank you for the opportunity to testify before you this morning. I will try to answer and questions you may have.



**Early Childhood Surveys at the National Center for Education Statistics:  
Data User's Training Seminar on The Early Childhood Longitudinal Studies (ECLS) and  
The National Household Education Surveys Program (NHES)**

**2009 Biennial Meeting of the Society for Research in Child Development (SRCD)  
Denver, Colorado**

**April 1, 2009, 9:00 a.m. – 5:00 p.m.**

The National Center for Education Statistics (NCES) is sponsoring a 1-day professional development course at the 2009 Biennial Meeting of the Society for Research in Child Development (SRCD) on April 1, 2009 from 9:00 am to 5:00 pm in Denver, Colorado. This seminar will provide researchers access to some of the most comprehensive early childhood education and care data resources in the nation, focusing on three nationally representative early childhood studies conducted by NCES: the Early Childhood Longitudinal Study, Kindergarten Class of 1998–99 (ECLS-K), the Early Childhood Longitudinal Study, Birth Cohort (ECLS-B), and the National Household Education Surveys Program (NHES) early childhood components. The seminar will provide information on the range of topics covered by each study, the common measures used across the studies, and the limitations of each data source.

The ECLS-K permits the examination of the relationship between a wide range of family, school, classroom, and individual variables and children's development, learning, and school performance from kindergarten through eighth grade. The ECLS-B provides detailed information on children's early development, health, care, and education from birth through kindergarten entry. Oversamples in the ECLS-B offer a unique opportunity to analyze the early learning experiences of low and very low birth weight, twin, Asian/Pacific Islander, and American Indian and Alaska Native children. The NHES early childhood surveys consist of multiple cross-sectional surveys focusing on children's early learning activities, school readiness, and nonparental child care and early education arrangements and allow analysts to study how these have changed since the early 1990s. The designs of the three studies enable researchers to use data from more than one NCES study to examine early childhood issues.

During the seminar, study design and technical issues relevant to data use will be presented, and computer demonstrations of software that assists users in preparing data for analyses will be provided. The overall goals of the seminar are to inform researchers about these studies and describe what the databases can offer separately and in complement with each other. The seminar also highlights technical issues researchers must recognize to correctly analyze these data.

Researchers will have the opportunity to work on their own research directly with NCES staff involved with these studies. NCES will provide participants with binders that include hard copies of all slideshow presentations; handouts about the survey instruments; guides for using the electronic codebook (ECB) software; links to the ECLS-K, ECLS-B, and NHES websites; and tables providing information on sample sizes, weighting and variance estimation, and other technical issues related to the data. Participants will also receive the ECLS-K and NHES CD-ROMS containing the public-use data files, ECB software, and electronic versions of the survey instruments and user's manuals. Hard copies of the survey instruments and data users' manuals will be available for participants to review during the seminar.

This professional development course is free, but space is limited. To register, please contact us at [ecls@air.org](mailto:ecls@air.org).

Testimony on SB #2202  
Heard before the House Education Committee  
March 10, 2009

By Leon Walter, Ray North Dakota  
701-570-9794 | [leon@nccray.net](mailto:leon@nccray.net)

Representative Kelsch and members of the House Education Committee:

For the record, my name is Leon Walter and I am a parent from Ray, ND. I am here to speak in support of SB #2202, however would humbly ask you to consider amending the bill to reflect the language in HB #1378 as amended by the Senate Education Committee last week.

I am very firmly in favor of Kindergarten being mandated. With the requirements placed on our educators, they need the extra time that Kindergarten allows them to properly prepare our children for the future. A child who starts 1<sup>st</sup> grade without the benefits of Kindergarten is truly starting behind.

My major concern with this legislation is the cutoff date, and the ability to challenge that cutoff date. While I believe August 1<sup>st</sup> to be a fair cutoff date, I also believe the best way to verify a child's readiness is through comprehensive readiness testing, including social and emotional readiness as well as the more obvious academic readiness. What concerns me the most in this bill is that in order to challenge the cut-off date, a child must "demonstrate special talents or abilities". After discussions with the principal of the elementary school in Ray, this led me very strongly to believe a child must test as gifted.

There is a very big difference between a gifted child and a child that is ready.

I encourage you to adopt language similar to that adopted by the Senate Education Committee in an amendment to HB #1378 last week:

*"The child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the school district, can demonstrate ~~special talents or abilities~~ academic, social, and emotional readiness;"*

I would also request the Department of Public Instruction be given clear authority to write administrative rules to help standardize this testing. When having conversations about the proposed change with the elementary principal in Ray, she indicated to me that this language would not have much impact on the way their testing would proceed.

Members of the committee, I feel very strongly that there is a difference between ready and gifted, and that our testing should reflect this.

Chairperson Kelsch and members of the committee, this concludes my testimony, and I stand now for any questions you may have.

FROM THE OFFICE OF THE  
**NORTH DAKOTA HOME SCHOOL ASSOCIATION**  
March 10, 2009

**TESTIMONY OF JAMES BARTLETT AGAINST SB 2202  
BEFORE THE ND HOUSE EDUCATION COMMITTEE**

Chairman Kelsch, Members of the Committee:

My name is Dr. James Bartlett and I am the Executive Director of the North Dakota Home School Association, which is a non-profit association that has been serving North Dakota home educators since 1985. Our office is located in Bottineau, and our mailing list currently contains over 1000 North Dakota Families who home educate. Thank you for the opportunity to present this testimony against SB 2202.

The NDHSA is *Against Senate Bill 2202*

Under 2202, if a child turns six, the child has to be enrolled in kindergarten. If the child is receiving home education, then the child is exempted from having to attend public school at age six. However, the only way a home educated child can obtain this exemption is for their parent to file a statement of intent to home educate. This requires the parent to begin a formal home education program at age six and (if HB 1171 is defeated) begin monitoring by a certified teacher at age six for families without a teacher certificate, bachelor degree or qualifying Praxis I test results.

Many home educators do not want to begin formal academics at age six because research and home educating experience demonstrates that children forced into academics before their brains are physically ready, lose the love of learning. Also, as a result of the childhood stress experienced due to early academics, many children become rebellious and underachievers by the time they reach high school.



Scientific research, summarized in the attachment titled, “Mandatory Kindergarten is Unnecessary,” shows that requiring early education does not yield consistent results. The research and the experience of home educators demonstrate that early childhood education is not the way to improve academic excellence, is known to harm the development of young children, and violates a parent’s fundamental right to direct the education of their children (14<sup>th</sup> Amendment to the US Constitution & Section 1 of Article 1 of the Declaration of Rights in the ND Constitution).

### *Early Education Shows No Benefit*

Here are a few highlights from the research on early education from the attached paper titled, “Early Education Shows No Benefit.”

- Based on a six-year study of about 35,000 children, child development researchers have recognized that normal children who are admitted to school too early will often become underachievers and display developmental problems.
- Rebecca Marcon, researcher from the University of North Florida, explains:  
*Children’s later school success appears to be enhanced by more active, child-initiated learning experiences. Their long-term progress may be slowed by overly academic preschool experiences that introduce formalized learning experiences too early for most children’s developmental status. Pushing children too soon may actually backfire when children move into the later elementary school grades and are required to think more independently and take on greater responsibility for their own learning process.*
- Dr. David Elkind, a psychologist at Tufts University said: *the risk to the child’s motivation, intellectual growth, and self-esteem could well do serious damage to the child’s emerging personality. It is reasonable to conclude that the early instruction of young children derives more from the need and priorities of adults than from what we know of good pedagogy for young children.*
- For the case where children leave home for early education, the most widespread sources of childhood stress is the separation of children from their parents at young ages. Karl Zinsmeister, Adjunct Research Associate at the American Enterprise

Institute for Public Policy Research, says that: *Declining parental attachment is an extremely serious risk to children today. The verdict of enormous psychological literature is that time spent with a parent is the very clearest correlate of healthy child development.*

- Dr. Jean Piaget, long respected in the academic community for his studies in developmental research, found a child's cognitive abilities usually show maturity between the ages of 7 and 9. Many children are put at risk by compulsory attendance statutes that do not take into account slower maturation rates.
- The benefits of Head Start programs across the country have been shown to fade out by the second or third grade and no difference in achievement test scores from third to six grades.
- A report published February 6, 2007 by the Goldwater Institute examines Stanford 9 test scores and finds Arizona kindergarten programs initially improve learning but have no measurable impact on reading, math, or language arts test scores by fifth grade. Darcy Olsen, president of the Goldwater Institute, says, *"This report demonstrates that all-day kindergarten is not an education reform strategy that policymakers can hang their hats on. All-day k delivers short-term benefits at best."* The data show that students in schools with all-day kindergarten programs have statistically significant higher 3rd-grade test scores, but there is no impact on 5th-grade scores.
- In the largest study on child care and development, conducted by the National Institute of Child Health and Human Development, researchers found that the more time children spent in child care, the more likely their sixth-grade teachers were to report behavioral problems.
- International studies of early childhood education in 32 nations concluded that children who start school early do not do consistently better than those who began school later. Finland had the highest test scores and the higher compulsory school age (age 7). Children in Sweden and Greece did poorly on standardized tests, both which have early education programs.

- Increased state education means increased taxes, by several million dollars, based on results from other states and Head Start data.
- In the United States, scores of children from states with low compulsory attendance ages (5-6) did not score any higher than children from other states on achievement tests.

Another Study on “The Dangers of Early Schooling,” looked at neurophysiology, vision, hearing, parent attitudes, affective domain, comparative school entrance ages, and cognitive psychology. The author concluded that there has not been a single replicated experiment that has clearly demonstrated the desirability of early schooling or day care for the normal child who can have the security of a reasonably good home. Research evidence seems to validate the undesirability of placing children under 8 years in programs of cognitive emphasis which require consistent reasoning abilities. Contrary to this, warm and consistent proximity to one's parents until age 8 appeared to be a greater predictor of eventual stability and cognitive maturity than any special effort toward cognitive development.

#### *School Choice Improves Achievement*

School choice supporters believe that when schools have to compete for students, student achievement improves, even for students remaining in the public school system. Data in the reference from the Goldwater Institute on Arizona kindergarten proves the point.

#### *CONCLUSION*

Please fully exempt home educating families from beginning formalized education at age six. Better yet, defeat this bill to improve academic performance of all North Dakota children by keeping young children with their families where they are best served, save the North Dakota taxpayers millions of dollars, and spare North Dakota teachers from thousands more discipline problems.

Thank you for your time. Are there any questions?

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• • • • C U R R E N T • • • •  
**ISSUE ANALYSIS**

*J. Michael Smith, President — Michael P. Farris, Chairman*

February 4, 2008

## **Early Education Shows No Benefit**

*Compelling children to attend school at an earlier age does not yield expected results.*

Compulsory attendance or mandatory kindergarten at early ages is not the way to improve academic excellence. In fact, it may harm the development of young children to force them into the school system at a young age. The studies below demonstrate that compelling 5- and 6-year-olds to attend school is not only unnecessary, but also violates a parent's fundamental right to direct the education of their children, as guaranteed by the 14th Amendment to the U.S. Constitution. *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Wisconsin v. Yoder*, 406 U.S. 205 at 233; *Troxel v. Granville*, 530 U.S. 57 (2000).

### **Studies Demonstrate the Failure of Early Education Programs**

#### **Massive Study Finds Pre-School and Early Child Education Initiatives Show No Benefit**

A six year comparison of almost 35,000 children has shown that there has been no change in developmental levels of pupils entering primary school in this period, despite the introduction of several new early years' initiatives over the past decade, new research from Durham University's Curriculum, Evaluation and Management (CEM) Centre reveals.<sup>1</sup>

A number of child development researchers have recognized that normal children who are admitted to school too early will often become underachievers and display developmental problems. Rebecca Marcon, researcher from the University of North Florida, explains:

Children's later school success appears to be enhanced by more active, child-initiated learning experiences. Their long-term progress may be slowed by overly academic preschool experiences that introduce formalized learning experiences too early for most children's developmental status. Pushing children too soon may actually backfire when children move into the later elementary school grades and are required to think more independently and take on greater responsibility for their own learning process.<sup>2</sup>

This finding is not a recent development. As far back as 1987 researchers were concerned with the effects of starting formal education too early, according to a report made that year by Dr. David Elkind, a psychologist at Tufts University, who said:

There is really no evidence that early formal institutionalization brings any lasting or permanent benefits for children. By contrast, the risk to the child's motivation, intellectual growth, and self-esteem could well do serious damage to the child's emerging personality. It is reasonable to conclude that the early instruction of young children derives more from the need and priorities of adults than from what we know of good pedagogy for young children.<sup>3</sup>

One of the most widespread sources of childhood stress is the separation of children from their parents at young ages. Karl Zinsmeister, Adjunct Research Associate at the American Enterprise Institute for Public Policy Research, says:

Declining parental attachment is an extremely serious risk to children today. The verdict of enormous psychological literature is that time spent with a parent is the very clearest correlate of healthy child development.<sup>4</sup>

Research indicates it is advisable to move away from formal academic instruction to a developmental approach for early childhood education. Children who are at home with their parents can develop the skills necessary for learning in a day-to-day setting and thus be prepared for an academic setting.<sup>5</sup>

Dr. Jean Piaget, long respected in the academic community for his studies in developmental research, found a child's cognitive abilities usually show maturity between the ages of 7 and 9. Many children are put at risk by compulsory attendance statutes that do not take into account slower maturation rates.<sup>6</sup>

In a report, entitled, "The Influence of Preschool Centers on Children's Development Nationwide: How Much Is Too Much?", by UC Berkeley and Stanford, the authors found that the social skills of white, middle-class children suffer after attending preschool centers for more than six hours a day, compared to those who remain at home with a parent prior to starting school.<sup>7</sup>

The U.S. Department of Health and Human Services prepared a technical analysis paper outlining research that has been done on the Head Start Programs across the country. The paper, prepared by Sharon M. McGroder, Office of the Assistant Secretary for Planning and Evaluation on March 29, 1990, finds that the benefits of Head Start Programs tend to "fade out" by second or third grade.<sup>8</sup>

More specifically, in The Westinghouse Study of 1969, the results found that "Summer programs were found to have no lasting impact. Full-year programs resulted in cognitive and language gains at the first grade level but appeared to 'fade out' by second or third grade."<sup>9</sup>

The Head Start Synthesis Project of 1985 found that, "Significant, immediate gains in cognitive test scores, socioemotional test scores, and health status, (though) in the long-run, cognitive and socioemotional test scores of former Head Start students do not remain superior to those of disadvantaged children who did not attend Head Start."<sup>10</sup>

In a study by Copple, Cline, & Smith, researched in 1987, the results showed that, "Head Start children performed slightly (but non-significantly) better on achievement tests than their non-Head Start peers up to third grade, but there was no difference on achievement test scores from third to sixth grade."<sup>11</sup>

Another 1987 study used three different Head Start delivery models to compare the relative effects on parents and children. The three models were center-based, home-based, and a combination of center and home-based. The study then measured from the time children were enrolled in Head Start through kindergarten and found that, "No difference was found in children's cognitive development across the three delivery models. Parents enrolled in the home-based model demonstrated greater gains in academic stimulation of their children; in the use of toys, games, and reading material; and in encouraging their children to learn. Home-based parents also demonstrated greater growth in knowledge of child development and parent empowerment. (University of Delaware, 1988)."<sup>12</sup>

A report published February 6, 2007 by the Goldwater Institute examines Stanford 9 test scores and finds Arizona kindergarten programs initially improve learning but have no measurable impact on reading, math, or language arts test scores by fifth grade. Darcy Olsen, president of the Goldwater Institute, says, "This report demonstrates that all-day kindergarten is not an education reform strategy that policymakers can hang their hats on. All-day k delivers short-term benefits at best."

The data show that students in schools with all-day kindergarten programs have statistically significant higher 3rd-grade test scores, but there is no impact on 5th-grade scores. This finding is consistent with previous research. Schools facing significant competition for students, whether through public or private options, demonstrate significant test score gains.

The findings of this empirical analysis demonstrate that early childhood education expansion is an expensive reform that delivers only transitory benefits. School choice uses resources more efficiently and delivers improved academic achievement.<sup>13</sup>

You can find the full article highlighting this new study here:

- EducationNews.org: All-Day Kindergarten Failing as Education Reform;
- Putting Arizona Education Reform to the Test: School Choice and Early Education Expansion: The executive summary;
- The full Goldwater Study.

In the largest study on child care and development, conducted by the National Institute of Child Health and Human Development, researchers found that the more time children spent in child care, the more likely their sixth-grade teachers were to report behavioral problems. In a press release regarding the study, researchers said, "parenting quality was a much more important predictor of child development than was type, quantity, or quality, of child care. . . . One possible reason why relations between center care and problem behavior may endure is that primary school teachers lack the training as well as the time to address behavior problems, given their primary focus on academics."<sup>14</sup>

Lisa Snell, Director of Education and Child Welfare at the Reason Foundation, in her article titled "Don't Expect Long-Term Gain From Early Education Money," discusses the absurdity of Michigan considering another investment of hundreds of millions of taxpayer dollars to public prekindergarten programs that just aren't showing any return. Snell writes in her article that "policymakers [should not] be focusing scarce education resources on programs that can [not] make a lasting difference." She reinforced her statements by quoting from The National Center for Education Statistics Early Childhood Longitudinal Study, which found that there were no "substantive differences in children's third-grade achievement relative to the type of kindergarten program (full-day vs. half-day) they attended." The article also mentions the California-based RAND Corp.'s December 2006 report, "School Readiness, Full-Day Kindergarten, and Student Achievement," which found that children in the full-day kindergarten programs were showing decreased mathematics skills by the time they were in fifth grade, than those who had only attended a part-day kindergarten program.<sup>15</sup>

## **Lack of Results in International Early Education Programs**

Early education is a growing concern to many countries around the world. Much of this concern has been centered in Europe, where governments provide care and schooling for children as young as a year old. Billions of dollars are spent on these programs, which are designed to give children a head start in their education and socialization. But is there documentable evidence that early education has made a difference in the academic progress of these children?

This question can be answered by a recent study that compared the academic scores of children from many of the industrialized nations of the world. In 2000, the Program for International Student Assessment (PISA) was conducted, which tested children from 32 nations in the areas of reading literacy, mathematics, and science.<sup>16</sup> The results showed that children who have to start school at a very young age did not consistently do better than those who can start later. A similar assessment, the Third International Mathematics and Science Study (TIMSS), revealed comparable results.<sup>17</sup>

The country of Finland was a standout in both of these international assessments, ranking near or at the top in all tested subjects. These impressive results were achieved despite the fact that school attendance in Finland is not compulsory until age 7, later than almost any other European country.<sup>18</sup>

Japan, Korea, and Singapore also had some of the highest scoring students in the PISA and TIMSS assessments, but none of these countries have fully developed early education programs. Japan's early education is probably the most comprehensive out of the three, and even there substantial numbers of children do not attend any school before 1st grade. Singapore does not have any publicly funded early education.<sup>19</sup>

Some of the lower scoring countries in PISA were Sweden and Greece, which both emphasize early education. Sweden has some of the most comprehensive childcare in Europe, with the vast majority of children ages 1-12 having a place in a publicly funded child-care center. Even with this emphasis, however, Sweden ranked among the average countries in the PISA test, and Greece was among the five worst nations in all three subject areas.<sup>20</sup>

## **High Costs and Low Results Incurred by Early Education Programs**

Expanding the number of children required to attend school increases state education costs and thereby may mean an increase in taxes. Such an instant expansion of the student population requires the hiring of more teachers, more truant officers, and more administrative staff. While the change in some school districts may be negligible, the change to the combined school districts of a state would produce a significant impact on state revenues.

When a lowering of compulsory attendance age was considered in Alabama in 1991, the Alabama Legislative Fiscal Offices estimated the cost of the change to be at least \$4.7 million per year.<sup>21</sup> In 1998, when Connecticut considered lowering its compulsory attendance age, a state department of education representative testified that one town (Enfield, CT) would require 13 new classrooms while another (Meridian, CT) would need 20 additional classrooms.<sup>22</sup>

The cost increase can also be seen in the voluntary preschool programs which are present in many of the states. Jane Carroll Andrade, a writer for *State Legislatures* magazine, reported that "Today, 42 states and the District of Columbia fund preschool programs of one kind or another, spending about \$2 billion a year."<sup>23</sup>

Also consider Head Start, a federal program that began providing services in 1965 with an enrollment of 561,000 children and a budget of just over \$96 million. By 2000, the enrollment had only grown to 860,000 children, but the budget had increased dramatically, costing taxpayers over \$5 billion dollars. That is a 5,108% growth rate in spending with only a 53% increase in enrollment.

The most important goal of any education program is that children be educated. Studies of Head Start, however, demonstrate that early education produces no apparent academic benefits. In its early years, extensive studies were

undertaken to prove Head Start worked. But the opposite turned out to be true. In 1969, the Westinghouse Learning Corporation found no difference in the behavior and educational achievement between Head Start and other underclass children.

Sixteen years later, the CRS Synthesis Project study, commissioned by HHS, came to the same conclusion. Although children showed "immediate gains," by the second grade "there are no educationally meaningful differences."<sup>24</sup>

## State-by-State Comparison

A review of compulsory attendance laws across the nation shows that requiring young children to attend school may be largely unnecessary. Only eight states and the District of Columbia require attendance of 5-year-olds, and six of those nine allow exemptions for parents to withhold their children from school until age 6. The other 41 states allow parents to wait until their children are 6, 7, or even 8 years old before beginning formal education.<sup>25</sup>

During the 2007 legislative session, 12 states attempted to lower the school entrance age, one of which actually passed (Colorado), while another one is still being decided upon. Several of these bills would have lowered the age of entrance to 5. In 2001, the District of Columbia even contemplated a bill which would have required a child to be enrolled in some type of school setting if the child turns 3 on or before December 31. Thus, even some 2-year-olds would have been subject to DC's compulsory attendance law.

In any case, testimony in the 1998 Connecticut hearings estimated that only 3–9% of the state's eligible children were kept out of kindergarten by their parents.<sup>26</sup> It seems unnecessary for a state to spend so much time and money compelling attendance on what arguably may only be 3% of the state's 5- and 6-year-olds.

This is especially true when considered in the light of the results from National Assessment of Education Progress (NAEP) tests administered to schoolchildren in all 50 states. Scores of children from states that have low compulsory attendance ages (5-6) did not score any higher than children from the other states, and in some subjects their average was actually lower.<sup>27</sup>

The NAEP scores demonstrate that no real academic results have come from a lowered compulsory age, and therefore the higher cost of early education is not justified.

## Conclusion

Rushing children into formal education too soon will exact a heavy toll on the development of those children and weaken the role of family in their lives. The resulting social problems will place even greater demands on private and government agencies and more pressure on taxpayers. Not only is compulsory attendance for young children unnecessary and expensive, but it is counter-productive, thwarting parents who want to spend more time with their children.

Educational public policy should encourage excellence and responsibility in parenting so that children will develop emotionally and socially, will achieve academically, and will be better able to handle the challenges of adulthood when they mature.

*Prepared by the legal staff of the Home School Legal Defense Association.  
Reprint permission granted.*

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23. Andrade, Jane Carroll. "Kindergarten May Be Too Late," *State Legislatures*, June 2002, p. 24.
24. Rockwell, Llewellyn H. "Dead Start," *Free Market*, January 1991, p. 2.
25. Klicka, Christopher J. *Home Schooling in the United States: A Legal Analysis*, Home School Legal Defense Association, 1985, 1998.
26. Testimony before the Connecticut House Finance, Revenue, and Bonding Committee meeting, March 27, 1998. Elaine Zimmerman, Executive Director of the Commission on Children and George Coleman of the Connecticut State Department of Education Division of Educational Programs and Services Bureau of Early Childhood Education and Social Services..
27. Reading scores based on 1998 *NAEP Reading Assessment*; Math scores taken from 2000 *NAEP Mathematics*

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TESTIMONY ON SB 2202  
HOUSE EDUCATION COMMITTEE HEARING  
MARCH 10, 2009

Chairman Kelsch and members of the House Education Committee. My name is Betty Naaden. I am a former social worker and my husband and I raised two sons and a daughter. I am opposed to Senate Bill 2202 in the matter of compulsory kindergarten attendance.

I do not believe SB 2202 is in the best interest of young children. I believe that in most instances, **the parent(s) knows best** when their child is ready to leave home and attend school. In my professional and personal life I have witnessed the trauma of a young child separated from his/her family. Also, I believe, to require a child to attend school before he/she is ready for that experience is **a great injustice** to that child, and in some cases, **especially for boys**, it has life-long consequences. In too many cases, the teacher, not understanding, nor having had training in learning the differences between boys and girls in their readiness for school, is, oftentimes, **guilty of pressuring the parents** to keep the child in school, insisting that their child's distress will go away. Following are some **facts and viewpoints of educational professionals and authors**:

Facts presented by **MICHAEL SULLIVAN**, Presenter, ND Library Assoc State Conf, **Sept 27, 2008**, Seven Seas, Mandan ND: contributed by local reference librarian

- + 70% of D's and F's in school go to males
- + 80% of convicted felons are male high school dropouts
- + 85% of special education students are male
- + 95% of ADHD students are male
- + One of every 3 boys in America is in remedial reading by 3<sup>rd</sup> grade
- + On the average, by senior high, boys read **3 years behind girls**
- + The **female brain** is grown by age 11 ½, the **male brain** is not grown until age 14 ½, this means there is a **3-year brain gap difference**.

**DR. BRIAN D. RAY**, known internationally, classroom teacher in both public & private schools, provides **expert testimony to legislators** and in courts:

- Benefits of
  - + Lowering the **compulsory school age** and various **early childhood education (ECE)** programs for the general public of children are **not to be found**.
  - + **Head Start** results in significant, **immediate gains**, though in the **long run**, test scores of former Head Start students **do not remain superior** to those of **disadvantaged children who did not attend Head Start**.
- + A legislative body would have to 1) **debate whether a state's constitution demands that the state compel younger children to attend school against choices of their parents**, and 2) **debate whether compelled attendance at school is philosophically correct in a state that has a tradition of highly valuing the freedom of choice among its people**.

## **WHY GENDER MATTERS by Leonard Sax, M.D., Ph.D. 2000**

**"Most books about boys and girls fail to state the basic facts about innate differences between sexes. The failure to recognize and respect sex differences in child development has done substantial harm over the past 30 years – such will be my claim throughout this book."** Pg 6 & 7

30 years ago, when kindergarten was all about finger painting and singing, sex differences in brain maturation didn't matter that much. Then kindergartners weren't expected to sit in chairs and do pencil-and-paper exercises all day long. First graders did that...30 years ago the primary mission of kindergarten was to acclamate the kid to school **not get a jump-start on academics. Boys, especially, need to move around.**

The curriculum of kindergarten today is essentially the 1<sup>st</sup> grade curriculum of 30 years ago. **Many 5 year-old boys just don't have the fine motor skills necessary to write the letters of the alphabet.** pgs 94 & 95. Boys who are not ready...**will do much better when kindergarten entry is delayed.** Pg 96  
So many modern kindergartens are divided in two. Group 1 does well, comprised of mostly girls. Group 2 are the kids who aren't ready. But there's one thing most 5-year old boys are very good at: **figuring out they have been put in the "dumb group."** And they don't like it. Some are starting already to hate school.

## **BOYS AND GIRLS LEARN DIFFERENTLY by Michael Gurian 2000**

-- The best kept secret in education --

**Bonding and Attachment** - an important matter

A child **securely attached** to an important personal caregiver – mother, father, grandparent, or teacher – he learns more, not only from that individual but in his total learning competency. **The brain needs bonding & attachment to fully grow and learn.**

Males and females are equal in their common membership of the same species, but to maintain that they are the same in aptitude, skill and behavior is to build a society based on a **biological and scientific lie.**

For more than a decade, I have been asking **two questions at teacher trainings:**

- 1) How many were offered a class in actual **development of the students' brain?** 10-20 percent said **"Yes"**
- 2) How many were offered a class in the **developmental differences between the way a boy's brain works and girl's brain works?** – the answer : **None**

In brain-based teacher trainings, we asked preschool teachers **which children have learning problems in preschool and kindergarten; not surprisingly, the response was overwhelmingly, boys.**

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PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2202

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 school enrollment and attendance.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

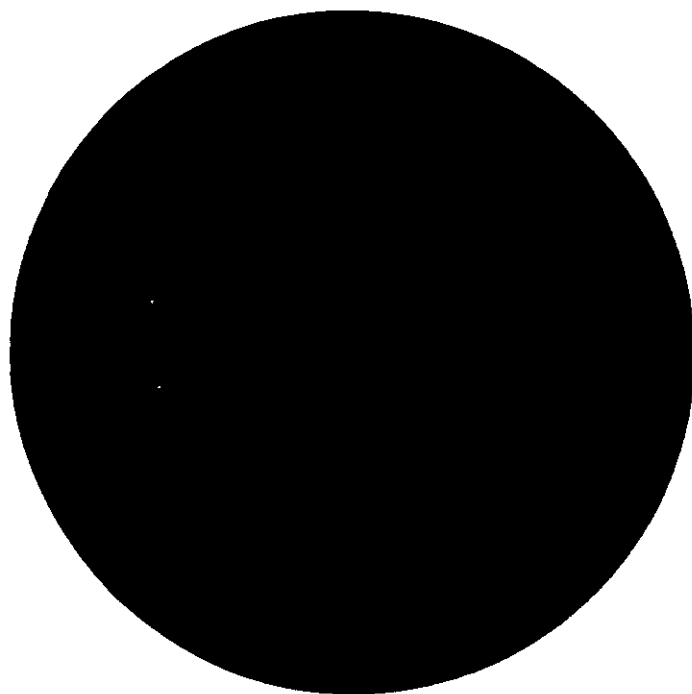
**SECTION 1. LEGISLATIVE COUNCIL STUDY - SCHOOL ENROLLMENT AND ATTENDANCE.** During the 2009-10 interim, the legislative council shall consider studying school enrollment and attendance, including the age of admission, the quality and use of development and readiness screening instruments, compulsory attendance requirements, statutory exemptions from compulsory attendance requirements, and truancy. The study should examine other states' requirements for school enrollment and attendance, as well as research governing the short-term and long-term impact of enrollment and attendance decisions on students. 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

### Reported Home Education Children Kindergarten 2007-08

- 7 Kindergarten children 6 or older at start of 2007-2008 school year
- 10 Kindergarten children who turned 6 during 2007-2008 school year
- 2 Kindergarten children who turned 6 during summer 2008
- 4 Kindergarten children younger than 5 (early entrance)

### Reported Home Education Children Kindergarten 2007-08



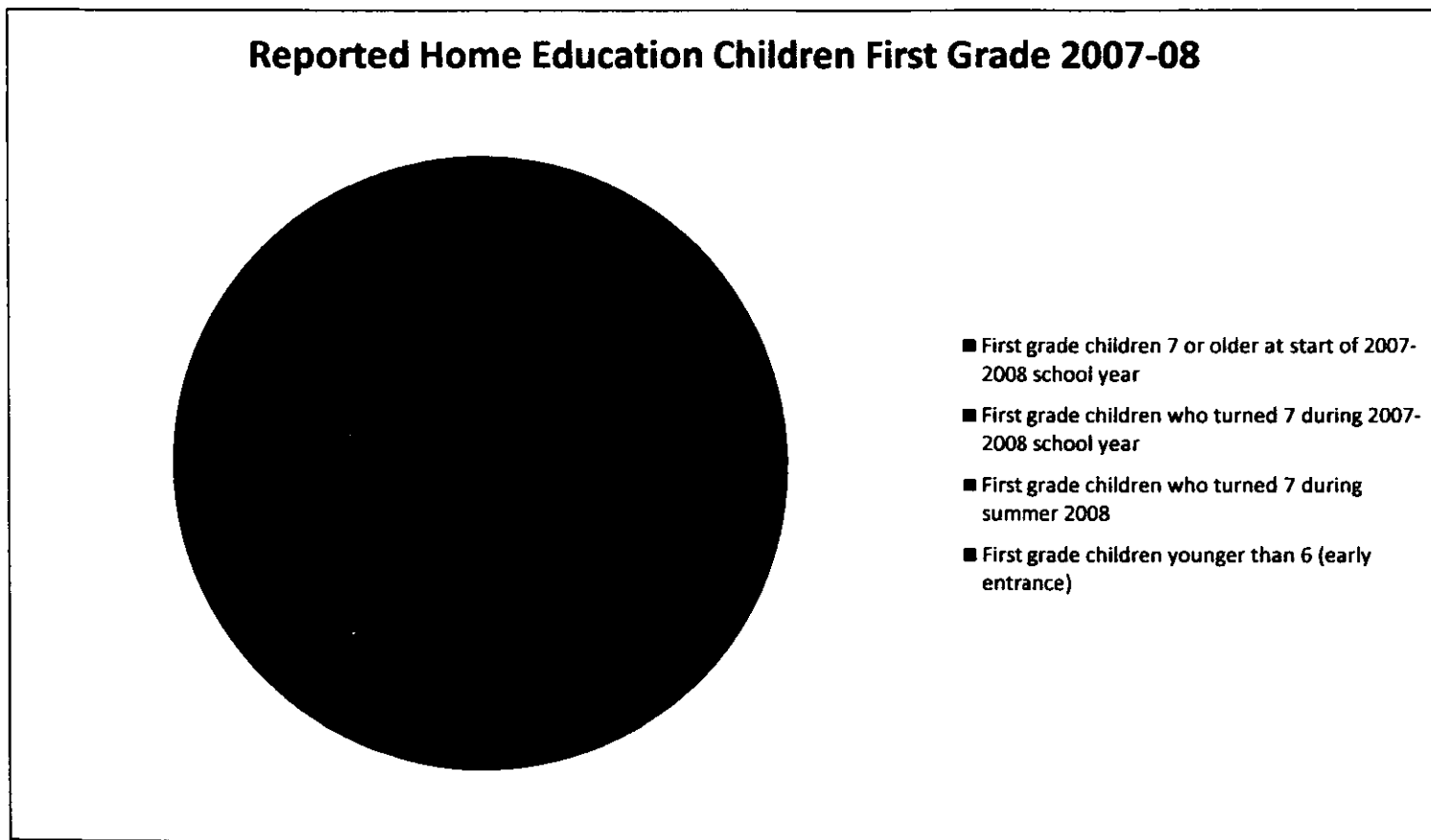
- Kindergarten children 6 or older at start of 2007-2008 school year
- Kindergarten children who turned 6 during 2007-2008 school year
- Kindergarten children who turned 6 during summer 2008
- Kindergarten children younger than 5 (early entrance)

This data is based off of ND STARS 2007-2008 Spring Enrollment.

*Attachment 2*

### **Reported Home Education Children First Grade 2007-08**

- 40 First grade children 7 or older at start of 2007-2008 school year
- 52 First grade children who turned 7 during 2007-2008 school year
- 4 First grade children who turned 7 during summer 2008
- 3 First grade children younger than 6 (early entrance)

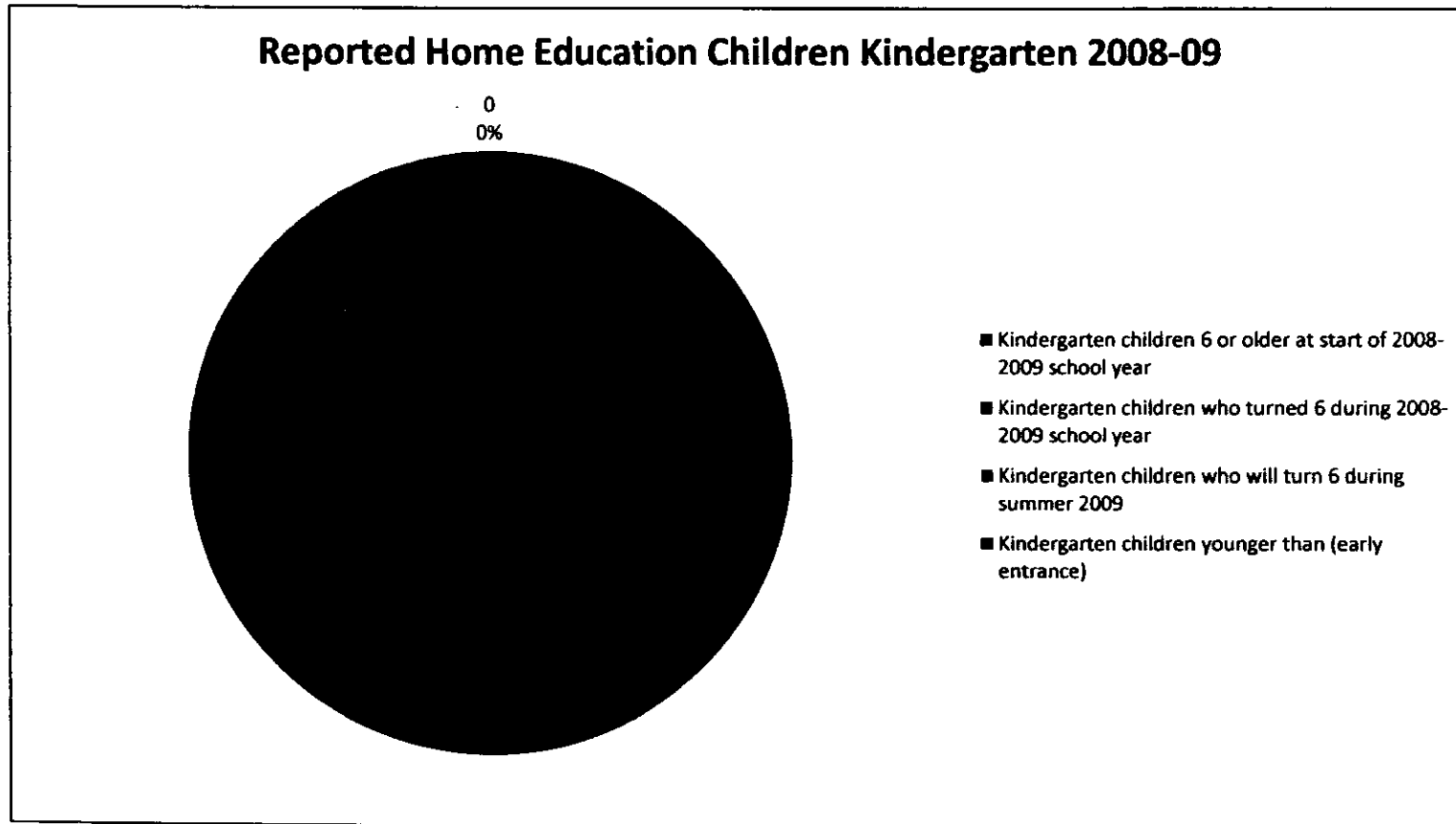


This data is based off of ND STARS 2007-2008 Spring Enrollment.



### Reported Home Education Children Kindergarten 2008-09

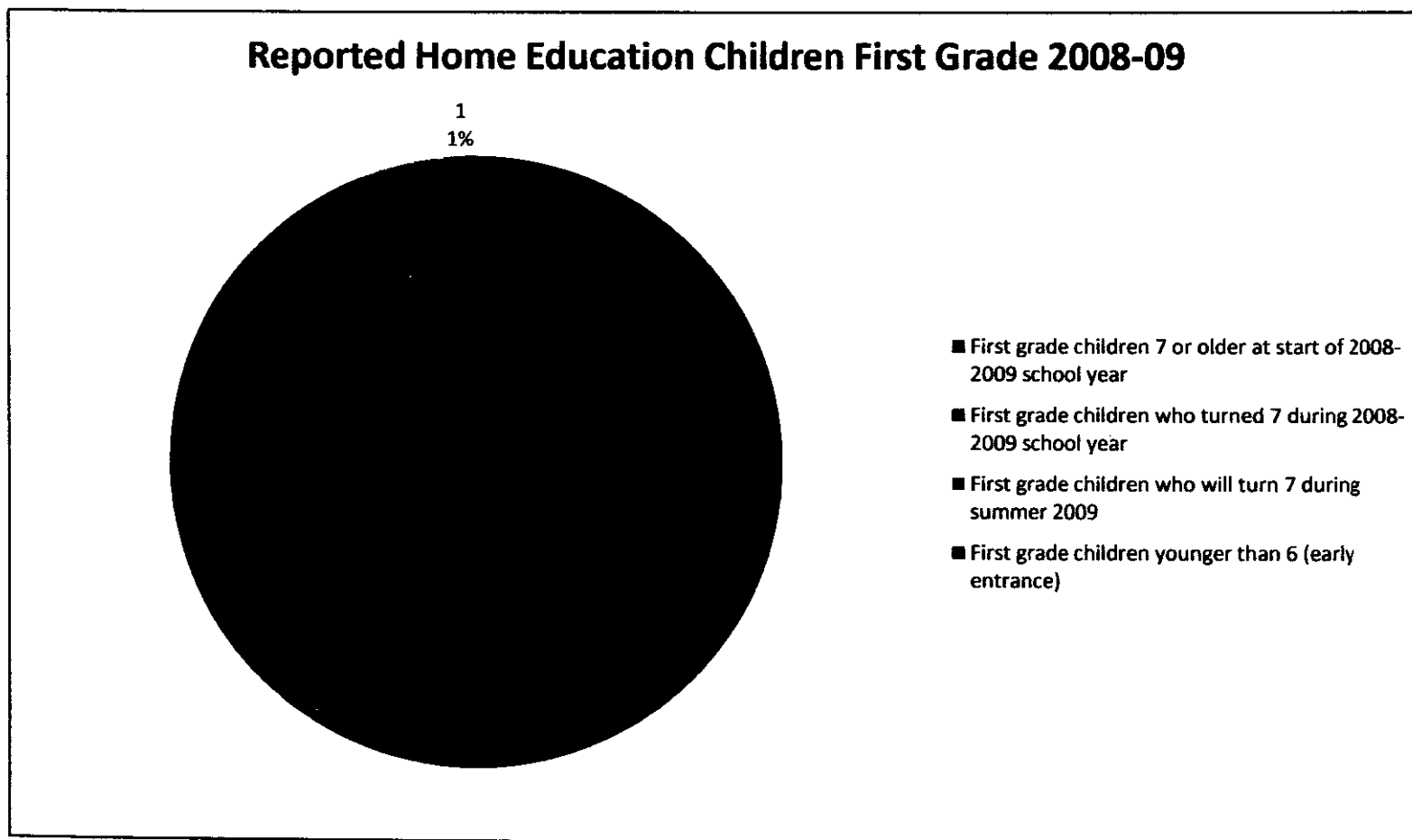
- 8 Kindergarten children 6 or older at start of 2008-2009 school year
- 13 Kindergarten children who turned 6 during 2008-2009 school year
- 6 Kindergarten children who will turn 6 during summer 2009
- 0 Kindergarten children younger than (early entrance)



This data is based off of ND STARS 2008-2009 Spring Enrollment.

### Reported Home Education Children First Grade 2008-09

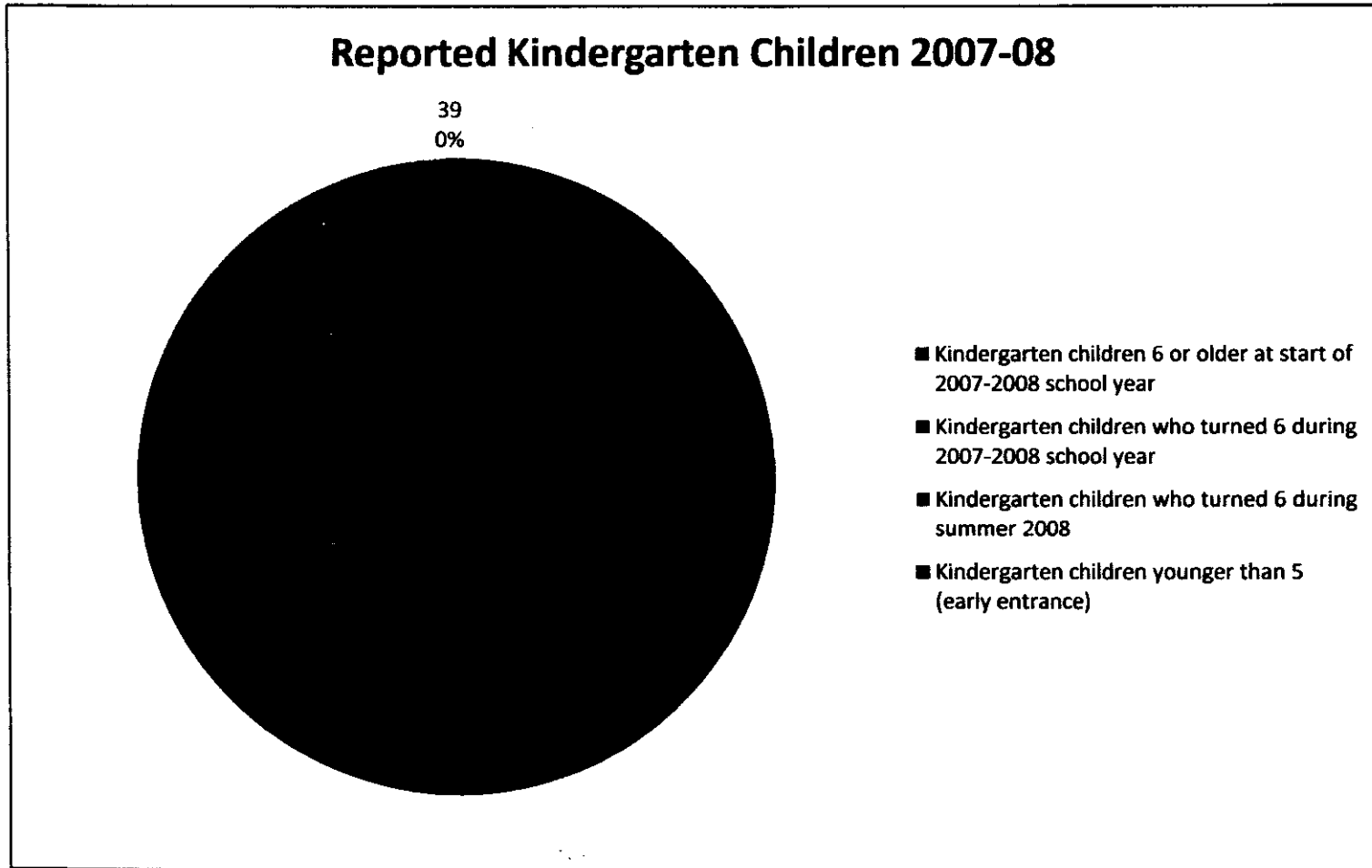
- 27 First grade children 7 or older at start of 2008-2009 school year
- 35 First grade children who turned 7 during 2008-2009 school year
- 3 First grade children who will turn 7 during summer 2009
- 1 First grade children younger than 6 (early entrance)



This data is based off of ND STARS 2008-2009 Spring Enrollment.

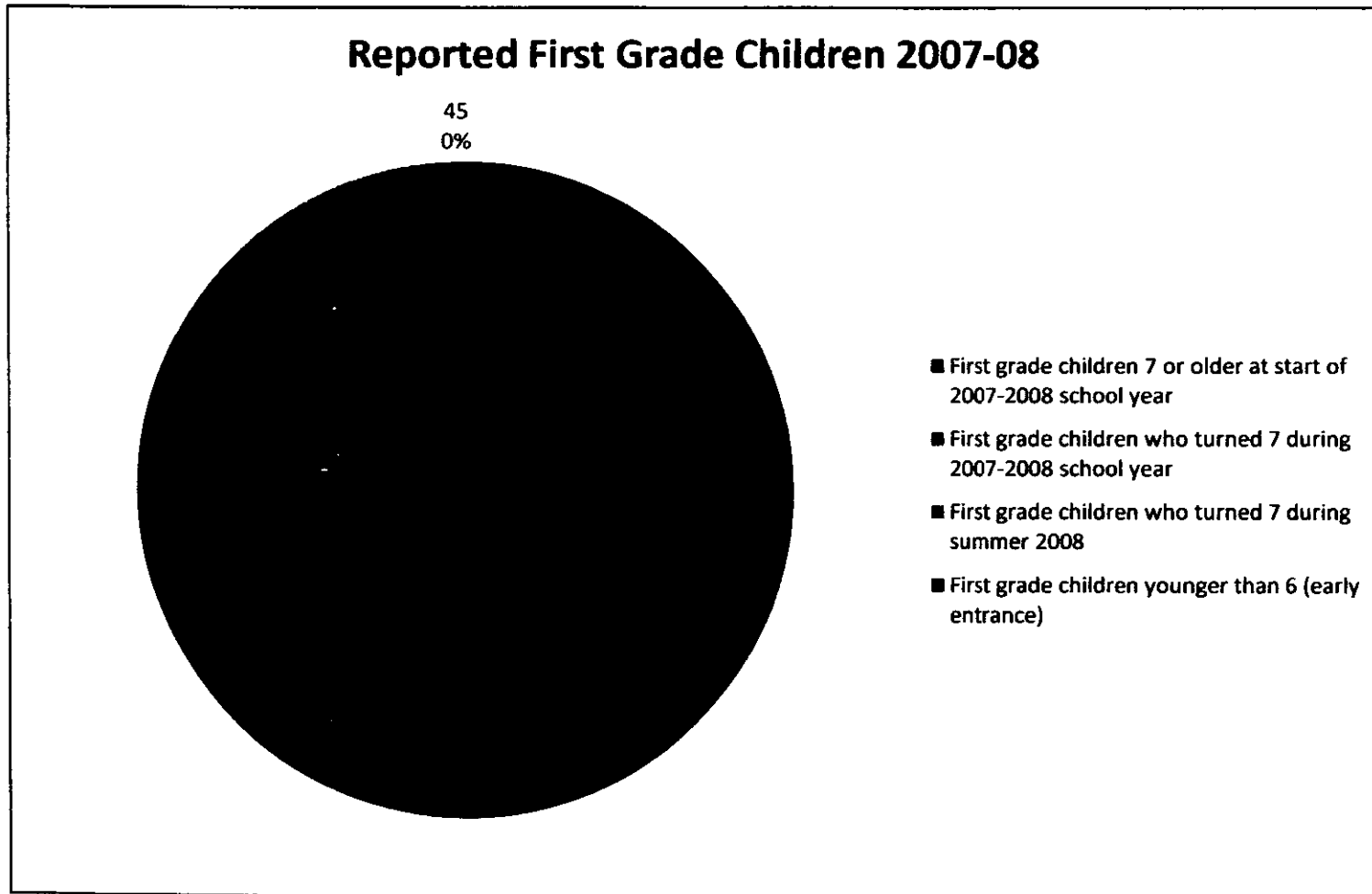
### Reported Kindergarten Children 2007-08

- 1016 Kindergarten children 6 or older at start of 2007-2008 school year
- 4981 Kindergarten children who turned 6 during 2007-2008 school year
- 1423 Kindergarten children who turned 6 during summer 2008
- 39 Kindergarten children younger than 5 (early entrance)



### Reported First Grade Children 2007-08

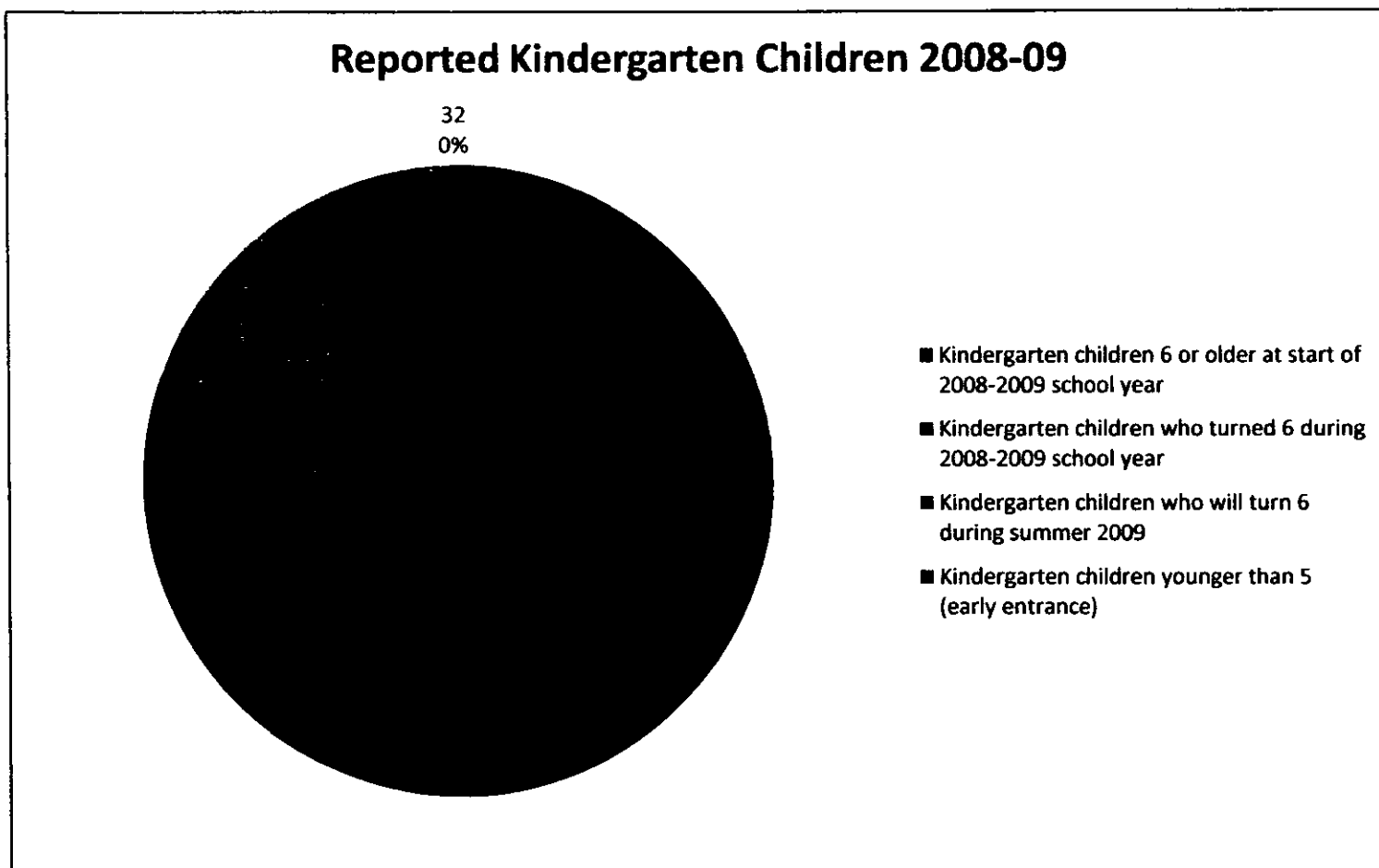
- 1288 First grade children 7 or older at start of 2007-2008 school year
- 4953 First grade children who turned 7 during 2007-2008 school year
- 1251 First grade children who turned 7 during summer 2008
- 45 First grade children younger than 6 (early entrance)



This data is based off of ND STARS 2007-2008 Spring Enrollment.

### Reported Kindergarten Children 2008-09

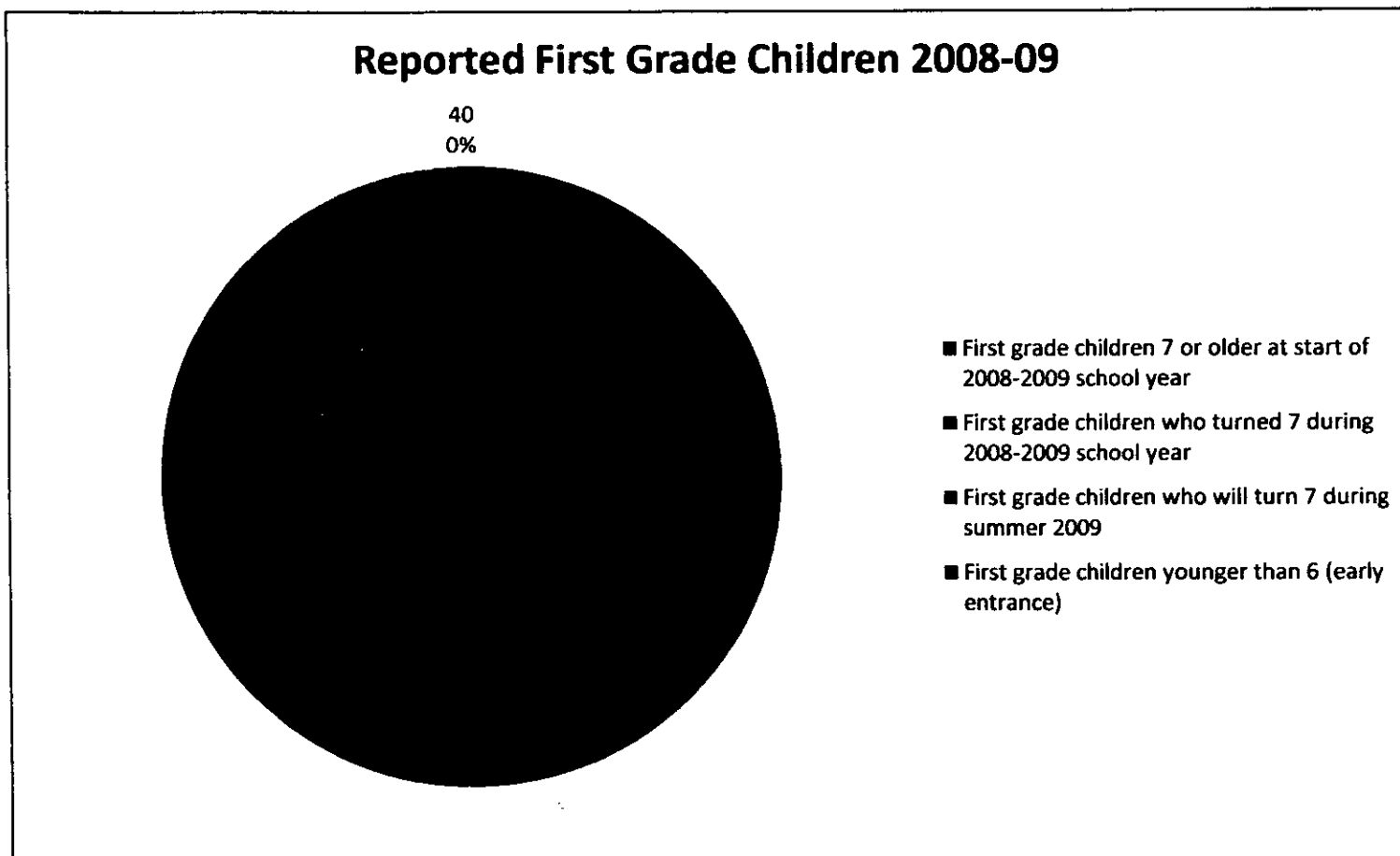
1015 Kindergarten children 6 or older at start of 2008-2009 school year  
5302 Kindergarten children who turned 6 during 2008-2009 school year  
1506 Kindergarten children who will turn 6 during summer 2009  
32 Kindergarten children younger than 5 (early entrance)



This data is based off of ND STARS 2008-2009 Spring Enrollment.

### Reported First Grade Children 2008-09

- 1243 First grade children 7 or older at start of 2008-2009 school year
- 4823 First grade children who turned 7 during 2008-2009 school year
- 1236 First grade children who will turn 7 during summer 2009
- 40 First grade children younger than 6 (early entrance)



State		Compulsory Attendance Age
Arkansas		5
Connecticut		5
Delaware		5
Maryland		5
New Mexico		5
Oklahoma		5
South Carolina		5
Virginia		5
	<b>5 Count</b>	<b>8</b>
Arizona		6
California		6
Florida		6
Georgia		6
Hawaii		6
Iowa		6
Kentucky		6
Massachusetts		6
Michigan		6
Mississippi		6
Nebraska		6
New Hampshire		6
New Jersey		6
New York		6
Ohio		6
Rhode Island		6
South Dakota		6
Tennessee		6
Texas		6
Utah		6
Vermont		6
West Virginia		6
Wisconsin		6
	<b>6 Count</b>	<b>23</b>
Alabama		7
Alaska		7
Colorado		7
Idaho		7
Illinois		7
Indiana		7
Kansas		7
Louisiana		7
Maine		7
Minnesota		7
Missouri		7
Montana		7
Nevada		7

N Carolina		7
N Dakota		7
Oregon		7
Wyoming		7
	7 Count	17
Pennsylvania		8
Washington		8
	8 Count	2
Grand Count		50