

2009 SENATE EDUCATION

SB 2217

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2217

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: February 9, 2009

Recorder Job Number: 8971, 8974

Committee Clerk Signature

Minutes:

Chairman Freborg opened the hearing on SB 2217. All members were present.

Senator Cook introduced the bill. It is a bill to deal with truancy. Section 4 of the constitution states that the legislature has the obligation to prevent illiteracy. The bill needs an amendment. It is not his intent to take away a drivers license. We need to identify truancy in grade school, that is when it starts. We need a vehicle to reach out and touch parents and make them understand that it is their responsibility to get their children to school. He distributed a handout on the ACT NOW truancy program. It is his intent to give the schools and local officials the tools to get the job done.

Senator Freborg asked if he has an amendment drafted.

Senator Cook said he will sit down with the committee and draft one after the hearing.

Senator Taylor asked if someone will walk us through the bill.

Senator Cook said the bill needs to be changed. He reintroduced the same bill as last session and some language needs to be changed. We need to identify if this is the child's problem or the parent's problem. The law now is that educational neglect is equivalent to child abuse and is a class C felony.

Senator Flakoll asked in a family of divorce or separation how would the superintendent or DA decide which parent is responsible.

Senator Cook said others will address it, he assumes the custodial parent is responsible.

Wilfred Volesky, Superintendent of the Mandan School District, testified in favor of the bill. See written testimony.

Senator Freborg asked if current law specifies how many unexcused absences a student can have.

Wilfred Volesky say it is not specified in law. Most school districts have a limit. The public thinks this is mostly a problem with high school students. At Mandan, the limit is 12 unexcused absences per semester.

Senator Lee said that Senator Cook said the bill needs some changes. What would he recommend?

Wilfred Volesky said the bill has some middle ground. The parents could be charged.

Now we do not have the tools to force the parents to send their children to school regularly.

These are the kids that end up dropping out of school, and many would have the skills to graduate, they drop out because their poor attendance results in loss of credit and the child starts to see it will be difficult to graduate. He is against the loss of a driver's license. Of the 13 kids that would have been impacted by this last year, only 1 had a driver's license.

Senator Lee asked if the administration would have to do the investigation, would this broaden their actions and cause an undue burden.

Wilfred Volesky said it is already being done.

Senator Bakke said she is a special education teacher and has many emotionally disturbed students with school phobias. She spends time in their homes, trying to get them to come to school. How would they be affected?

Wilfred Volesky said special education students have IEP's and that is different than the parent not bringing the student to school. The IEP would spell it out.

Mark Andresen, Principal at Mandan Senior High, testified in favor of the bill. See written testimony. He also distributed two handouts, one is a spreadsheet of characteristics of students who dropped out last year, the other a profile of dropout students (attached).

Senator Bakke asked if counseling is required for truant children.

Mark Andresen said it varies with the child.

Senator Taylor asked what is done now.

Mark Andresen said they have a truancy officer. They have had 3 parents cited, the parents pleaded the cases out. They need a law with more teeth.

Brett Anderson, Bismarck Police Department, testified in favor of the bill. He is a school

resource officer. In the Bismarck Public Schools, the schools don't do the investigating. The Bismarck Police Department determines if the problem is the parent or the juvenile. If it is a parental issue, they send it to the state's attorney for child abuse/neglect charges. In Bismarck, there is a step by step process: first, they talk to the student, then they send a letter to the family, then the information is sent to the Police Youth Bureau, if they miss 22 class hours, there is a citation issued for the student or a report on the parents is sent in. At the age of 16 a child can drop out of school and there is nothing we can do about it.

Senator Taylor said we are trying to find a level of "teeth" to motivate the student and the parents.

Brett Anderson said a class C felony for the parents would scare them.

Senator Taylor asked for an example of other class C felonies.

Brett Anderson said aggravated assault. The penalty for a class C felony is 5 years in prison and a \$5000 fine. A misdemeanor would work too.

Warren Larson, North Dakota Council of Education Leaders, testified in favor of the bill. This problem starts in elementary school. It is a very time consuming process. Many state's attorneys don't want to deal with it because it is such a minor penalty right now. We need more teeth in the law. We need to get the attention of parents.

Senator Flakoll asked if a child is in a single parent home, how does it help to have the parent in jail – that doesn't help the child.

Warren Larson said the child needs someone needs to stand up for them.

Senator Flakoll asked if this applies to kindergarten students.

Warren Larson said no, not now, there could be a change.

Senator Flakoll asked for other examples where one person does something wrong and another person goes to jail.

Warren Larson said he doesn't know of any similar circumstances. The kids have no one to advocate for them.

Senator Taylor asked if he has ever seen a child placed in foster care because his parents do not get him to school.

Warren Larson said no, not in 40 years. He has seen the process begin but has never seen it completed.

Senator Flakoll said what if we changed the compulsory age of attendance to 17.

Warren Larson said it is an issue we will deal with if the age is changed to 17. If so, they would need a place for those kids, same old same old would not work. They would need the resources to remediate those kids.

Bev Nielson, North Dakota School Board Association, testified in favor of the bill. They support all involved groups working together to alleviate truancy. This is a systemic problem. If we cannot develop workable language now, all groups should get together over the interim and

work it out together. Other infractions such as this can be found in the child neglect section of code. There are repercussions for uninvolved parents.

Brian Grosinger, Assistant Morton County State's Attorney, testified in favor of the bill. His interest in the bill is both professional and personal. From a professional standpoint, he has spent many, many hours dealing with children who are on the edge where regular school attendance would have helped them. From a personal standpoint, his mother-in-law was recently involved in a car accident where she was hit by an unlicensed juvenile that was skipping school. We are not adding teeth to the law, we are adding tools. We need to augment the tools the prosecutor has. A prosecutor would not single out a special needs child. We need to impose the duty on the parent.

Senator Taylor asked if the bill as written would help.

Brian Grosinger said it ratchets up the punishment for repeat offenders.

Senator Taylor asked what would happen if a parent made a reasonable and substantial effort to get their child to school.

Brian Grosinger said a hardship would be recognized.

Senator Taylor said if the charges were going to be child neglect, when is it initiated.

Brian Grosinger said the parents generally settle or move away from the problem. It is a broad statute. This would focus on the problem.

Valerie Fischer, Director of School Health and Adult Education, Department of Public Instruction, testified in favor of the bill. See written testimony.

Senator Flakoll asked if 1 school district had 42,000 truancy hours.

Valerie Fischer said yes.

Senator Taylor said one school district had half of the states truancy hours in 2007 – 2008.

Valerie Fischer said yes.

Senator Taylor said in 2007 – 2008, we had more truant students but less total hours.

Valerie Fischer said data can be manipulated. There are two kinds of truancy, random and chronic. Mandan has done an excellent job and their numbers have declined substantially in recent years. 6 – 8 school districts have a significant issue.

Senator Taylor asked what are the most effective programs.

Valerie Fischer said school districts are creative and it depends on the size of the school district. There needs to be prevention and intervention. A comprehensive approach is the best.

Senator Bakke asked if size of the school district impacts the problem.

Valerie Fischer said in the larger districts there is more opportunity for truancy. In smaller towns, school is the only place to be.

Paul Leingang, Assistant Chief of Police in Mandan, testified in favor of the bill. They started a new program 7 years ago. The police and school district work well together. They started initially with a grant, now the program is paid half by the school district and half by the police department. They have had a lot of success. He would recommend the following changes: 1. do not tie it to a suspended drivers license, many of these students do not have a drivers license and 2. Have the administrators report to the state's attorney, not the police department. The child neglect and abuse law is a felony. This bill is a graduated approach – infraction, then misdemeanor then felony. The felony is in the law now but they have been reluctant to use it. In Morton County, 3 people have been charged with felony educational neglect. There is not a lot of case law in North Dakota that deals with truancy. There is one case in Cass County. Chronic truancy is defined at 6 ½ days. This problem starts in elementary school. He thinks it's good to have accountability for parents of younger children. The bill gives them the opportunity to address the problem with younger children.

Carrie Gross testified in favor of the bill. She works with the Bismarck Public Schools Students in Transition Program. If a child misses 20% of their education, they won't graduate. The charge of educational neglect is not pursued. Putting the tools in place would be great. She works with homeless children where it is harder to establish neglect. Missing school can become a habit. In the Bismarck Public School, they have worked to strengthen their attendance policy, they provide alarm clocks, and she spends \$4000 per month on taxi rides. They have a "staying in school" program at one of their middle schools.

Senator Flakoll asked at what age does a parent have 100% control of their child's attendance. Carrie Gross said it would be determined on an individual basis. Some kids, even at age 8, are the adult in the family, if the parent has addiction or other problems. Kids can drop out of school at age 16 yet the state cannot provide resources and services until they are 18.

Glenn Jackson, Department of Transportation, testified against the bill. See written testimony. Senator Freborg asked if he supports the bill without the driver's license provision.

Glenn Jackson said that is correct.

Chairman Freborg closed the hearing on SB 2217.

Chairman Freborg opened the discussion on SB 2217 later in the morning. He asked for a volunteer to work with Senator Cook on amendments to the bill.

Senator Bakke said she will meet with Senator Cook and will hopefully have amendments tomorrow.

Chairman Freborg closed the discussion on SB 2217.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2217

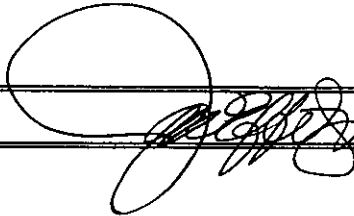
Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: February 10, 2009

Recorder Job Number: 9055

Committee Clerk Signature



Minutes:

Chairman Freborg opened the discussion on SB 2217.

Senator Bakke distributed amendments .0101. She spoke to Senator Cook who had the amendments drafted. They remove section 2 which deals with the loss of a driver's license. It also changes page 2 line 9 to report a truancy situation Chairman Freborg opened the hearing on SB local law enforcement rather than the state's attorney.

Senator Bakke moved amendment 90554.0101, seconded by Senator Lee.

Senator Freborg asked if there are still truancy officers in our large communities.

Senator Bakke said Grand Forks has a community resource officer that works with the school district and deals with truancy issues.

The motion passed 4 – 1.

Senator Flakoll said he will vote against the amended bill. He liked it better before the amendment when the person who was actually truant had repercussions. He would be more in favor of some age parameters.

Senator Freborg asked if he was talking about students and their driver's license.

Senator Flakoll said yes, he would have preferred to leave it in so a truant student would lose their driver's license.

Senator Freborg asked what the penalty would be for those students who do not have a driver's license.

Senator Flakoll said we already have differential penalties in law. We talked about needing tools in the tool chest. That would have been a helpful tool.

Senator Bakke said she liked the driver's license portion too. She understands why it wouldn't work. This won't solve the truancy problem but it will help with the chronic truants, for the parent who don't step up to the plate. Parents need to take responsibility.

Senator Flakoll said Valerie Fischer's hand out yesterday made him wonder how this would be handled on the reservations. One school district at the top of the truancy list would have students on the reservation.

Senator Taylor said the amendment will help that in that truancy would now be reported to local law enforcement. The bill as originally written would only affect the student until the age of 16, then they could reapply. Only a small group of students would be affected. He doesn't know if the bill will help. It is a step in the right direction.

Senator Lee said the new language clears things up. It adds a ladder approach. There are other bills this session dealing with driver's license so it could be a moot issue.

Senator Bakke asked if we could think of another consequence.

Senator Flakoll said it would be more palatable to lose their driver's license at any time they are enrolled in high school. There are a lot of moving parts. Our flawed age of compulsory attendance enters in.

Senator Bakke said she teaches in a middle school. She sees the issue of truancy beginning at age 12 – 13. The pattern starts before high school. We need to stop it in 6th or 7th grade.

The consequence needs to affect the younger kids. The amended bill will help deal with parents. We may want to address this issue in another session.

Senator Flakoll said this issue is not on the radar screen of his local law enforcement officials. They are dealing with more life threatening issues. The state's attorneys would say it's not worth their time.

Senator Freborg said if we can't think of something we should kill the bill.

Senator Bakke said when truant children are out of school, they create other problems for law enforcement. She agrees consequences are necessary.

Senator Bakke said she will brainstorm and see if she can come up with other consequences by tomorrow.

Chairman Freborg closed the discussion on SB 2217.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2217

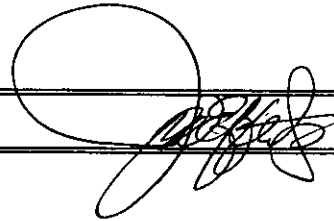
Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: February 11, 2009

Recorder Job Number: 9161

Committee Clerk Signature



Minutes:

Chairman Freborg opened the discussion on SB 2217.

Senator Bakke said she visited with Val Fischer regarding consequences for children who are truant. They sat down with Anita Thomas and spent quite a bit of time. They decided to leave the bill as amended and add a section to form an advisory council on truancy. They thought it would be good to get those people with the most experience with truancy at the table.

Senator Bakke moved the amendment 90554.0102, seconded by Senator Flakoll.

Senator Bakke said Val Fischer said there is some title 4 money available and no further money would be needed.

Senator Freborg asked if she was talking about expense money or pay.

Senator Bakke said she was talking about travel expense. A lot can be done over the phone with conference calls or IVN or Val Fischer could accomplish some of this in her travels across the state.

Senator Freborg said if the committee adopts the amendment, we will need to get an estimate of the cost.

The motion passed 5 – 0.

Senator Taylor moved a Do Pass As Amended on SB 2217, seconded by Senator Bakke.

Senator Taylor said because there is no fiscal note, there is no need to rerefer to appropriations.

Senator Freborg said if it passes we will try to get a cost, it should be minimal.

The motion passed 4 – 1, Senator Taylor will carry the bill.

Senator Bakke said she will get an estimate of the cost.

FISCAL NOTE
Requested by Legislative Council
02/13/2009

Amendment to: SB 2217

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

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

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

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

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

This bill for an Act to amend and reenact sections relating to compulsory school 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.*

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.*

Name:	Linda Paluck	Agency:	DPI
Phone Number:	328-1718	Date Prepared:	02/16/2009

PROPOSED AMENDMENTS TO SENATE BILL NO. 2217

Page 1, line 1, replace "sections" with "section" and remove "and 39-06-01.1"

Page 1, line 2, remove "and motor vehicle operators"

Page 1, line 3, remove "licenses"

Page 2, line 9, replace "state's attorney" with "local law enforcement agency"

Page 2, remove lines 19 through 31

Page 3, remove lines 1 through 24

Renumber accordingly

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

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2217

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Move amendment 90554.0101

Motion Made By Sen. Bakke Seconded By Sen Lee

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

Total (Yes) 4 No 1

Absent 0

Floor Assignment _____

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

PROPOSED AMENDMENTS TO SENATE BILL NO. 2217

Page 1, line 3, after "licenses" insert "; to provide for a legislative council report"

Page 3, after line 24, insert:

"SECTION 3. ADVISORY COMMITTEE ON TRUANCY - REPORT TO LEGISLATIVE COUNCIL. The superintendent of public instruction shall appoint an advisory committee on truancy. The committee shall include representatives of school administrators, teachers, social workers, law enforcement, and state's attorneys. The committee shall review existing school district policies and responses to truancy and shall explore the desirability and feasibility of making available counseling and intervention options and alternative learning environments; the effectiveness of imposing punitive measures on the truant students, on the parents of truant students, or both; and any other solutions designed to decrease incidences of truancy. Before September 1, 2010, the committee shall report its findings and recommendations to the legislative council."

Renumber accordingly

Date: 2/11/09 :
Roll Call Vote #: 1 :

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2217

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken 905H.0102 Amendment

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	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment _____

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

Date: 2/11/09 :
Roll Call Vote #: 2 :

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2217

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Sen. Taylor Seconded By Sen. Bakke

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

Total (Yes) 4 No 1

Absent 0

Floor Assignment Sen. Taylor

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

REPORT OF STANDING COMMITTEE

SB 2217: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2217 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and remove "and 39-06-01.1"

Page 1, line 2, replace "and motor vehicle operators" with "; to provide for a legislative council report"

Page 1, line 3, remove "licenses"

Page 2, line 9, replace "state's attorney" with "local law enforcement agency"

Page 2, replace lines 19 through 31 with:

"SECTION 2. ADVISORY COMMITTEE ON TRUANCY - REPORT TO LEGISLATIVE COUNCIL. The superintendent of public instruction shall appoint an advisory committee on truancy. The committee must include representatives of school administrators, teachers, social workers, law enforcement, and state's attorneys. The committee shall review existing school district policies and responses to truancy and shall explore the desirability and feasibility of making available counseling and intervention options and alternative learning environments; the effectiveness of imposing punitive measures on the truant students, on the parents of truant students, or both; and any other solutions designed to decrease incidences of truancy. Before September 1, 2010, the committee shall report its findings and recommendations to the legislative council."

Page 3, remove lines 1 through 24

Renumber accordingly

2009 HOUSE EDUCATION

SB 2217

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2217

House Education Committee

☐ Check here for Conference Committee

Hearing Date: March 11, 2009

Recorder Job Number: 10717

Committee Clerk Signature

Carmen Hart

Minutes:

Senator Dwight Cook, District 34, Mandan, appeared. He read a sentence out of Article 8, Section 4 of the North Dakota Constitution given with education. "The legislative assembly shall take such other steps as may be necessary to prevent illiteracy." This is a very important step that I am afraid has to be taken. It deals with truancy in our schools. **(See Attachment 1.)** This attachment is about a truancy program in Arizona that is quite successful. When we think of truancy, we think of 14, 15, 16-year old kids skipping school. But unfortunately our real truancy problem that has to be addressed is a truancy problem that exists in the grade schools. We need to get parents to get children to school.

Rep. David Rust: Please look at Section 2. If a teacher determines that a child is not in attendance, he shall notify the administrator. In Section 3 it says the administrator shall initiate an action. I am curious as to why you left it as a teacher in Section 2 and didn't make it a teacher or principal? Why can't it just be the principal right off the bat? I hate to put the teacher in a position of being the person who is the bad person reporting absenteeism when more than likely the principal is aware of it as well.

Senator Cook: There will be a school administrator and a school principal to follow me, but my belief of that is it simply starts with the roll being taken. The teacher is the first one that is going to know that desk is empty.

Chairman Kelsch: Isn't the administrator of the school, isn't that the principal?

Senator Cook: It would be a principal.

Chairman Kelsch: It is not the administrator of the school district. It is the administrator of the school. Is that different?

Rep. David Rust: It says that the teacher determines that a child is not in attendance. I am thinking it could be both the teacher and a principal that could determine that.

Rep. Lee Myxter: Truancy—the problem when I taught was that you would have some students who would come once every two weeks. They would miss 30 or 40 days during the year. Is that truant or a truant if you don't come at all?

Senator Cook: I think the definition of truant—I am not sure if it is in code or if it is a local school policy as to when a child is truant. I will defer the questions to higher pay grades following me.

Superintendent Wilfred Volesky, Mandan School District, appeared. (See Attachment 2.)

Vice Chair Lisa Meier: What was your dropout rate at Mandan last year?

Superintendent Volesky: Mr. Andresen is the one that can tell you that, but I believe that our graduation rate was around 88%.

Rep. Lyle Hanson: Do you find if you have a student that is truant a lot and the parents can't get them to the school, they sign them up as a home school student?

Superintendent Volesky: Very often, yes. When the pressure starts to mount on parents, they look for alternatives, and home schooling is one of those alternatives. It also depends upon the age of the child. Unfortunately, if the child is 16 years of age or older, many times they just simply drop out.

Chairman Kelsch: When you were asked the question about your dropout rate, is that your true dropout rate? We will wait. I will ask Mr. Andresen that question.

Rep. John Wall: Yesterday, we heard a bill on kindergarten compulsory. If this becomes law, would that also apply to kindergarten students?

Superintendent Volesky: I would assume that it would.

Chairman Kelsch: If the age states requirement were there, it would be.

Rep. Phillip Mueller: We have truancy laws currently. What is the difference between what we currently have in the law and the bill that we have before us?

Superintendent Volesky: At the present time if you have a student that is truant and you have gone through the avenues of encouraging them to be in school—you write the letters and do everything that is necessary, but they still aren't there—you can charge the parent with child neglect or educational neglect. The problem with that is it goes from really our work to try to get the parent there to a Class C felony. That's basically the next step that there is and a Class C felony is a pretty tough sanction and so states attorneys are reluctant to do that, to charge them with a Class C felony. If we were able to put another step in between and have a Class B misdemeanor, that it certainly isn't as near as serious. This is another tool for us to use that it is not near as severe. Certainly I think we would be more than willing to apply a Class B misdemeanor than a Class C felony. A Class C felony is a pretty tough thing to put on a permanent record.

Rep. Bob Hunsakor: As I read your testimony, a parent is guilty of an infraction for the first offense. Are you guilty of an infraction after the first phone call or after the first letter? At what point are they guilty of that first infraction?

Superintendent Volesky: When we go through all the avenues, contacting parents and so on, we will contact legal authorities and at that point in time, I would believe that is probably where they would get their first. There are people behind me that can probably answer that question better than I can.

Vice Chair Lisa Meier: What is the most common excuse that you hear either from the parent or child when you have a child that is unexcused?

Superintendent Volesky: I am far enough away from working individually with students that I guess I would not be the best person to answer that. Mr. Andresen would be. I tell you what I could probably write a book over the years when I was in administration about what the excuses were.

Rep. David Rust: On page 2, Section 4 where it talks about a chapter is guilty of infraction. Who assesses the penalty of guilty of an infraction?

Superintendent Volesky: I am going to let the law enforcement person behind me do that. I would assume that it is when you contact law enforcement, they attempt to help you out. We have a truancy officer in our particular district, and that is the individual that basically is the first contact for us with parents. When we have a student that is not there, we contact her. She works with the parent to get that done. As far as the first infraction, I imagine it would be when law enforcement gets involved.

Chairman Kelsch: That would be correct.

Rep. David Rust: That was my point. It would be the court that would assess that, right?

Chairman Kelsch: It would be the states attorney's office that would assess that.

Mark Andresen, Principal, Mandan High School, appeared. (See Attachment 3.)

Chairman Kelsch: Those were truly dropouts? It seems to me that we have a little bit of a difficult time determining whether or not they are actual dropouts or if school's done. They are reenrolled into another school district. We kind of ran through that problem in the past.

Mark Andresen: When you need to find out dropouts, basically there are two different ways the state looks at dropouts and school districts do. There is a cohort dropout rate which is your chance of graduating when you enter school in a four-year period. That is collected by DPI.

Our rate on that is 88.12% this year. Your chance of graduating is 88% when you enter Mandan High School if you attend for four consecutive years. The actual dropout rate that Mandan actually has of students completing per class is approximately 3.6%, and it has been about that average for about the last five or six years. Prior to that, it was much higher. Every school district is going to see the same type of a scenario.

Chairman Kelsch: This would deal in particular with high school. If you have a student that never shows up for their 8:30 class, but they show up for the 10:00 and 11:00 class but they consistently miss the one, is that child truant or do they just fail that course and don't get the credit for that course?

Mark Andresen: Typically what we do is establish a process in which we actually report kids as truant. If you have an unexcused absence, for example, and by the way, the most commonly used excuse is I am sick, we have within our district a set process of how we actually develop and define truancy. We have a 5-7-9 plan. If the kid has five absences in any specific class, they are contacted by our truancy officer. At that point the truancy officer makes a contact with the parents defining and looking at it if this is becoming a chronic issue. That can be for one class. Then what we take a look at is if it is a repeat offense, if it gets to seven, there are letters sent at each of the individual levels. At seven we start to begin to get law enforcement involved. At nine, law enforcement gets very involved. We actually file truancy at seven and nine absences. However as Superintendent Volesky mentioned, the issue that we have is that unless your stack of papers for truancy is this large, the states attorneys will not file because of the Class C felony that is put into place. We are looking for something that gives us a tool or vehicle that makes it more harmful to parents earlier as opposed to being charged with a felony in their high school careers.

Vice Chair Lisa Meier: After a student states that he or she is sick and the parent does too, after how many days do they have to have a doctor's slip? How many days can they be excused without a doctor's slip?

Mark Andresen: It varies with every kid. Basically, it comes down to taking a look at it. We run attendance in my school every two weeks. We take a look. Every kid is basically looked at in a separate similar situation by administration. Typically if a kid is absent for two, three, four days consecutively, we actually demand a medical note from them. It is difficult in a school our size when you have approximately 1,100 students to track that individually.

Vice Chair Lisa Meier: Every school has their own policy and there is no set policy?

Mark Andresen: Yes.

Chairman Kelsch: You even take roll if a student says they are going to the WDA basketball game. You even take roll call there, correct?

Mark Andresen: That is correct. If they are to be in school, they are attending a school function, I take roll.

Valerie Fischer, Director of School Health/Adult Education, Department of Public Instruction, appeared. (See Attachment 4.)

Rep. David Rust: When a school receives its report card from the Department of Public Instruction, there are two factors in determining whether or not a school makes adequate yearly progress. One of those factors besides the scores on a test, isn't it attendance? Are you aware of that?

Valerie Fischer: To some degree, yes.

Rep. David Rust: I think it is. At the bottom of the form, it seems to me that it is the second factor. I think at the secondary level, the second factor is graduation rate.

Valerie Fischer: Yes.

Chairman Kelsch: That is correct. That is requirements of No Child Left Behind.

Vice Chair Lisa Meier: Do most other states have truancy policy within their whole state and if they do, does it mirror what policy we are looking at for this session?

Valerie Fischer: It does vary. Initially when the original bill discussed taking away the driver's license, we had done a search, and there were 17 states that had driver's license to scroll truancy rates or school attendance policies. I think all states struggle with truancy. It is becoming more and more of an issue. I believe that all states are trying a variety of ways to do it, some punitive involving the state's attorney and criminal system. Others are trying more preventive approaches. You really need a comprehensive approach with multiple partners to really adequately address the issues.

Rep. Lee Myxter: Am I reading this right? All the truanicies that were reported were from 51 out of 192 districts. There were 121 districts that did not report a truancy?

Valerie Fischer: Yes.

Rep. Lee Myxter: I find that a little hard to believe.

Chairman Kelsch: Yes, a little bit.

Rep. Jerry Kelsh: Would this in any way include any home school people that didn't file? Would that be the case?

Valerie Fischer: No, that would not include home schooling.

Chris Miller, Mandan Police Department, appeared. I wanted to show our support from law enforcement side of things for 2217. Right now we are kind of limited as far as law enforcement and the prosecutor's office with the penalties. It has always been difficult because of the penalty jumping right to a felony. They are really reluctant to prosecute that case except in extreme circumstances when it is an extreme case of educational neglect. What we have done in the past few years, I think we are up to three plus years, is have a

truancy person working with Mandan School District. She has done an exceptional job. What she does is she documents daily attendance as she can. This has given us an improvement in attendance over the last three years. The catch is when you do issue those cites, the cites go to the student for the truancy, and there really was never any catch for the parents. As we are starting to see younger and younger truancy issues down toward the elementary schools, we don't hold the child responsible. In those cases we look at the parents being responsible and there was no penalty at all. This bill would allow for us to maybe have that extra tool in our toolbox to resort if we need to, starting with an infraction. In my situation it would be a city prosecutor that we would approach. The city prosecutor would take it in municipal court and say it was an infraction case and possibly the states attorney would handle the Class B misdemeanor class depending upon where you are at.

Doug Johnson, NDCEL, supports this bill. We think it is critically important to have an additional tool in our bag of tricks so to speak as we deal with truant students. This gives us that opportunity to have an intermediate step prior to going to a felony.

Carrie Grosz, Bismarck Public Schools in the student transition program, appeared. My job is to locate and identify children who are homeless and work on their various education. I feel the school district can work very hard to overcome the obstacles that keep children from going to school. We do things like give them alarm clocks, provide transportation, and give them clothing. When you are talking about the classes at 8 in the morning, I know for some of my students if they are missing that class, the administrators are very flexible and kind of come up with a creative plan on how do we get this child to take their education more seriously and why they are missing that class. For me where the frustration comes in is when you have parents who aren't real supportive of the educational process.

Chairman Kelsch: Don't you also provide taxi cabs to some of these kids to pick them up?

Carrie Grosz: Yes, I do.

Vice Chair Lisa Meier: Thank you for the work that you do. I know that you work very hard with these kids, and I appreciate it. Just a quick question. We had a bill yesterday—SB 2202 for mandatory kindergarten for age six. Do you have any comments on that bill as well?

Carrie Grosz: I feel starting kids early at six would be great. It is a healthy bill—kids getting start off right and doing the good thing and getting them focused on their education. It also allows parents to free up their time to do things that they need to do as well. Right now when I see kids that are under the age of seven, I cannot make them go to school. There is not a law that is going to make them go. If we are thinking we are offering full day, every day kindergarten you don't want to start them at seven, so it would be good to have them at six. There was no opposition.

The hearing was closed.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2217

House Education Committee

☐ Check here for Conference Committee

Hearing Date: March 11, 2009

Recorder Job Number: 10739

Committee Clerk Signature

Carmen Hart

Minutes:

Rep. David Rust: Let me tell you what my concern was. When I look at Item 2, it says a teacher determines the child is not going to attend. It kind of makes the teacher the bad person. It almost looks like there is kind of a protocol here. The teacher has to notify the principal and then the principal does the investigation. I think sometimes the principal might start that firing and the teacher would be asking about it. Maybe it is not a big deal.

Rep. Lyle Hanson: You could have teacher or principal.

Chairman Kelsch: I think that is probably fine. You could add or teacher or principal after teacher, and principals are defined in code.

Rep. Phillip Mueller: When we talk about the amount of time that is allocated for the size of school, for superintendents, and principals thereof, principals are referenced. I assume that would put us in a position where we can safely say that the principals actually have a specific definition.

Chairman Kelsch: If there is a definition in Chapter 15, we are fine, of a principal. Rep. Rust, if you want to add on Line 1 that the teacher or principal determines, I think that is perfectly fine. You can work with Pam on that.

Rep. David Rust: Maybe it is okay as it is. It would be the teacher who would take roll and more than likely would send the information to the office. Maybe it is the teacher who

determines the attendance anyway. I just didn't want it to be some kind of a loophole or the principal took this out of and the law says the teacher has to do it. I am reading too much into it.

Rep. Phillip Mueller: If you go back to line 8 on the first page, it says each teacher and administrator is charged. That doesn't change any.

Rep. Phillip Mueller moved a **Do Pass**. **Rep. David Rust** seconded the motion.

DO PASS. 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING. **Rep. David Rust** is the carrier of this bill.

There was some discussion of some other bills that had to be taken care of such as the nursing education bill (2266).

Date: 3-11-09
Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2217

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Rep Mueller Seconded By Rep Rust

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

Total (Yes) 13 No 0

Absent _____

Floor Assignment Rep Rust

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

~~Referred to Approp~~

REPORT OF STANDING COMMITTEE (410)
March 12, 2009 8:07 a.m.

Module No: HR-45-4638
Carrier: Rust
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2217, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2217 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

SB 2217

ACT NOW Truancy Program

Office of the Pima County Attorney

Today's truant may be tomorrow's criminal!

Chronic truancy and eventual involvement in crime go hand-in-hand. Research has shown that truancy is a predictor of future criminal behavior. Therefore, the Pima County Attorney's Office is serious about ending truancy and has implemented the ACT Now Truancy Program.

It is the mission of the Pima County Attorney's Office to get truant students back in school in an effort to prevent a life of crime and increase the potential for a life of success!

By working in partnership with the Center for Juvenile Alternatives (CJA), law enforcement, school administrators, teachers, parents and students, the Pima County Attorney's Office is intervening at the very beginning of a truancy cycle.

A.R.S 15-802 requires that a person having custody of a child between six and sixteen years of age must ensure that the child is in school full time when school is in session. A.R.S. 13-3613 requires that parents not commit any acts contributing to a child's dependency or delinquency. This includes failing to send a child to school.

If a student is unexcused from school, an attendance officer will send an advisory letter to the parents or guardian informing them about legal consequences for their failure to ensure their son/daughter's attendance at school. If the student is a chronic truant, the school will refer the student and parent or guardian to CJA.



The Center for Juvenile Alternatives (CJA) interviews youth who are arrested for status offenses, including truancy, and provide intervention strategies. The Pima County Attorney's Office and the CJA works closely with individual schools to identify students who are on their way to being habitually truant. Based on Arizona Law the Pima County Attorney's Office can prosecute parents for their child's failure to attend school. However, before this happens, CJA provides an opportunity to intervene by providing a diversion program in place of prosecution.

The terms and conditions of the ACT Now Truancy Program may include referrals to Teen Court, counseling, educational programs, parenting skill training, or other diversion programs. The Pima County Attorney's Office will prosecute parents who fail to comply with terms and conditions of the diversion program.

**For further information, please contact the
ACT Now Truancy Director of the Pima
County Attorney's Office at 740-5600.**

Barbara LaWall, Pima County Attorney

Sen Cook 2/9/09 2217

**Testimony on Senate Bill 2217
Senate Education Committee
February 9, 2009**

Chairman Freborg and members of the Senate Education Committee my name is Wilfred Volesky and I am the Superintendent of the Mandan School District.

I am here today to speak in favor of SB 2217. SB 2217 addresses the issue that all school districts, large and small, deal with continually which is student attendance. In order for schools to educate students properly they must be in school on a continual basis. This is especially true today when every student needs to be proficient or above on the state assessment.

The average person would believe that absenteeism or truancy is an issue for senior high schools. Certainly that is a true statement since high school students are taking individual courses for which they get individual credit and they begin to miss one period and then two periods and the pattern begins. In most high schools students are allowed to be absent for a certain number of days (in most cases this is 10 days) before students are removed from the class and loss of credit for the class occurs. When a student loses credit in several classes as a ninth or tenth grade student, they are in danger of not graduating with their classmates. Once they realize that they may not graduate they decide to drop out of school. Too many of our students end up dropping out of school not because they could not succeed academically but simply because they were not in school and lost credit due to absenteeism.

Although these students received what they deserved due to their absenteeism, their habitual absence from school did not begin at the high school. Most of these students developed these habits early in their elementary years and this bad habit continued as they got older. High schools students should be mature enough to be held responsible for their lack of attendance. However, an elementary and junior high student needs to have the guidance of parents to make sure that they are in school and that they develop good attendance habits. In too many families the parents do not take this responsibility very seriously and don't care if the student attends school regularly. Truancy at this level is more a parent issue than a student issue

When students do begin to be absent frequently, teachers and school officials contact parents to encourage them to get the students to school. For a number of parents this phone call is enough motivation to get them to change their family habits and get the students to school. However, too often these phone calls and subsequent letters sent by school administrators do very little to get some students to school. These parents simply do not care whether their children are in school. It is with parents such as this that schools need more assistance since these parents have no fear of the current legal consequences.

SB 2217 makes an attempt to hold any person who fails to ensure that a child is in attendance as required by the compulsory attendance law is guilty of an infraction for a first offense and is guilty of a class B misdemeanor for a second or subsequent offense. I don't know if this penalty is enough to motivate these parents but it certainly is middle

ground between what is currently prescribed in law. Parents need to be held accountable to make sure that their children attend school regularly as soon as they begin elementary school. If parents require their students to be in school they will develop good attendance habits that will carry them through their high school years. I believe this would lessen the number of dropouts we currently experience and would result in a larger percentage of students being academically successful.

I would encourage you to give SB 2217 a Do Pass recommendation. I want to thank you for the opportunity to speak on this bill.

Ladies and Gentleman,

I'd like to talk today about the Senate Bill 2217. Currently, North Dakota law mandates all children between the ages of 7 and 16 to be in attendance every day school is in session. Local districts are able to develop and enforce local compulsory attendance policies. Often times these policies are instituted at the secondary level which is far too late as these students and their parents have already developed chronic attendance issues. Truancy has become an increasing concern as students lose the benefits of lectures, discussions, lessons and participation with other students. Current law lacks the enforcement and the penalties that local districts need to hold parents accountable to get their children to school.

Mandan Public Schools has been looking at the issue of truancy for several years and has gathered some data, which we have provided. The data shows that 46% of students in our district that dropped out of school had exhibited poor attendance throughout their school careers. In addition, two-thirds of these students that dropped out did so via our high school's attendance policy. The majority of these students also lacked the skills needed to be success academically because they had not had regular attendance in their earlier school years. This lack of attendance directly affects a student's social and academic skill development. Additionally, this poor attendance by students holds school districts hostage economically by enforcement of their own attendance policies. In our district alone we dropped 44 students last year due to attendance.

The current law as it stands provides for a truancy violation against the student. These violations carry little penalty for the student and no accountability for the parents.

*Mark Andresen Principal
Mandan 22nd.*

We understand the juvenile courts are currently overwhelmed with their own caseload. Our data shows that the average student in our district that dropped out last year averaged 2.61 criminal citations. Imagine had the parents been held accountable to getting these children to school in early on if many of these criminal citations would still be on their records. This bill offers the opportunity for the courts to be proactive in dealing with juvenile delinquency. Additionally, schools are currently held accountable by NCLB and the school improvement process. How are we to meet NCLB and school improvement if the students are affecting most negatively are not consistently at school? We are not asking this to be a mandate to all communities, but rather, be made available to those communities where these issues exist and they are looking for additional enforcement to hold students and parents accountable just as we are held accountable.

In closing, attendance is a chronic problem that starts early and escalates through the age of 16 and older. Students that are affected by poor attendance lack the skills necessary to succeed and therefore the "Fake It Until You Make It" approach no longer works and they drop out of school. We hope you will consider drafting appropriate legislation that holds parents accountable for getting an education for their child. I strongly believe two of the greatest gifts a parent can ever give their child is love and an education. Thank you.

DROPOUT STUDENT PROFILE

- **64 % Male**
- **33% are receiving free/reduced lunch**
- **Averaging 8 total credits and in all likelihood already in credit recovery**
- **GPA = 1.02**
- **67% are not receiving any special services**
- **75% are Caucasian/22% are Native American**
- **1.1 average School/Parent citations**
- **2/3 of students have a criminal violation
(2.61 average criminal citations)**
- **Member of our district for 6 years on average and 40% of students did not attend elementary school in Mandan**
- **Only 7% were retained (Only 1 student in elementary school)**
- **46% of students exhibited poor attendance throughout their school careers**

Same handout
given to House.

GRADE	Gender	STATUS	REASON	CREDITS	GPA	free/reduce	SERVICES	STATE ASSESS	ETHNIC	Truancy/unruly	criminal citations	YEARS IN DISTRICT	RETAINED	ELEM. SCHOOL	GRADE HISTORY	ATTENDANCE HISTORY		
9	m	CORR	Attendance	0.75	1.17	1.00	504	2.00	C	4	1	9	NO	ROOSEVELT	GOOD	POOR	POOR	POOR
9	f	CORR	Attendance	2.25	0.70	1.00	Nothing	NA	N	5	1	1	NA	NA	NA	NA	NA	NA
9	F	PLACEMENT	behavior	0.00	0.00	1.00	Nothing	0.50	N	1	0	0.5	NA	NA	POOR	POOR	NA	NA
9	F	PLACEMENT	behavior	0.00	0.00	0.00	Nothing	1.50	C	3	4	9	NO	Roosevelt	GOOD	POOR	AVERAGE	AVERAGE
9	F	CORR	attendance	0.00	0.00	0.00	Nothing	1.50	N	0	2	9	YES(JR)	CUSTER	GOOD	POOR	POOR	POOR
9	m	CORR	Attendance	1.00	0.40	1.00	Nothing	2.00	C	2	5	9	Yes(JH)	Fort Lincoln	GOOD	POOR	POOR	POOR
9	M	CORR	attendance	0.00	0.00	1.00	Nothing	2.50	C	6	2	9	YES(JR)	FORT LINCOLN	AVERAGE	POOR	AVERAGE	POOR
9	m	CORR	Attendance	2.50	0.74	1.00	Nothing	2.00	C	0	9	7	NO	LEWIS & CLARK	AVERAGE	AVERAGE	GOOD	POOR
10	m	DROPPED	Decision	3.25	0.61	0.00	IEP	0.00	O	0	1	6	NO	CUSTER	AVERAGE	POOR	AVERAGE	AVERAGE
10	f	DROPPED	Attendance	10.50	2.21	0.00	Nothing	0.50	C	0	0	10	NO	ROOSEVELT	AVERAGE	AVERAGE	AVERAGE	POOR
10	M	DROPPED	attendance	3.75	0.65	0.00	Nothing	0.50	N	0	0	10	NO	MARY STARK	POOR	POOR	POOR	POOR
10	M	DROPPED	attendance	2.50	0.50	0.00	IEP	1.00	C	1	7	6	NO	FORT LINCOLN	POOR	POOR	POOR	POOR
10	M	PLACEMENT	behavior	4.50	1.18	0.00	Nothing	1.50	N	1	5	6	NO	LEWIS & CLARK	AVERAGE	AVERAGE	POOR	POOR
10	f	DROPPED	Attendance	4.75	0.98	0.00	Nothing	2.00	N	0	0	10	NO	CUSTER	GOOD	GOOD	POOR	POOR
10	F	CORR	attendance	3.75	0.78	0.00	Nothing	2.00	N	0	0	10	NO	CUSTER	GOOD	AVERAGE	POOR	POOR
10	F	PLACEMENT	behavior	4.25	1.07	0.00	IEP	0.00	C	4	3	2	NA	NA	POOR	POOR	AVERAGE	POOR
10	F	DROPPED	attendance	0.00	0.00	0.00	Nothing	NA	C	1	0	11	NO	CUSTER	AVERAGE	AVERAGE	AVERAGE	POOR
10	M	DROPPED	attendance	0.00	0.00	1.00	Nothing	NA	N	0	0	0.5	NA	NA	NA	POOR	NA	POOR
10	M	DROPPED	attendance	3.50	0.57	0.00	IEP	1.00	C	2	11	10	NO	FORT LINCOLN	AVERAGE	POOR	GOOD	GOOD
10	m	DROPPED	Attendance	3.25	1.44	1.00	IEP	0.00	C	0	2	3	NO	ROOSEVELT	POOR	POOR	AVERAGE	POOR
10	M	DROPPED	attendance	2.75	0.47	0.00	IEP	0.50	C	4	2	2	NA	NA	POOR	POOR	NA	POOR
10	M	DROPPED	decision	0.00	0.00	0.00	Nothing	1.50	C	0	1	3	NO	Mary Stark	POOR	POOR	POOR	POOR
10	m	DROPPED	Attendance	2.00	0.38	1.00	IEP	NA	C	2	3	2	NA	NA	POOR	POOR	NA	NA
10	M	DROPPED	attendance	2.00	0.38	1.00	IEP	NA	C	2	3	2	NA	NA	POOR	POOR	NA	NA
10	m	DROPPED	Attendance	3.50	0.57	0.00	Nothing	1.00	N	2	5	8	NA	NA	AVERAGE	POOR	POOR	POOR
10	M	PLACEMENT	behavior	0.93	1.87	1.00	Nothing	1.50	C	4	4	9	NO	Fort Lincoln	AVERAGE	AVERAGE	AVERAGE	POOR
10	M	CORR	attendance	3.50	0.82	0.00	504	NA	C	1	0	2	NA	NA	AVERAGE	AVERAGE	AVERAGE	POOR
10	F	DROPPED	decision	3.50	1.57	0.00	IEP	NA	N	1	5	3	NA	NA	POOR	POOR	NA	POOR
11	M	DROPPED	attendance	5.00	0.60	1.00	IEP	NA	O	2	0	2	NA	NA	POOR	POOR	NA	AVERAGE
11	m	DROPPED	Attendance	10.50	0.90	0.00	Nothing	0.50	C	0	0	11	NO	MARY STARK	GOOD	AVERAGE	AVERAGE	POOR
11	m	DROPPED	Decision	9.25	1.20	0.00	504	0.00	C	0	0	11	NO	LEWIS & CLARK	POOR	AVERAGE	POOR	POOR
11	m	DROPPED	Attendance	11.25	1.67	0.00	IEP	1.00	C	5	19	9	NO	Fort Lincoln	AVERAGE	AVERAGE	AVERAGE	POOR
11	f	DROPPED	Attendance	14.50	1.58	0.00	Nothing	NA	C	0	1	3	NA	NA	POOR	POOR	NA	POOR
11	m	DROPPED	Attendance	12.00	1.02	0.00	Nothing	1.00	C	0	1	3	NO	NA	AVERAGE	AVERAGE	AVERAGE	AVERAGE
11	f	DROPPED	Attendance	11.00	1.21	0.00	Nothing	0.50	N	4	3	8	Yes(JH)	MARY STARK	AVERAGE	POOR	POOR	POOR
11	F	DROPPED	attendance	10.75	1.19	0.00	IEP	1.00	C	0	0	6	NO	LEWIS & CLARK	AVERAGE	POOR	AVERAGE	POOR
11	F	ALC	attendance	3.75	0.45	0.00	Nothing	1.00	C	2	2	4	NA	NA	POOR	POOR	POOR	POOR
11	f	DROPPED	Attendance	10.00	1.06	0.00	Nothing	1.00	C	1	3	9	NO	Fort Lincoln	AVERAGE	AVERAGE	AVERAGE	POOR
11	M	DROPPED	attendance	8.50	1.08	0.00	504	0.50	C	0	4	11	NO	Fort Lincoln	AVERAGE	POOR	AVERAGE	AVERAGE
11	M	DROPPED	decision	7.50	0.81	1.00	IEP	1.00	C	0	8	5	NA	NA	POOR	POOR	NA	AVERAGE
11	m	DROPPED	Attendance	10.00	1.08	0.00	Nothing	1.00	C	0	0	10	NO	LEWIS & CLARK	AVERAGE	POOR	AVERAGE	POOR
11	f	DROPPED	Attendance	12.25	0.81	1.00	IEP	0.50	C	2	2	11	NO	MARY STARK	AVERAGE	POOR	AVERAGE	POOR
11	F	ALC	decision	8.50	1.61	0.00	Nothing	1.50	C	2	1	11	YES(ELEM)	Fort Lincoln	POOR	AVERAGE	GOOD	GOOD
11	F	DROPPED	decision	9.00	1.12	1.00	Nothing	1.50	C	1	7	2	NA	NA	AVERAGE	POOR	AVERAGE	POOR
11	m	DROPPED	Attendance	8.25	0.34	0.00	Nothing	NA	C	0	1	9	NO	LEWIS & CLARK	POOR	POOR	AVERAGE	POOR
11	f	DROPPED	Attendance	8.75	1.34	1.00	Nothing	NA	C	0	15	2	NA	NA	POOR	POOR	NA	POOR
11	m	DROPPED	Attendance	9.50	0.76	1.00	Nothing	0.00	C	0	5	4	NO	NA	POOR	POOR	NA	POOR
11	m	DROPPED	Decision	12.25	1.09	1.00	Nothing	1.50	C	0	0	1	NA	NA	POOR	POOR	NA	NA
11	M	DROPPED	attendance	8.00	2.24	0.00	Nothing	NA	C	0	0	0.5	NA	NA	POOR	POOR	NA	NA
12	f	DROPPED	Decision	11.00	0.78	0.00	Nothing	0.50	N	0	0	11	NO	CUSTER	AVERAGE	AVERAGE	POOR	POOR
12	M	ALC	behavior	7.75	0.77	1.00	IEP	2.00	C	0	0	11	NO	MARY STARK	GOOD	POOR	POOR	POOR
12	M	PLACEMENT	behavior	14.50	2.18	1.00	Nothing	NA	N	1	3	0.5	NA	NA	POOR	POOR	NA	NA
12	m	DROPPED	Attendance	13.00	0.81	0.00	Nothing	1.50	C	1	6	4	NA	NA	POOR	POOR	NA	NA
12	f	DROPPED	Attendance	15.25	1.90	0.00	504	1.00	C	2	8	8	NO	MARY STARK	GOOD	POOR	GOOD	POOR
12	F	DROPPED	attendance	15.25	1.90	0.00	504	1.00	C	2	8	9	NO	MARY STARK	POOR	POOR	AVERAGE	POOR
12	f	DROPPED	Attendance	17.50	1.27	0.00	IEP	0.50	C	0	1	12	NO	ROOSEVELT	POOR	POOR	POOR	POOR
12	f	DROPPED	Decision	14.50	1.31	0.00	Nothing	0.50	C	0	4	4	NA	NA	POOR	POOR	NA	NA
12	M	ALC	decision	14.00	1.84	0.00	Nothing	1.00	C	0	0	12	NO	Custer	AVERAGE	AVERAGE	AVERAGE	AVERAGE
12	m	ALC	Decision	16.25	1.36	0.00	Nothing	1.00	C	0	0	12	NO	MARY STARK	AVERAGE	POOR	GOOD	GOOD
12	m	DROPPED	Attendance	14.25	1.25	0.00	Nothing	0.00	C	0	0	4	NA	NA	POOR	POOR	NA	NA
12	m	DROPPED	Decision	18.00	1.59	0.00	Nothing	1.00	C	0	0	9	NO	MARY STARK	AVERAGE	AVERAGE	AVERAGE	AVERAGE
12	m	DROPPED	Decision	18.00	1.36	1.00	Nothing	1.50	N	0	2	3	NA	NA	POOR	POOR	NA	NA
12	M	DROPPED	attendance	11.50	1.07	0.00	Nothing	1.00	C	0	2	12	NO	MARY STARK	AVERAGE	AVERAGE	GOOD	AVERAGE
12	M	DROPPED	attendance	12.50	0.89	0.00	Nothing	0.50	C	0	1	11	NO	MARY STARK	AVERAGE	POOR	AVERAGE	AVERAGE
12	M	DROPPED	attendance	21.50	3.43	1.00	Nothing	NA	N	0	0	0.5	NA	NA	POOR	POOR	NA	NA
12	m	DROPPED	Decision	12.50	0.89	0.00	Nothing	0.50	C	0	0	12	NO	CUSTER	POOR	POOR	POOR	POOR
12	m	DROPPED	Decision	15.00	1.29	0.00	Nothing	0.50	C	4	1	12	NO	LEWIS & CLARK	POOR	POOR	POOR	POOR
10 = 20	F = 24			7.93	1.02	yes - 22	ser = 22	0.99	C = 50	1.12	2.61	6.69	5 retained	NA = 26				
11 = 21	M = 43					no - 45	Not = 45		N = 15				4 RECOMMENDEE	MS = 13				
12 = 18									O = 2					FL = 9				
9 = 8														C = 8				
														LC = 7				
														R = 5				
															POOR = 31%	POOR = 68%	POOR = 38%	POOR = 76%
															AVE = 51%	AVE = 30	AVE = 49%	AVE = 18%
															GOOD = 18%	GOOD = 2%	GOOD = 13%	GOOD = 6%

CORRESPONDENCE = placed half-days working on independent study courses

PLACEMENT = They were placed in a full-time facility

UNDER ATTENDANCE (GOOD = UNDER 6 DAYS MISSED FOR YEAR) (AVE. = 6 - 10 DAYS MISSED FOR YEAR) (poor = MORE THAN 10 DAYS MISSED)

UNDER GRADES (GOOD = 3.00 OR BETTER) (AVE = 2.00-3.00) (POOR = UNDER 2.00)

UNDER ASSESS. (2 = PROF IN ALL AREAS) (1.5 PROF IN 1 AREA AND PART. PROF IN OTHER) (1 = PROF. IN 1 AREA) (5 = PART. PROF. IN ONE AREA)

TESTIMONY ON SB 2217

Senate Education Committee

February 9, 2009

Valerie Fischer, Director of School Health / Adult Education

328.4138

Department of Public Instruction

Good morning Chairman Freborg and members of the Senate Education Committee. I'm Valerie Fischer, Director of School Health and Director of Adult Education for the Department of Public Instruction. The Department acknowledges the bill intent to address truancy and would like to provide information to the Committee that may assist in your decision.

The US Department of Education requires the Department of Public Instruction to annually report data on truancy rates in all elementary, middle and secondary schools in North Dakota. Each public, non-public and BIA school receiving federal funds are required to annually collect and report this data to DPI. A student under 16 years of age missing one or more hours from school that is not excused by the attending school or parent is truant; often called "cutting" or "skipping" school.

Data for the past three years reveal:

2005-2006	96,278 hours; 16,744 days * 2,966 students State truancy rate: 5.65 days
2006-2007	74,365 hours; 12,933 days * 2,361 students State truancy rate: 5.48 days
2007-2008	88,727 hours; 15,457 days * 5,370 students State truancy rate: 2.88 days

*averaged from 5.5 elementary hours and 6.0 hours for middle/high school

Of the 2007-08 data ...

- all trancies were from 51/192 districts;
- truant hours ranged from 1 to 42,000;
- student/s who were truant ranged from 1 to 2884; 17 were in grades 6 or less

Seventeen (17) states have laws requiring students to stay in school or maintain a specific GPA to earn or keep their drivers license.

This concludes my testimony – thank you for your indulgence to accept this information. I'm available to take any questions you may have.

SENATE EDUCATION COMMITTEE
February 9, 2009, 9:00 a.m. Missouri River Room

North Dakota Department of Transportation
Glenn Jackson, Interim Director Drivers License and Traffic Safety Division

SB 2217

Good morning, Mr. Chairman and members of the committee. I'm Glenn Jackson, Interim Director of the Drivers License and Traffic Safety Division at the North Dakota Department of Transportation. Thank you for giving me the opportunity to present information to you today.

The North Dakota Department of Transportation opposes Senate Bill 2217.

While a major focus of NDDOT is safety on our roadways, using the privilege to drive as a sanction for non-traffic related issues is not a method we support. This bill would enable an agency or person who is not part of law enforcement or the courts to have the authority to mandate that action be taken against an individual's driving privileges for not attending school. Again, this is not a process the NDDOT can support.

Additionally, one of the unintended consequences of such action placed upon NDDOT is that driver's at an early age can get caught in a repetitive cycle of losing their driving privileges for something that is not traffic related. This bill does not affect the entire population that might violate a compulsory attendance law, only those individuals who currently hold a permit or drivers license.

That concludes my testimony Mr. Chairman. I'll answer any questions you may have.

DISTRICT	HOURS TRUANT	NUMBER OF STUDENTS
New Town	42000	8
Fargo	18771	1096
Belcourt	6427	147
Minot	6289	2884
Eight Mile	3200	40
White Shield	3072	128
Grand Forks	2101	161
Devils Lake	1631	89
West Fargo	1535	26
Garrison	727	169
Jamestown	628	95
Grafton	355	65
Bismarck	255	40
Beulah	255	44
Mandan	247	38
Wahpeton	206	5
Bottineau	149	47
Valley City	103	40
Dickinson	75	21
Dunseith	73	10
Ft Totten	68	65
Rolette	62	35
Hatton	51	8
Parshall	48	8
Minnewaukan	44	9
Central Cass	44	10
Langdon Area	42	2
Glen Ullin	32	4
Center-Stanton	25	5
North Sargent	24	1
Williston	22	4
Lisbon	19	3
Glenburn	18	6
Montefiore	18	3
Milnor	17	9
Northwood	17	5
McKenzie Co	13	2
Hazen	13	3
South Heart	12	2
Steele-Dawson	7	1
Griggs County Central	6	1
Fessenden-Bowdon	5	3
Sargent Central	4	1
Larimore	4	1
Hettinger	3	2

SF 2/9/09 2217

Park River	3	2
Nesson	2	2
Hebron	2	1
Rugby	1	1
Edinburg	1	2
Solen	1	2

Attachment 2

Testimony on Senate Bill 2217
House Education Committee
March 11, 2009

Chairperson Kelsch and members of the House Education Committee my name is Wilfred Volesky and I am the Superintendent of the Mandan School District.

I am here today to speak in favor of SB 2217. SB 2217 addresses the issue that all school districts, large and small, deal with continually which is student truancy. In order for schools to educate students properly they must be in school on a continual basis. This is especially true today when every student needs to be proficient or above on the state assessment.

The average person would believe that absenteeism or truancy is an issue for senior high schools. Certainly that is a true statement since high school students are taking individual courses for which they get individual credit. They begin by missing one period, then two periods and the pattern begins to develop. In most high schools students are allowed to be absent for a certain number of days each semester (in most cases this is 10 days) before students are removed from the class and loss of credit for the class occurs. When a student loses credit in several classes as a ninth or tenth grade student, they put themselves into a position of not graduating with their classmates. Once they realize that they cannot graduate due to a lack of credits, they too often choose the option of dropping out of school. Too many of our students end up dropping out of school not because they could not succeed academically but simply because they were not in school and lost credit due to habitual absenteeism or truancy.

Although these students received what they earned due to their absenteeism, their habitual absence from school did not begin at the high school. Most of these students

developed these habits early in their elementary years and this bad habit continued as they got older. High school students should be mature enough to be held responsible for their lack of attendance. However, an elementary and middle school student needs to have the guidance of parents to make sure that they are in school and that they develop good attendance habits. In too many families the parents do not take this responsibility very seriously and don't care if the student attends school regularly. Truancy at this level is more of a parent issue than a student issue.

When students do begin to be absent frequently, teachers and school officials contact parents to encourage them to get the students to school. For a number of parents this phone call is enough motivation to get them to change their family habits and get the students to school. However, too often these phone calls and subsequent letters sent by school administrators do very little to get some students to school. These parents simply do not care whether their children are in school. It is with parents such as this that schools need more assistance since these parents have no fear of the current legal consequences.

SB 2217 would hold any person who fails to ensure that a child is in attendance as required by the compulsory attendance law guilty of an infraction for a first offense and guilty of a class B misdemeanor for a second or subsequent offense. The possibility of being charged with a Class B misdemeanor should be enough to motivate these parents to have their children in school regularly. The Class B misdemeanor penalty would give law enforcement officials another tool to use prior to charging these parents with child or educational neglect, which is a Class C felony, which states attorneys are reluctant to do. Parents need to be held accountable to make sure that their children attend school

regularly as soon as they begin elementary school. If parents require their son/daughter to be in school they will develop good attendance habits that will carry them through their high school years. This would lessen the number of dropouts we currently experience and would result in a larger percentage of students being academically successful.

I would encourage you to give SB 2217 a Do Pass recommendation. I want to thank you for the opportunity to speak on this bill.

Ladies and Gentleman,

I'd like to talk today about the Senate Bill 2217. Currently, North Dakota law mandates all children between the ages of 7 and 16 to be in attendance every day school is in session. Local districts are able to develop and enforce local compulsory attendance policies. Often times these policies are instituted at the secondary level which is far too late as these students and their parents have already developed chronic attendance issues. Truancy has become an increasing concern as students lose the benefits of lectures, discussions, lessons and participation with other students. Current law lacks the enforcement and the penalties that local districts need to hold parents accountable to get their children to school.

Mandan Public Schools has been looking at the issue of truancy for several years and has gathered some data, which we have provided. The data shows that 46% of students in our district that dropped out of school had exhibited poor attendance throughout their school careers. In addition, two-thirds of these students that dropped out did so via our high school's attendance policy. The majority of these students also lacked the skills needed to be success academically because they had not had regular attendance in their earlier school years. This lack of attendance directly affects a student's social and academic skill development. Additionally, this poor attendance by students holds school districts hostage economically by enforcement of their own attendance policies. In our district alone we dropped 44 students last year due to attendance.

The current law as it stands provides for a truancy violation against the student. These violations carry little penalty for the student and no accountability for the parents.

We understand the juvenile courts are currently overwhelmed with their own caseload. Our data shows that the average student in our district that dropped out last year averaged 2.61 criminal citations. Imagine had the parents been held accountable to getting these children to school early on, if many of these criminal citations would still be on their records. This bill offers the opportunity for the courts to be proactive in dealing with juvenile delinquency. Additionally, schools are currently held accountable by NCLB and the school improvement process. How are we to meet NCLB and school improvement if the students are affecting most negatively are not consistently at school? We are not asking this to be a mandate to all communities, but rather, be made available to those communities where these issues exist and they are looking for additional enforcement to hold students and parents accountable just as we are held accountable.

In closing, attendance is a chronic problem that starts early and escalates through the age of 16 and older. Students that are affected by poor attendance lack the skills necessary to succeed and therefore the “Fake It until You Make it” approach no longer works and they drop out of school. We hope you will consider this piece of legislation as provides a new vehicle to hold parents accountable for getting an education for their child. I strongly believe two of the greatest gifts a parent can ever give their child are love and an education. Thank you!

DROPOUT STUDENT PROFILE

- **64 % Male**
- **Averaging 6 total credits and in all likelihood already in credit recovery**
- **GPA = .94**
- **60% are not receiving any special services**
- **70% are Caucasian/27% are Native American**
- **1.24 average School/Parent citations**
- **2.61 average criminal citations**
- **Member of our district for 6 years**
- **They have not been retained.**
- **Average to poor grades and attendance in Elementary**
- **Generally poor grades and attendance in JH**
- **Poor grades and attendance at HS**

TESTIMONY ON SB 2217

House Education Committee

March 12, 2009

Valerie Fischer, Director of School Health / Adult Education

328.4138

Department of Public Instruction

Good morning Chair Kelsch and members of the House Education Committee. I'm Valerie Fischer, Director of School Health and Director of Adult Education for the Department of Public Instruction. On behalf of the Department, I'd like to provide supportive testimony for SB 2217.

The US Department of Education requires the Department of Public Instruction to annually report data on truancy rates in all elementary, middle and secondary schools in North Dakota. Each public, non-public and BIA school receiving federal funds is required to annually collect and report this data to DPI. A student under 16 years of age missing one or more hours from school that is not excused by the attending school or parent is truant; often called "cutting" or "skipping" school.

Data for the past three years reveal:

2005-2006	96,278 hours; 16,744 days * 2,966 students State truancy rate: 5.65 days
2006-2007	74,365 hours; 12,933 days * 2,361 students State truancy rate: 5.48 days
2007-2008	88,727 hours; 15,457 days * 5,370 students State truancy rate: 2.88 days

*averaged from 5.5 elementary hours and 6.0 hours for middle/high school

Of the 2007-08 data ...

- all truanancies were from 51 of 192 districts;
- truant hours ranged from 1 to 42,000;
- the number of student/s who were truant ranged from 1 to 2884; and
- only 17 were in grades 6 or less.

When introduced in the Senate Education Committee, the original bill proposed to cancel the driver's license of any students found guilty of violating the compulsory attendance law of the state or district for three months or until age 16, whichever came first. The Department of

Transportation testified in opposition; citing lack of personnel to monitor this requirement. During Committee work, the Senate Education Committee and Department staff discussed multiple options and alternatives to truancy and realized it was not possible to determine any immediate resolution as to the “best” consequence or solution at this time. As a result, the Department offered to facilitate a committee of statewide partners to further review existing policies, intervention options and promising practices and programs, providing a summative report and proposal to the Legislative Council and Education Interim Committee before September 2010.

This concludes my testimony – I’m available to take any questions you may have. If not, thank you for your time.