

2011 SENATE EDUCATION

SB 2226


2011 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

SB 2226
January 24, 2011
13241

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to compulsory attendance at school.

Minutes:

SEE ATTACHED TESTIMONY

Chairman Senator Freborg opened the hearing on SB 2226; no fiscal note attached. Senator Marcellais is absent due to a death in the family.

Senator Cook, District 34, introduced SB 2226 relating to truancy. Last session, Section 2 is pretty much the same bill introduced last session that was passed and became law. Put in place some mechanisms in which school districts could work with local law enforcement and judiciary systems to make sure all North Dakota children are being taken to school, that there is an effort to get them to school, and that they are in the classroom where they might be able to learn. Has been some success, but the changes made where school districts can work with local law enforcement and getting the attention of parents so children might get to school. Real truancy problems actually start in the grade school; bad habits are created, and carry through to high school. Teachers are able to fairly accurately predict in grade school whether a student is likely to be successful and graduate from high school.

As a result of the bill passed last session, this committee deemed it important that DPI form a study committee to study truancy, to see what other issues arise out there. One of the first things they discovered was a lot of differences in how schools define truancy. This bill makes a common definition of what is truant; also have a requirement that information be gathered and reported to the degree of truancy problems in our school districts. This bill is a product of the study committee that met four times. Senator Cook was on the committee; talked about a lot of issues, and this is one more step to getting students attending school on a regular basis.

(Senator Heckaman had questioned Senator Cook prior to hearing regarding the definition intent for line 18; thinks excused should be unexcused.)

Senator Heckaman: Someone pointed out that maybe it is correct and that she was misinterpreting the info. Will wait and see what others that testify feel the wording should be.

Valerie Fischer, Director of School Health & Director of Adult Education testified in favor of SB 2226. Also served on the committee set up to study truancy and to come up with a common definition of truancy and excused absences. Power School will be used to track attendance as all schools must take attendance for every class period and report these numbers. (Testimony #1 with two attachments). Need consistency in reporting and data. The committee came up with five recommendations that are outlined in the attachments to testimony. Recommendations #4 & #5 are not included in this bill.

Line 18 may need to be changed to either an "unexcused absence" OR take the word "not" out of the definition.

Senator Flakoll: When will the 2010-2011 data be available that would compare other data supplied? **Valerie Fischer:** The information has to be submitted by June 15th by the school buildings.

Senator Flakoll: Was there any use of the Class B misdemeanor, where charges have been filed; any anecdotal evidence, hearing from schools that their student attendance rate is improved? **Valerie Fischer:** Yes, believes schools are more comfortable running the process through as a Class B misdemeanor rather than as a felony, because city and county court systems were not at all cordial to charging a parent with a felony for a charge of truancy.

Senator Flakoll: How many times can a student be absent during the day? **Valerie Fischer:** That varies from district to district, however most will give the student 10 absences before getting docked credits, testing, etc. Using Power School most schools do attendance at the beginning of the hour, so a student might be tardy but not necessarily truant.

Senator Flakoll: When do they cross over from tardy to absent? **Valerie Fischer:** Each classroom teacher or local district policy makes that determination.

Senator Flakoll: Schools are essentially paid the number of students that are supposed to be in attendance, will this impact them in ways that require more checks and balances in the system for payment for those students, to put more teeth in to require them to be there, more verification so that we are paying for students that are actually in the classroom? **Valerie Fischer:** Believes that concern was also voiced by the administrators and those that participated in the work group. Thinks that the difference between ADM (average daily membership) and ADA (average daily attendance) is different; we are really looking at attendance here and how that calculates. Trying to streamline that process and not the membership—just the attendance.

Senator Flakoll: The BIA schools generally have the biggest problem according to data shown in 2009; are they not mandated to follow state law in this regard? Talking about another study group to work on that too. **Valerie Fischer:** That is correct; the schools that have high Native American populations do experience the most truancy. The schools that are BIA schools (just a few, seven?) by building; their reporting requirements federally are different. Want to be able to look at both reporting and try to align them. They do keep track of truancy as well.

Senator Luick: Is that truancy reporting from BIA schools incorporated in the state average—the numbers you have here? **Valerie Fischer:** Yes.

Senator Luick: Had indicated a possible amendment to verbiage? **Valerie Fischer:** page 1, line 18 a. needs to be clarified; if excused remove the word NOT at the end of the line. Or if NOT is kept, change "excused" to unexcused. Open to either way to word it.

Senator Gary Lee: If there isn't a written excuse, then the school could decide what is an excused absence? Maybe that is the intent the way it is written? **Valerie Fischer:** Yes. **Senator Gary Lee:** Then it seems like it is written correctly. Just looking at the intent—the way it is written. **Valerie Fischer:** Thinks the intent is to give schools further definition, not only what truancy is, but what excused and unexcused is. If truant, there is no note from the parent, so the parent has not excused them, and student has no participation in any school activities that would excuse them. So if truant, there is nothing that supports the absence from school, either by written or other communication from the parent or school.

Senator Gary Lee: The numbers quoted as being the truant numbers, do they include non-public schools? **Valerie Fischer:** Yes, they do. **Senator Gary Lee:** The non-public portion that is being included in the new bill, even though it wasn't there last time, those reportings are still included in the numbers? **Valerie Fischer:** Yes.

Senator Heckaman: On page 3 of the bill, on top 15.1-20 says submission of data. How is this different from what is being done now? **Valerie Fischer:** Not a change, just wanted to emphasize the recommendation of the committee and also the process that is existing now using Power School.

Bev Nielson, North Dakota School Board Association, testified in support of SB 2226; also starred line 18 to clarify intent. Would like to answer the question regarding a noticeable change since the truancy law was passed last session. It has clearly made a difference in districts that have resource officers, primarily the larger districts, because they have a direct contact with law enforcement which has a relationship with the states attorneys' etc. A majority of our districts can't afford to have resource officers in their schools, think they still struggle a bit to get the attention of law enforcement and the states attorneys. Do think it helped to reduce the charge from a felony to Class B misdemeanor.

Lines 23 & 24, understand what it is saying—would agree that it is correct, but FYI and so that districts aren't confused—there are other laws and court opinions that do preclude school districts, in certain instances, from withholding credit and removing students from courses or taking severe punitive action. Those cases make it clear that if, in fact, absenteeism or tardiness is a stated part of their grading system in the district, it's in the student handbook, and the parents are aware of it, and they allow the student a reasonable amount of time to make up the work they missed, then can withhold credit. Otherwise, if it isn't clearly laid out like that in the grading system, and they are not allowed to make up the work, then the student has the right to a hearing and due process. Just so everyone is aware that what it says here "the chapter does not preclude" (that part is true) but it also doesn't allow for, in all cases, the reduction of credit or removal from a course.

Also would support that if school districts had some funding to implement their truancy prevention programs, but realize the bill may be lost if a fiscal note is attached.

Senator Heckaman: Could something be written in for schools that do make-up time? Some schools allow students to come in and make up missed time. To remove these absences or have students not counted absent—would that need to be written into this bill?

Bev Nielson: Doesn't think it needs to be written into the bill because it is in school policy and they have to allow them a reasonable amount of time to make up school work. Whether that would translate into removing from reporting them as truant, she would have to think about.

Dakota Draper, President, North Dakota Education Association testified in support of SB 2226. (Testimony #2) They like the common definition of truancy (Section 1, Part 1, page 1) and like the idea of requiring the school district to report this. North Dakota Education Association has been working on this as truancy and dropouts are closely linked. Taking care of the truancy problem helps take care of the dropout problem.

Warren Larson, represented Doug Johnson, Executive Director North Dakota Council of Educational Leaders to testify in support of SB 2226. (Testimony #3)

Senator Flakoll: Could you comment on the ADM (average daily membership) /head count and if this will impact any school district financially.

Warren Larson: There may be some minor concerns; this bill will hopefully help as truancy probably already impacts the district financially.

No testimony in opposition to SB 2226; the hearing was closed.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

Committee Work on SB 2226
January 24, 2011
13271

Conference Committee

Committee Clerk Signature *T. Jorgensen*

Minutes:

NO TESTIMONY ATTACHED

L. Anita Thomas, Attorney, Legislative Counsel, was asked to come clarify or explain line 18 before action is taken. She would suggest whether defining an excused absence or an unexcused absence, and use this as an opportunity to clarify that.

Senator Gary Lee: Was trying to determine whether or not they are trying to describe if there is an excused absence other than that requiring a verbal or written parental permission. Is that the intent of that section? Is the excused absence defined somewhere else and that this is looking for another way to describe it if they don't have a written or verbal excuse?

L. Anita Thomas: That is probably a little more complex than the group that worked on this had gotten. The message here was that there was no statutory definition of an excused or unexcused absence. Before school districts start doing their own thing, they are saying to define your absences according to the statutory direction. Can work either way—define excused or unexcused absences. This will make it consistent throughout the state.

Senator Flakoll: Do you have a recommendation; if we define excused, is everything else then unexcused or should we define both? **L. Anita Thomas:** If you chose to define one, everything else would fall into the other category. Do not believe both need to be defined.

Senator Flakoll: So we can do something as simple as over striking the word NOT on line 18 and it would provide clarity as far as what an excused absence would be? **L. Anita Thomas:** That would work or change the word excused to unexcused.

Senator Heckaman: Do either of those words, excused or unexcused, show up in the rest of the bill—so it wouldn't be parallel? **L. Anita Thomas:** Believes they do not show up. In lines 9 & 10, it talks about a student who may not be absent from school without excuse, and perhaps if looking at this again, should be defining the phrase "absence without excuse".

No further questions; closed the work session.

Date: 1-24-11
 Roll Call Vote # 1-A

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 226

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number line 18 overstrike Not

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Sen Flakoll Seconded By Sen. Heckaman

Senators	Yes	No	Senators	Yes	No
Chairman Layton Freborg	X		Senator Joan Heckaman	X	
Vice Chair Donald Schaible	X		Senator Richard Marcellais	X	
Senator Tim Flakoll	X				
Senator Gary A. Lee	X				
Senator Larry Luick	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE

SB 2226: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2226 was placed on the Sixth order on the calendar.

Page 1, line 18, remove "not"

Renumber accordingly

2011 HOUSE EDUCATION

SB 2226

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

SB 2226
03/08/11
15079

Conference Committee

Committee Clerk Signature



MINUTES:

Chairman RaeAnn Kelsch: We will open the hearing on SB 2226. I visited with Sen. Dwight Cook and he will not be coming down for the bill. Since a couple of the other sponsors are in the committee I figured that would be just fine. I am not going to make any comments. Rep. John Wall did you plan on making any comments?

Rep. John Wall: I hadn't planned on it.

Doug Johnson – Executive Director, NDCEL: Sen. Dwight Cook asked that I review the bill with you. In the 2009 session there was a bill that was passed that reduced the charge for a parent that was neglecting to send their child to school from a felony to a misdemeanor which really helped get some teeth in the truancy law. Another part of that bill put a committee together to study the attendance issues and come up with a definition of truancy. This bill is a result of that committee. It defined what is consecutive absence and how that will be determined. It is important to know that this is going to be consistent across the state. Subsection 2 of section 1 does talk about exactly what an excused absence is but it does allow flexibility on how the school will document that. Section 2 is a perfecting language to the current law and changes words child to student. One of the things that will be happening with Power School is we needed to have consistency in recording on what an unexcused absence was. If a student does not turn in an excused absence through a parent and it is not verified it is treated as unexcused in Power School. When Power School collects that data it will be able to take that as a truant student. We will treat any unexcused absence that is put into Power School as unexcused as truant. This is help on how we get our truancy reports for the state. That format will be determined by DPI and Power School. We will still have some work to do on that. The fourth section does allow for DPI to provide a truancy and intervention program background. They are going to look for different programs that are going to be available for school districts to help truancy, prevent truancy, and intervene for truancy problems in the school. One that I might mention is one that is sponsored by the NDEA, NDCEL, and DPI and that has been very helpful in school districts.

Rep. Mark Sanford: When you codify this I am assuming that alternative schools which have historically had a system of attendance would not be affected by it.

Doug Johnson – Executive Director, NDCEL: That is correct. We leave that up to the school district in how they determine that. It comes down to how they are going to address that as an excused or unexcused absence.

Rep. Lyle Hanson: What about someone that is 16 and older?

Doug Johnson – Executive Director, NDCEL: If that student is 16 years and older and the parent wishes them to be in school they can be treated as a truant student but the parent would have to request that. The only person that it would not impact would be those students that have reached the age of 18. They are in essence the parent at that point in time. What typically happens in a school building is the administrator will work with a parent to file an unruly child position.

Rep. Karen Rohr: I'm wondering about how the parents and students are educated about how this policy exists?

Doug Johnson – Executive Director, NDCEL: When something new like this is put forth the school hand books are changed etc. They do require, for most school districts, for the students to take that home and have parents sign off on that.

Rep. Mike Schatz: A principal is going to make the call on whether it is excused or unexcused right?

Doug Johnson – Executive Director, NDCEL: That would be left up to the individual school district on how they put that forward.

Chairman RaeAnn Kelsch: If you recall we had a bill last session that really started moving in this direction that was initiated by the Mandan School District. They brought this to Sen. Dwight Cook along with the State's Attorney's Office and law enforcement. They worked on this during the interim and brought the first bill forward and then I believe this is a result of some further work that needed to be done on the issue.

Rep. Mike Schatz: I m thinking about work issues. If a father wants his son to go out and work in the field and the school says no you will be truant, how would that situation go?

Doug Johnson – Executive Director, NDCEL: If you look at subsection 2A it defines an excused absence is any absence from school. If that absence is supported by either verbal or written excuse by that student's parent, teacher, or administrator it could be excused. School districts could have different policies on that though. It would be my opinion that it is up to the school district.

Vice Chair Lisa Meier: If a student arrives 15-20 minutes late each day as part of a habit, what generally is the length of time that a school will allow in order for that student to be excused? Can you explain a little about that?

Doug Johnson – Executive Director, NDCEL: Each school will set up that policy. I know as an administrator at a local level that we would allow 15 minutes tardiness. In excess of that we would say they were absent from the period and treat it as such. We also do

interventions with those kids and look what the reason is for those students arriving tardy all the time. A lot of times it wasn't the fault of the student but was the fault of the parent.

Rep. Karen Rohr: Is this legislation modeled after other state bills? Is it unusual for the state to address these things?

Doug Johnson – Executive Director, NDCEL: I do not recall that we modeled this after another state. We may have looked at some policies. One thing I should point out is we did include the State's Attorney on this to make sure we can enforce this level of truancy especially if we have a parent that is condoning the truancy.

Chairman RaeAnn Kelsch: We've had truancy laws on the books for a number of years. The reason this came about is because there was no teeth in the law. The State's Attorney said that we see the complaints but we can't do anything or it isn't worth our time. Could you give the new member a historical perspective?

Doug Johnson – Executive Director, NDCEL: What was happening was if you filed a truancy of neglect on the parent it was a felony so most State's Attorneys were reluctant to do that. What the 2009 bill did was reduce it to a misdemeanor with now a maximum of 500 dollars that is charged to the parent. It can also set up this committee to look at defining clearly what an unexcused absence and a truant student is. This will universally be the same. That is the importance of what is being done by this bill.

Chairman RaeAnn Kelsch: I think this was worked on more closely by State's Attorneys, law enforcement official, and school officials to make sure it was workable for all districts. I think if you look across states you will see truancy laws that are all across the board. In a lot of states there are a lot of teeth in those laws and in some you will find that they are more like this one where it is something that can be enforced but it isn't over the top with making it a serious crime.

Rep. Karen Rohr: What does the data suggested so far since it was implemented in 2009?

Doug Johnson – Executive Director, NDCEL: I believe both Mandan and Bismarck have used it and gone forward with that. Usually what has happened is they haven't had to file the charge because the parent cooperated and it was worked out with the school.

Rep. Karen Karls: I noticed in the new language you now mention nonpublic schools. Where they at the table with this policy was developed?

Doug Johnson – Executive Director, NDCEL: I'm not sure on that.

Chairman RaeAnn Kelsch: This bill has been around for awhile and I don't see any of the lobbyists for nonpublic schools here so I'm guessing it wasn't an issue.

Doug Johnson – Executive Director, NDCEL: Most of the nonpublic schools are not on Power School so they can decide how to do this and set up their own policies.

Rep. Bob Hunskor: Years ago I recall many schools had a policy that if you weren't gone for more than three days in the school year you were exempt from taking the finals for different courses. In my involvement in that those kids were in school. They were there if they were sick and shouldn't be there. Be that good or bad we went from 91% to 97-98% attendance. Is that still being used?

Doug Johnson – Executive Director, NDCEL: I believe there are some that are still doing that. I know it was a very popular way to get kids to stay in school back in the 1980s and early 1990s.

Vice Chair Lisa Meier: Can you explain to the committee what the policy is on reservation schools?

Doug Johnson – Executive Director, NDCEL: I would assume if it is a public school that they would submit to the policy. Other than that I could not comment on that.

Chairman RaeAnn Kelsch: Further support?

Valerie Fischer – Director, DPI: (Testimony attachment 1).

Vice Chair Lisa Meier: On your recommendation in number 4, what is the appropriation for the LEA?

Valerie Fischer – Director, DPI: We initially asked the appropriations committee to replace the Safe and Drug Free School funding at a cost of 1.5 million dollars which was the federal allocation which had been dismissed as a result of President Obama's budget changes. The senate appropriations identified that at 200,000 and moved that over to the house. When the house committee hears this we will again ask for our original request.

Vice Chair Lisa Meier: Currently it is at 200,000. Do you know the rationale behind that?

Valerie Fischer – Director, DPI: No I don't.

Rep. Mark Sanford: I'm going to call this clean and neat. One of the things that worry me is dealing with kids that experience truancy. That is not clean and it is not neat. I worry that when you are doing this that common sense on part of the staff is not going to be able to be used and then you say sorry you hit the number and you are gone. I think all of us have had experiences where we were tired of working with it but said we were going to continue to work through it. I just want to make sure the flexibility will be there.

Valerie Fischer – Director, DPI: I think that very sentiment is what the group reported. I think across the state there is the passion for having students in school and seeing them succeed. By providing some foundation we are able to say that there is something we can do.

Rep. Mike Schatz: You said 2217 changed it from a felony to a misdemeanor. Is there a 500 dollar per day fine for truancy?

Valerie Fischer – Director, DPI: I don't know if that is a 500 dollar per day fine. Mr. Johnson says it is the maximum fine and it is one time.

Rep. Mike Schatz: If that is the case and parents say I am not going to pay any 500 dollars and now I am going to home school can they do that during the middle of the year?

Valerie Fischer – Director, DPI: Yes.

Rep. Brenda Heller: What is the bill number that is going to the appropriations for that?

Valerie Fischer – Director, DPI: I believe it is 2314.

Rep. Karen Rohr: Was there parental representation at that committee?

Valerie Fischer – Director, DPI: Members of the committee were parents but there wasn't a specific parent designee. It was shared with the PTO based out of Fargo at a later date.

Rep. Karen Rohr: You mentioned the truancy rates had increased. For 2009-2010 you had 7,810 days that North Dakota students were truant. Did you break down that data to see if they were appropriate truancy calls?

Valerie Fischer – Director, DPI: No because at this point we are allowing individual districts to make that call without this definition. Once a common definition is utilized we will be able to have that information?

Vice Chair Lisa Meier: Further questions?

Rep. Karen Karls: Can you tell me if there were private schools represented at the task force? If not and this is going to be reported on power school, I don't believe all private schools own Power School systems. How would you make up for that?

Valerie Fischer – Director, DPI: The nonpublic was not part of our committee work. As Doug said most aren't involved in Power School so they would probably use STARS. We will be able to collect nonpublic it will just be through STARS not Power School.

Vice Chair Lisa Meier: Further Testimony in Support?

Josh Askvig – NDEA: (Testimony attachment 2).

Vice Chair Lisa Meier: On your quick tips for parents, how do you distribute that?

Josh Askvig – NDEA: It is posted on our website and we distribute the resources. Some of you have seen some public service announcements that we are trying to promote our website so parents are familiar and can go there for information.

Vice Chair Lisa Meier: Is this a national campaign?

Josh Askvig – NDEA: No we started this on our own.

Vice Chair Lisa Meier: Questions? Further testimony in support?

Bev Nielson – NDSBA: We support the bill.

Vice Chair Lisa Meier: Further support? Opposition? Neutral?

Chairman RaeAnn Kelsch: Is there any discussion or thoughts?

Rep. Karen Rohr: I was hoping that we would have a break down on the data of the students that were considered truant. I'm concerned about the subjectivity.

Rep. Mike Schatz: I guess I am a little concerned about the need for the bill. There were a number of issues there that need some work.

Chairman RaeAnn Kelsch: I think the one thing I was surprised at is that the principals, law enforcement, and state's attorneys didn't come in and perhaps they didn't think they needed to because it passed so handedly in the senate. I think their discussion was very important. This was not created in a vacuum. It was set up by a committee that met with and there were parents involved, school officials, law enforcement, state's attorneys, and school district principals. We can wait on this. It is an important piece of legislation that they thought what they put into legislation in 2009 was going to be the end product. After that they thought it still needed some tweaking and that is why this bill is before us now.

Rep. Mark Sanford: No matter what you put in policy it is going to be judgment and dealing with individuals. I'm more comfortable now that I think about the bill than I was when we talked about it.

Chairman RaeAnn Kelsch: We will look at the makeup of the committee and who all was involved in the drafting of the bill. With that we will close on SB 2226.

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

SB 2226
03/22/11
15826

Conference Committee

Committee Clerk Signature



MINUTES:

Chairman RaeAnn Kelsch: We will open on SB 2226. (Attachment). One of the things we have talked about was the committee and who was on the committee and you have the list in front of you with the legislators, the associations, juvenile services, Indian affairs, DPI, school resource officers, the state's attorneys, social workers, principals both elementary and high school, adult education, and private providers. The truancy committee came out of the truancy bill that we had last legislative session and they were charged with developing a policy to have it codified. I do know that the state's attorneys and the principals both wanted to have some sort of set policies so that it was a little bit more uniform for them. That is where this bill has come from.

Rep. David Rust: On page 1, lines 18, 19, and 20, it defines an excused absence as any absence from school if that absence is supported by either a verbal or written excuse by the student's parent, teacher, or school administrator. When you delineate reasons why a student can be absent you will have parents that will call and lie. As a former administrator, I kind of got to the point when a parent called and asked for a child to be excused I didn't even want to know the reason. Who am I as a school administrator to question if the excuse is legitimate or not. We wrestled with issues where we would excuse girls for getting their hair done on the day they had prom or we would excuse guys to go hunting with their dads. A father asked us if he could take his kid with him to a bowling tournament he was involved with and that one we said no to. It got to be a zoo to the point where we decided if a parent decides they want their child to be with them, who am I to say they can't. I really wonder the value of lines 18, 19, and 20.

Rep. Karen Rohr: I going to be honest I won't support this bill because of the subjective nature of the definitions that they have and also it tails on to what Rep. David Rust said. The second thing is I have a concern they did have an increase in the truancy rates but they didn't drill down that data to see if they could come up with a more objective process where they define truancy.

Rep. Mike Schatz: I can remember our policy was after 20 days of absence you had to go before the school board and they made a determination about what to do with your future. I kind of like that idea. Not every time did they do anything but I'd rather see the local control than this.

Rep. Brenda Heller: I'm wondering in Valerie Fischer's testimony, on recommendation 4, she talked about the funding to address truancy and at that time when she was here there was a loss of federal funds, the senate reduced the funding to 200,000, and they were going to ask for that appropriation back when it came over to us. I'm wondering what is happening with the funding?

Chairman RaeAnn Kelsch: With the potential loss of the Safe and Drug Free School fund she was asking for additional monies to address the truancy but she doesn't say where she is asking for the money.

Rep. Brenda Heller: The bill she referred to just said general fund.

Chairman RaeAnn Kelsch: So she is seeking a general fund appropriation which she won't get. That is not necessarily just for truancy but it is also for the Safe and Drug Free funding. They are going to ask for an appropriation for that funding to help replace some of that funding as well. I would have assumed she would have asked for that yesterday because I would have thought that she would have asked for that in the DPI budget bill because that is part of the federal funds that are requested in there or would that be in a separate bill? Was that a house bill originally?

Doug Johnson - NDCEL: It is a senate bill.

Rep. Brenda Heller: According to my information the house had the hearing on March 10. I was wondering if anyone had heard about it.

Chairman RaeAnn Kelsch: There is no funding in this bill.

Rep. Karen Karls: According to my notes it was part of a 1.5 million dollar amount to refund the drug free schools and the senate took out 200,000. They are going to ask for the original 1.5 million but I assume that is for more than truancy.

Chairman RaeAnn Kelsch: Correct. That is for the replacement of the Safe and Drug Free School funding.

Doug Johnson - NDCEL: My understanding of the bill that was appropriated from the state was that the Drug Free Schools money was an appropriation from the Federal Government of 1.5 million. They lost that funding which had been used on things like dropout retention in schools, truancy issues, etc. It was a grant for example that was used to help fund our workshop that we held last June. I do not believe that there is anything specific that is related to SB 2226 in terms of dollar amounts. In fact when we met as a committee we made sure there was no funding attached to this. The purpose of it is to provide a consistency in reporting so the data we do get in is accurate. A problem we had was that different school districts would define an unexcused absence differently. What we did is define what an excused absence is and then they determine what is going to be an unexcused absence. When everyone in the state does a report on those in Power School, if they mark it as an unexcused absence it will be marked as truancy. We are looking at data in Power School be consistent from district to district.

Chairman RaeAnn Kelsch: Then would we actually have accurate data as to what the truancy numbers truly are in North Dakota?

Doug Johnson - NDCEL: We would have data that would be accurate enough. It may take several years to make it truly accurate but once they push the button for an unexcused absence we will have report. The state will treat that exactly the same. As long as we have a uniform definition which is provided in SB 2226 we think we can get accurate data.

Vice Chair Lisa Meier: I think this is a good bill to start addressing truancy. I move a do pass.

Rep. Dennis Johnson: Second.

Chairman RaeAnn Kelsch: Discussion?

Rep. Phillip Mueller: Doug could you help me understand the money part in this?

Doug Johnson - NDCEL: Originally in our discussion in the truancy committee was to fund ways to help dropouts and truancy at schools. That was the original funding plan behind that. We felt as a committee that it was more important for now to get that definition nailed down to the point and then come back to it. If we do need to have funding we would have the data to tell us that.

Rep. Bob Hunsakor: Section 1 says the board of each school district and governing body shall adopt a policy that defines an excused absence and I understand that is clear. Then when you go to B it articulates the type of documentation that may be requested. Would that mean that some school may decide that they are not going to require any documents or they could? Is that up to the school? Could a school district have absolutely nothing to do with documentation?

Doug Johnson - NDCEL: It is our hope that they would all do some type of documentation but we also realize that it would be a local control issue. Yes they could possibly do that. Many school districts have that 20 day policy and they invoke it every 5 days and every 9 weeks so it builds up. I can still remember a number of years ago my grandson was in school and we took a family vacation for a wedding. He was gone for 3 days and his parents received a note from the school that their child had already missed 3 days and that they wanted a doctor's excuse for the absence. That is the process we normally use. The problem we have as administrators is you'll have a parent that will use the excuse and how do you enforce that?

Rep. Karen Rohr: I guess my concern about your comment is that you said you will use Power School to collect the data. It is going to be more than numbers in collecting numbers because you already have a 500 student increase in truancy and nobody drilled down the data.

Doug Johnson - NDCEL: The data we have is incomplete because we didn't have a consistent reporting system. We believe that once we get on that we might have an

increase but we don't know what that is going to be. At least we will be able to target where that issue is.

Rep. Mike Schatz: The thing I am swirling around is the number of days that they can be absent without an excuse being codified. That is 6 days a year and that is a lot of days you can be absent without an excuse. Can you speak to that?

Doug Johnson - NDCEL: The language that was in century code recommended that the child miss no more than 20 days per year. That language was removed in 1999 when they revisited this. It really leaves it up to the discretion of the school districts. We are looking for those times when they can say this is an unexcused absence after this period of time. If you don't support with evidence on why the child has been absent then that gives a uniform way of addressing it.

Rep. Brenda Heller: On page 3, section 4, where it talks about this truancy intervention program, what is that going to entail? Are they going to need more help to do that?

Doug Johnson - NDCEL: What we would like to see is that work with dropout retention program that we have worked with in our workshops to come up with student intervention processes we can use. We did not talk in length at how that would come about at this point in time because there is not funding for it.

Rep. Mark Sanford: If your goal is to have 96% average daily attendance, which was always our goal, that is 7 days a year.

Doug Johnson - NDCEL: It is the point where we can start saying it is an unexcused absence and then you can start taking legal action on that parent. We need something there and the other part is the question about what is truancy? We decided not to define truancy so to speak but by defining an excused absence it provided consistency and that was a huge issue for the state's attorney.

Chairman RaeAnn Kelsch: Did Carrie Grosz that was on this committee talk about what she does as far as the grade school or kindergarten kids that habitually miss school because their parents are either on drugs or can't get them there

Doug Johnson - NDCEL: She talked a lot on that issue. In her opinion we probably should have been stricter with it. We need to find something that will be consistent so there is something to go on.

Rep. David Rust: I'm going to get back to parents calling. Essentially what this is advocating is that the schools become the judge of why that child should be absent and not absent. You will be in an adversarial role with parents who feel it is their duty/right to make those decisions. Essentially what this is doing is setting the school to be the judge, jury and hangman.

Doug Johnson - NDCEL: Possibly but I do think you need to have something because you do have parents that abuse that process. I think if a parent calls in to take them on a vacation, we as administrators always allow that to happen but if you start to get into

excessive amounts and they don't have an excuse it becomes a major problem that needs to be addressed. It is helpful to have something consistent that is going to help you.

Chairman RaeAnn Kelsch: We are going to keep the motion but we will recess on SB 2226.

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

SB 2226
03/29/11
16131

Conference Committee

Committee Clerk Signature



MINUTES:

Chairman RaeAnn Kelsch: We will open on SB 2226. We do have a do pass motion on the table for this bill. We ran out of time last time and we left the motion on the table. We can try that motion and if it is not successful we can try another motion.

Rep. David Rust: Is this a feel good bill? Does it do anything significant?

Chairman RaeAnn Kelsch: I guess I have mixed feelings all the way around on this bill. I believe we have a truancy problem in North Dakota and last session we took the first attempt at addressing truancy. Our truancy rates and dropout rates have gone up. Part of the reason I think our truancy rates look like they have gone up is because of the reporting mechanism and I think they are finally being reported as truancy so I think that is why it looks like our truancy rates have gone up. I'm not sure that they weren't at that level before. It was the legislature last session that said we need to have a truancy committee to determine what direction we should go and this is what they came up with. I signed onto the bill because it is important to our school districts.

Rep. David Rust: I don't see a lot in here that does much. Or for that matter I guess sometimes I question where the school is set into a position whether it must determine whether a parent's decision about whether or not their child is absent is valid. It puts the school in the position of saying your child cannot be gone because they don't think that is a valid reason.

Chairman RaeAnn Kelsch: From your experience what did you do for that student that habitually missed and the parents continued to call in or was it actually the parent that were calling in?

Rep. David Rust: At the secondary level we did something that, while it worked beautifully, had some ramifications as well. We would allow students out of semester tests if they missed fewer than 2 days and I think we had an exception for being in the hospital. It was amazing how those skiing vacations in the middle of February disappeared because the kid said I am not going because I don't want to take semester tests. At the elementary level we had an attendance policy and we did notify parents on the fifth and eighth day I believe. We tried to inform them about truancy and the importance of having a child in school and for the most part we received some cooperation. We did have a policy of notification and

talking to parents. As an administrator I found it difficult when a parent called in and said they were taking their child with them to question them to say they shouldn't do and that I wasn't an excused absence. It gets you into a very conflict oriented situation. About the time you take a hard line you, sure enough before it is all over you realize it was a reasonable situation. It is a difficult situation.

Chairman RaeAnn Kelsch: I would have a harder time with it if it was the parent saying that they were taking the child with them. That would be hard to say that is an unexcused absence and I don't know how you could do that.

Rep. David Rust: Earlier in my career we used to ask why and sometimes I got the answer that it was none of my business.

Rep. Corey Mock: Subsection 2 states that the board of each school district and the governing body of each nonpublic school will have a policy that defines an excused absence and that is on line 18. Line 21 articulates the type of documentation you need to request to verify a student's absence. Can you address that? What does that mean? Does that mean if a parent calls in and says that their child isn't coming into school today is that an excused absence? How would line 21 play into that situation?

Chairman RaeAnn Kelsch: It says that the school district itself will say in their handbook for parents that you must have a written excuse or you must call in by a certain time. They will lay out the type of documentation and it can be verbal or written documentation. That is my interpretation of that.

Rep. Corey Mock: In reading subsection 2, I can support this. Each school district or nonpublic school has to have a policy that defines that an excused absence is as any absence from school if that absence is supported by verbal or written excuse supplied by the student's parent, teacher, or school administrator. Say there are 2 high school students that decide they want to skip class on Friday to go on a duck hunting trip and they don't have their parents call in and they just leave, that is unexcused. Now let's say that a student's parent says their son/daughter are going deer hunting and they call in and say that child is going to be excused because of that, then that is an excused absence. Really what this is getting at is if a student is skipping class and not attending it is getting parental involvement. It leaves it to the discretion of the school district or nonpublic school. I like this. I think it is about time that we start defining an excused absence as something that is supported by a parent, teacher, or administrator and an unexcused absence is a student taking off and not coming back. It does provide information to accurately track how many students are skipping and how many students are having excused absences.

Rep. David Rust: My experience with that has been that generally parents will call. What you end up doing is punishing the honest people and letting the people who are liberal with the truth get off. I think this is a feel good bill because parents call.

Rep. Bob Hunsakor: I have a question for Rep. David Rust. Do you see this as a support for an administrator in making decisions regarding students' absence? You can follow this and that is your support and your response to people. Is there anything here that would help you and make you more comfortable making those decisions?

Rep. David Rust: Schools already have that authority. A vast majority of schools have attendance policies. Do I see this helping them? I suppose if they want to tighten those up and become the judge, jury, and hangman, then yes. I am not so sure that will be the case.

Rep. Karen Rohr: I did share this bill with some of the parents in my district and a couple of them said they would pull their children out of school and put them in a different school if they were repeatedly asked why.

Rep. Lyle Hanson: Last session didn't we have a state's attorney in here and recognized that we were going to reduce the penalty for truancy and that we were penalizing the parents and he didn't want to take them to court for skipping school?

Chairman RaeAnn Kelsch: The way that we had our truancy laws was basically unenforceable. During the last session we had state's attorneys, principals, and pretty much everyone involved in the truancy discussions come in and they did reduce the penalties for truancy so the state's attorney's office would actually enforce it because truancy has not been enforced because the state's attorneys are not going to process parents for a felony.

Rep. Lyle Hanson: Has that made the truancies less palatable now by reducing the penalty?

Chairman RaeAnn Kelsch: In other words there would be less violations of truancy?

Rep. Lyle Hanson: Yes.

Chairman RaeAnn Kelsch: It looked to me like we had more reports of truancy. We didn't have any state's attorneys come in and talk about this. Doug did you have any reports in your committee about whether or not the state's attorney's office was actually prosecuting?

Doug Johnson – NDCEL: Under the new law that was passed in 2009, the state's attorney's office had initiated but never actually prosecuted the people.

Rep. Lyle Hanson: Would that be the parents of someone under 16?

Chairman RaeAnn Kelsch: That is correct. If you recall in some of the testimony that we heard some of the parents that were most egregious are the ones of children in the lower grades. I think we heard from Carrie's Kids that she sends taxis or vans out to get these students to school because at that age they really don't have anyone to look out for them to get them to school. Some of it was that she encountered parents that were drunk, high on drugs, and she wanted to make sure that she got those kids to school. That was the testimony we had last session so we did reduce the penalty so that the state's attorney's office could charge if need be.

Rep. Corey Mock: I have a question perhaps for the committee. Where in the bill does it state that a child may not be excused if the parent doesn't supply an adequate answer? If the parent calls in and says their child isn't coming to school today and they are asked why

not and the parent doesn't answer, where in this bill does it say that it isn't an excused absence? I don't see where it requires an answer. It simply requires that the parent excuse the student from school.

Vice Chair Lisa Meier: I have another question for Doug. How many cases actually went to the state's attorney?

Doug Johnson – NDCEL: I don't know how many went. The only one that reported out was the Mandan State's Attorney and the Mandan High School Principal. I do believe there was 1 in Bismarck that was filed as well but I can't remember what the outcome of that was.

Rep. Bob Hunsakor: I have another question for Rep. David Rust. In your time as Superintendent did you ever have time where a parent called or wrote in to ask for the child to be excused and you did not honor that request because you felt or knew something else was going on?

Rep. David Rust: No. Like I said it did not take me long to come to the decision, for example if a parent called and asked for their child to be with them and told me that the child was going to be absent from school, to abide by the parents wishes.

Rep. Bob Hunsakor: My response to that would be that this bill is just reinforcing what you are doing so if anybody came to you and asked why you let a child have an excused absence you would have support for making that decision.

Rep. David Rust: It is a feel good bill.

Rep. Joe Heilman: Is subsection 1 in section 1 current policy? I'm wondering if there are requirements right now for how many days a student can miss.

Doug Johnson – NDCEL: There is no set rules. Consequently it was the work of the truancy committee that decided that we needed to have that defined. We struggled to come up with a definition that could be applied statewide and that is what we came up with.

Rep. Joe Heilman: Is that something that the school districts are asking for? Are they asking for something that is defined by the state or do they see it as limiting their flexibility?

Doug Johnson – NDCEL: Every school district wants to have some latitude on how they are going to interpret what the absence is going to be and whether it is excused or unexcused. That was provided in subsection 2. To answer your question, the consistency for what is an excused and unexcused absence was seen as a need because that was the biggest problem in coming to state's attorneys across the state. What we adopted from the committee's perspective is that you assign to the Power School the unexcused absence and that you interpret that as truancy.

Rep. Joe Heilman: I have no problem with defining what an excused absence is but I do have a problem telling the school districts how many days that the students can miss. I have some reservations on subsection 1 in section 1.

Chairman RaeAnn Kelsch: Was it a standard, a DPI standard, or is it in code that it is 21 days? Can you touch on that?

Doug Johnson – NDCEL: That was pulled out in the rewrite. The old code stated that it is not recommended that a student miss more than 21 days of school in the year. I do have the policy for Bismarck Public Schools if you'd like to see how a district would address that.

Rep. David Rust: There was a time early in my career where it seemed to me that 20 days seemed to be the magic number. If a student missed more than 20 days, unless they had good reason, credit could be withheld. That was pretty effective. In fact I think some even subdivided it to 10 days a semester. If I remember right there policy still says that after the 20 days or 10 days that parents will need to meet with school officials concerning the awarding of credit. That probably has more weight than anything. When that was taken out of the suggested language I think it opened the door for more absenteeism.

Rep. Mark Sanford: When I first read this bill I felt that it looked like policy but it really isn't. I also have concerns where it says how many days you can miss. As I have gone back and read it doesn't say that a school district has to have this as their policy. The district can make a policy, set their standard, and it doesn't have to be this. I would be comfortable if it could say something that this is for purposed of defining truancy and supporting state's attorneys. Section 2 is the benefit for those who want to build a policy and have a local control. I'm warming up to it. I certainly agree that it is a feel good bill.

Doug Johnson – NDCEL: The truancy committee did wrestle with that and we wanted this as a definition. It was on recommendation of legislative council to write it this way. Technically you are correct that subsection 1 of section 1 is the definition of what that can be. Subsection 2 does allow the school district to adopt whatever policy they wish to have in that structure. We wanted consistency.

Rep. Corey Mock: I want to point out in subsection 3 it says that this chapter does not include the school district or nonpublic school from withholding credit, removing a student from course, or punishing a student if they do not arrive on time or exceed the specific number of absences as defined by the school district. I think it does answer part of that. It does leave that up to the school district and I'm not sure if there is more change that would be needed to address Rep. Mark Sanford's concerns.

Chairman RaeAnn Kelsch: I think we would be willing to put it into a subcommittee if that is an issue.

Doug Johnson – NDCEL: In our discussions we wanted to make sure that the school districts were allowed to develop their policy and we thought that was clear enough. That was the intent but if you have some language that you think would make that more clear, that would be fine with us as well. I have another comment. Most school districts have attending credits per semester. Bismarck Public Schools actually has 5-9 weeks.

Rep. Mark Sanford: When you consider 96% of average daily attendance that is a high bar in North Dakota. That is about 7 days a year whether it is excused or not excused. I

think most of the policies probably expect good attendance. The tenure of the language in these types of policies typically doesn't have this kind of language.

Chairman RaeAnn Kelsch: Doug would you like to read Bismarck's policy?

Doug Johnson – NDCEL: This is just the opening section. This is in their administrative rules. Any student that is absent from school without knowledge and permission from his/her parents or guardians and school authorities is truant. Absences even with the approval of the parents and guardians which are excessive and interfere with a student's educational program will be interpreted as educational neglect and child protection services may be notified. If a student is absent from school for 10 consecutive school days and the parents or guardians have not contacted the school, the district will assume that the student has transferred to another district and the student will be exited from the system. If the student returns after being exited from the school, he/she will need to be reenrolled and risk the possibility of not being able to return to the same or resume at the same class schedule. That is the base attendance policy and then they do have sections for elementary, high school, and middle school as well.

Chairman RaeAnn Kelsch: Further questions? We have a do pass motion on SB 2226. We will take the roll on a do pass on SB 2226. Motion carries. We will close on SB 2226.

**9 YEAS 5 NAYS 1 ABSENT
CARRIER: Rep. John Wall**

DO PASS

Date: 3-29-11
Roll Call Vote #: _____

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2226 engrossed

House EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt
Amendment

Rerefer to Appropriations Reconsider

Motion Made By VICECHAIR MEIER Seconded By REP. D. JOHNSON

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	X		Rep. Hanson	X	
Vice Chairman Meier	X		Rep. Hunskor	X	
Rep. Heilman		X	Rep. Mock	X	
Rep. Heller			Rep. Mueller	X	
Rep. Johnson	X				
Rep. Karls		X			
Rep. Rohr		X			
Rep. Rust		X			
Rep. Sanford	X				
Rep. Schatz		X			
Rep. Wall	X				

Total (Yes) 9 No 5

Absent 1- REP. HELLER

Floor Assignment REP. WALL

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

REPORT OF STANDING COMMITTEE

SB 2226, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2226 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2226

**SB 2226 TESTIMONY
SENATE EDUCATION COMMITTEE**

January 24, 2011

**Valerie Fischer, Director of School Health & Director of Adult Education
328.4138
Department of Public Instruction**

Chairman Freborg and members of the Senate Education Committee: I am Valerie Fischer, Director of School Health and Director of Adult Education for the Department of Public Instruction. On behalf of DPI, I am here to support SB 2226.

During the last legislative session, SB 2217 was introduced and amended to lessen the penalty for failure to comply with the compulsory attendance statute from a felony to a Class B misdemeanor. Secondly, DPI was designated to convene a work group to further study the issues relating to truancy. Sixteen selected members met five (5) times and developed recommendations, which were presented to the Education Interim Committee last June 2010 as required (See Attachment #1).

The State Longitudinal Data System (SLDS) data warehouse project team also coordinated a series of meetings in which state partners and local administrators compiled recommended attendance categories and codes to streamline the process for district reporting through PowerSchool (See Attachment #2).

Via the DPI STARS system, truancy rates reported for the **2009-2010** school year were as follows:

- 7810 days ND students were truant
- 1922 students truant
- State truancy rate: 4.06 days

By comparison, truancy rates reported for the **2008-2009** school year were:

- 7148 days ND students were truant
- 2427 students truant
- State truancy rate: 2.95 days

Truancy rates have increased; more days, less students - the truancy epidemic continues. However, this bill now defines truancy, standardizes the process for schools to collect and report truancy, provides for a penalty for enforcement and allows the Department to disseminate information about research based and best practice truancy prevention programs. This is a positive start to address the problems associated with truancy.

Thank you for your time – that concludes my testimony and I'm available to answer any questions you may have.

#1 SB 2226

Attachment #1

Recommendation #1:

Introduction of legislation (2011 session) for common definition of truancy for all students K-12

Truancy is **any** unexcused absence by a student under the age of 16 to include:

Three (3) consecutive unexcused days within a semester; or

Six (6) one half unexcused days within a semester (elementary school); or

Twenty one (21) class hours, as defined by each LEA.

The truancy determination is then documented as **unexcused** by administration or its designee.

Excused absence: any student absent from class/school with a written/verbal excuse by the parent/guardian or administrator/school.

Each LEA determines number of truancies before notifying parents, credit loss and disposition of student. Each LEA can develop more stringent policies.

Rationale:

A common definition will create consistent reporting and data. Secondly, a common definition will allow all districts to effectively communicate the same attendance expectations and policy to staff, students, parents and law enforcement/court system.

Recommendation #2:

The ND Department of Public Instruction will adopt SLEDs (Statewide Longitudinal Data System) as the common truancy data collection process for all LEAs using PowerSchool.

Rationale:

Collecting and reporting consistent data will create an accurate 'picture' of the truancy issue in North Dakota and allow LEA and SEA partners to further identify commonalities for targeted intervention. SLEDs and ND ITD have agreed to make the necessary changes to the PowerSchool system to create a uniform data collection process.

#1 SB 2226

Attachment #1

Recommendation #3:

With appropriated state funds, identify best practices for truancy prevention/interventions, develop training protocol and provide collaborative training to LEA teams using the REA structure.

Rationale:

School buildings and districts will benefit from training as to effective research-based truancy prevention strategies and intervention programs which can be implemented at the elementary and secondary levels. SEA follow-up and review of the data will identify the most effective programs for duplication and support.

Recommendation #4:

Seek funding for LEAs to address truancy

Rationale:

With the loss of federal Title IV – Safe & Drug Free School funding, local efforts to address truancy may require funds for personnel and programs which are no longer funded.

Recommendation #5:

Further study is warranted of the 1) current North Dakota Bureau of Indian Education (BIE) system for truancy reporting and 2) city and county court referral systems and identifies further recommendations for legislative review and action.

Rationale:

Additional time and a wider group can explore the current system in both the BIE and court systems to make recommendations as to strengths, challenges and recommended changes. Consistency across the state will promote change in practice and policy.

#1 SB 2226

Attachment #2

Pursuant to legislative action in 2009, a committee was formed to further define truancy and excused/unexcused absences for reporting purposes. Consistency in reporting will allow both districts and the state to identify trends and respond to various reporting requests by the legislature and other parties. The ND ITD LDS data warehouse project team acknowledges that schools use individual attendance codes; however, in order to produce district-wide or state-wide data on attendance the team needed to determine a way to compare "apples-to-apples." This comparison can be done by mapping existing individual attendance codes to higher level attendance categories – the data warehouse could then report on these categories at a district or state level, while the individual schools could still report on their specific attendance codes.

This document also contains a list of recommended codes, along with those codes' suggested mapping to the attendance categories.

Suggested Mapping of Attendance Codes to Attendance Categories

- A. Circumstantial/School Approved
 - College Visit
 - Family Emergency/Bereavement
 - Legal/Judicial Requirement, Counseling
 - Religious Observation
 - Transportation Not Available
- B. Disciplinary Action
 - Expulsion
 - In-School Suspension
 - Out-of-School Suspension
- C. Excused Absence
 - Excused Absence
 - Family Request/Activity
- D. In Class/Tardy
- E. Medical
 - Injury, Illness, other health related
- F. Non-Instructional Activity Recognized by the State or School
 - Extracurricular Activity
- G. Out of Class receiving instructional services
 - Field Trip
 - Homebound
- H. Unexcused Absence (used for truancy)
 - Situation Unknown
 - Skipping School
 - Unapproved Activity
- I. Weather/Natural Disaster
 - Natural Disaster
 - Weather

Senate Education Committee

Testimony in Support of SB2226

January 24, 2011 -- Dakota Draper -- 701-223-0450 -- comments@ndea.org

Chairman Freborg, members of the Senate Education Committee, for the record my name is Dakota Draper. I am President of the North Dakota Education Association (NDEA). On behalf of our 8,800 members, I rise today in support of SB 2226.

In particular, we believe the codification of truancy defined in Section 1, part 1 on page 1 of the bill is a very good thing for North Dakota schools.

With all of North Dakota's schools on the same page as to what is truant behavior, we as a state can begin to get a handle on what is happening throughout the state with this problem. We will be able to do an "apples to apples" comparison from year to year to best track this problem and then hopefully do something positive about it.

As such we also believe the requirement of a school district and a nonpublic school to submit data regarding the school attendance to the superintendent of public instruction, contained in section 3 on page three of this proposed legislation, will help provide us with valuable data in the effort to lower the dropout rate in North Dakota.

One of our main initiatives at the NDEA is the Ready Child Commission. Ready Child, headed by our Vice-President Mark Berntson of West Fargo, is working to find multiple ways to help children become ready for school and ready for life. One of the primary focuses of Ready Child is trying to reduce the dropout rate. As such we, along with other interested parties, have put together two statewide dropout conferences in an attempt to find ways to keep kids in school and thus give them a better chance of graduating.

For your information the number of dropouts has decreased from around 780 in the school years from 06-07 to 08-09, to only 701 last year. We and those who attend the summits feel truancy and compulsory age reform are the next steps in getting to this problem that affects all us under control.

Truancy and dropping out of school have a tendency to go hand-in-hand with each other. SB 2226 will help the state of North Dakota track this problem in an effort to allow the state of North Dakota the opportunity to see how big or small the problem of truancy truly is.

The NDEA urges a Do Pass recommendation from this committee on SB 2226.

Thank you and I would be happy to answer any questions.

Testimony on SB 2226

By

Dr. M. Douglas Johnson, Executive Director—NDCEL

Chairman Freeborg and members of the Senate Education Committee, for the record my name is Doug Johnson and I am the executive director of the ND Council of Educational Leaders which represents North Dakota's school leaders. I am not able to attend this hearing this morning so I have asked Warren Larson to present this written testimony in support of **SB2226** which will provide a common definition of truancy for all schools in the state of North Dakota.

During the 2009 legislative session **SB2217** was passed by the legislature. This bill set up enforcement and provided penalties for compulsory attendance and directed an advisory committee be formed that review existing school district policies and responses to truancy and make recommendations to the Education Interim committee. I co-chaired the Advisory Committee which was convened as a result the passage of **SB2217**.

SB2217 directed the Advisory Committee to 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. **SB2226** is a result of the recommendations made by the Committee which worked hard in the development of the recommendations now before you in this bill.

SB2226, will for the first time, provide a uniform, statewide definition of an unexcused absence. This will mean that all schools reporting a unexcused absence on PowerSchool will use the description provided in Section 1, subsections 1, 2, and 3 of this bill. Further, it will provide a consistent definition of truancy for purposes of meeting state and federal requirements for all schools in the state as well as for enforcing the state's compulsory attendance law. North Dakota state's attorneys will be aided by this bill as they will have a consistent interpretation of truancy regardless of in which school district the complaint is filed. This should facilitate with the enforcement of the compulsory attendance laws as explained in Section 2 of the bill. In addition, Section 3 of **SB2226** allows the Superintendent of Public Instruction to set the time and manner that the student attendance data will be uploaded from each individual school in the state. Finally,

#3 SB 2226

Section 4 of the bill allows for the Superintendent of Public Instruction to provide school districts with the most recent information and research for prevention and intervention of truancy.

Mr. Chairman and members of the committee, **SB2226** provides the needed language for defining a student's unexcused absence from school that will be consistent not only in the reporting of truancy and assisting in enforcement of North Dakota's compulsory attendance laws but also in giving schools a good start on developing prevention and intervention programs that should improve student attendance in our state.

Chairman Freeborg and members of the Senate Education Committee, this concludes my testimony. I encourage your committee to give **SB2226** a do pass vote. .

#3 SB 2226

TESTIMONY ATTACHMENT

SB 2226 TESTIMONY HOUSE EDUCATION COMMITTEE

March 8, 2011

Valerie Fischer, Director of School Health & Director of Adult Education

328.4138

Department of Public Instruction

Madam Chair Kelsch and members of the Senate Education Committee: I am Valerie Fischer, Director of School Health and Director of Adult Education for the Department of Public Instruction. On behalf of DPI, I am here to support SB 2226.

During the last legislative session, SB 2217 was introduced and amended to lessen the penalty from a felony to a Class B misdemeanor for failure to comply with the compulsory attendance statute. Secondly, DPI was designated to convene a work group to further study the issues relating to truancy. Sixteen selected members met five (5) times and developed recommendations, which were presented to the Education Interim Committee last June 2010 as required (Attachment #1).

The State Longitudinal Data System (SLDS) data warehouse project team also coordinated a series of meetings in which state partners and local administrators compiled recommended attendance categories and codes to streamline the process for district reporting through PowerSchool (Attachment #2).

Via the DPI STARS system, truancy rates reported for the **2009-2010** school year were as follows:

- 7810 days ND students were truant
- 1922 students truant
- State truancy rate: 4.06 days

By comparison, truancy rates reported for the **2008-2009** school year were:

- 7148 days ND students were truant
- 2427 students truant
- State truancy rate: 2.95 days

Truancy rates have increased; more days, less students - the truancy epidemic continues. However, this bill now defines truancy, standardizes the process for schools to collect and report truancy, provides for a penalty for enforcement and allows the Department to disseminate information about research based and best practice truancy prevention programs. This is a positive start to address the problems associated with truancy.

Thank you for your time – that concludes my testimony and I'm available to answer any questions you may have.

Attachment #1

Recommendation #1:

Introduction of legislation (2011 session) for common definition of truancy for all students K-12.

Truancy is **any** unexcused absence by a student under the age of 16 to include:

- Three (3) consecutive unexcused days within a semester; or
- Six (6) one half unexcused days within a semester (elementary school); or
- Twenty one (21) class hours, as defined by each LEA.

The truancy determination is then documented as **unexcused** by administration or its designee.

Excused absence: any student absent from class/school with a written/verbal excuse by the parent/guardian or administrator/school.

Each LEA determines number of truancies before notifying parents, credit loss and disposition of student. Each LEA can develop more stringent policies.

Rationale:

A common definition will create consistent reporting and data. Secondly, a common definition will allow all districts to effectively communicate the same attendance expectations and policy to staff, students, parents and law enforcement/court system.

Recommendation #2:

The ND Department of Public Instruction will adopt SLDS (Statewide Longitudinal Data System) as the common truancy data collection process for all LEAs using PowerSchool.

Rationale:

Collecting and reporting consistent data will create an accurate 'picture' of the truancy issue in North Dakota and allow LEA and SEA partners to further identify commonalities for targeted intervention. SLEDS and ND ITD have agreed to make the necessary changes to the PowerSchool system to create a uniform data collection process.

Recommendation #3:

With appropriated state funds, identify best practices for truancy prevention/interventions, develop training protocol and provide collaborative training to LEA teams using the REA structure.

Attachment #1

Rationale:

School buildings and districts will benefit from training as to effective research-based truancy prevention strategies and intervention programs which can be implemented at the elementary and secondary levels. SEA follow-up and review of the data will identify the most effective programs for duplication and support.

Recommendation #4:

Seek funding for LEAs to address truancy.

Rationale:

With the loss of federal Title IV – Safe & Drug Free School funding, local efforts to address truancy may require funds for personnel and programs which are no longer funded.

Recommendation #5:

Further study is warranted of the 1) current North Dakota Bureau of Indian Education (BIE) system for truancy reporting and 2) city and county court referral systems and identifies further recommendations for legislative review and action.

Rationale:

Additional time and a wider group can explore the current system in both the BIE and court systems to make recommendations as to strengths, challenges and recommended changes. Consistency across the state will promote change in practice and policy.

Attachment #2

Pursuant to legislative action in 2009, a committee was formed to further define truancy and excused/unexcused absences for reporting purposes. Consistency in reporting will allow both districts and the state to identify trends and respond to various reporting requests by the legislature and other parties. The ND ITD LDS data warehouse project team acknowledges that schools use individual attendance codes; however, in order to produce district-wide or state-wide data on attendance the team needed to determine a way to compare “apples-to-apples.” This comparison can be done by mapping existing individual attendance codes to higher level attendance categories – the data warehouse could then report on these categories at a district or state level, while the individual schools could still report on their specific attendance codes.

This document also contains a list of recommended codes, along with those codes’ suggested mapping to the attendance categories.

Suggested Mapping of Attendance Codes to Attendance Categories

- A. Circumstantial/School Approved
 - College Visit
 - Family Emergency/Bereavement
 - Legal/Judicial Requirement, Counseling
 - Religious Observation
 - Transportation Not Available
- B. Disciplinary Action
 - Expulsion
 - In-School Suspension
 - Out-of-School Suspension
- C. Excused Absence
 - Excused Absence
 - Family Request/Activity
- D. In Class/Tardy
- E. Medical
 - Injury, Illness, other health related
- F. Non-Instructional Activity Recognized by the State or School
 - Extracurricular Activity
- G. Out of Class receiving instructional services
 - Field Trip
 - Homebound
- H. Unexcused Absence (used for truancy)
 - Situation Unknown
 - Skipping School
 - Unapproved Activity
- I. Weather/Natural Disaster
 - Natural Disaster
 - Weather



TESTIMONY ATTACHMENT 2

House Education Committee
Testimony in Support of SB2226

March 8, 2011 -- Josh Askvig – 701-223-0450 -- josh.askvig@ndea.org

Chair Kelsch, members of the House Education Committee, for the record my name is Josh Askvig, I represent the North Dakota Education Association (NDEA). On behalf of our 8,800 members, I rise today in support of SB 2226.

In particular, we believe the codification of truancy defined in Section 1, part 1 on page 1 of the bill is a very good thing for North Dakota schools.

With all of North Dakotan schools on the same page as to what is truant behavior, we as a state can begin to get a handle on what is happening throughout the state with this problem. We will be able to do an “apples to apples” comparison form year to year to best track this problem and do something positive about it.

As such we also believe the requirement of a school district and a nonpublic school to submit data regarding the school attendance to the superintendent of public instruction, contained in section 3 on page three of this proposed legislation, will help provide us with valuable data in the effort to lower the dropout rate in North Dakota

One of our main initiatives at the NDEA is the Ready Child Commission. Ready Child, headed by our vice-president Mark Berntson of West Fargo, is working to find multiple ways to help children become ready for school and ready for life. One of the primary focuses of Ready Child is trying to reduce the dropout rate. As such we, along with other interested parties, have put together two statewide dropout conferences in an attempt to find ways to keep kids in school and thus give them a better chance of graduating and we will be hosting a third summit in June.

Truancy and dropping out of school have a tendency to go hand-in-hand with each other. SB 2226 will help the state of North Dakota track this problem in an effort to allow the state of North Dakota the opportunity to see how big or small the problem of truancy truly is.

The NDEA urges a Do Pass recommendation from this committee on SB 2226.

Thank you and I would be happy to answer any questions to the best of my ability.

Quick Tips for Parents



1. Eat dinner as a family at least twice each week.
2. Read to your child at least once each day.
3. Ask your child questions that make him/her think.
4. Don't be afraid to say no to your child.
5. Feed your child raw vegetables or fruit at least once per day.
6. Keep computers out of kids' rooms so you can supervise!
7. Be a good role model.
8. Have fun with your child.
9. When possible let your children do things for themselves.
10. Attend church or other weekly community activities.
11. Discipline your children firmly but calmly.
12. Allow your child to fail but be supportive when it happens.
13. Limit screen time (TV, computer, video game, cell phone).
14. Talk to other parents about parenting issues.
15. Make sure your child gets enough sleep.
16. Find ways you and your child can do something nice for others.
17. Give your child weekly or daily chores/responsibilities.
18. Avoid arguing with your child.
19. Give your children what they need but not whatever they want.
20. Talk positively to your child about his/her future.

www.readychild.org

ATTACHMENT

North Dakota Department of Public Instruction Truancy Committee

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