

2017 HOUSE EDUCATION

HB 1254

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1254
1/18/2017
Job 27057

- Subcommittee
 Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

relating to a school district tuition waiver contract

Minutes:

Attachments 1, 2, 3, 4.

Chairman- Mark S. Owens: opens hearing on HB 1254

Representative Sukut: see attachment 1 for testimony.

Rep. Pat D. Heinert: could you tell me how often your school board meets.

Representative Sukut: once a month.

Rep. Pat D. Heinert: my second question, the tuition, is that the same number as school aid.

Representative Sukut: no, the state aid is the \$9,500 that comes from the state for every student. And when you talk about the tuition that is the amount of money the school district charges for students who come in to their district from another district. That dollar is set by the school board, and would vary in all situations.

Chairman- Mark S. Owens: any further questions Anyone else in support of HB 1254

Jodi Johnson: Representative Sukut covered most of what I was going to say, so I just want to give you a few facts, Williston public school 1 closed open enrollment in 2011, Minot public school district 1 closed open enrollment in 2010, since 2011 Williston 1 did allow students living outside of their district to attend their school district under a tuition fee waiver, so for free. Then there were stipulations, in 2016 Minot public school decided to use tuition fee waivers, in changing the law you are just adding the wordage of tuition fee waivers, so people have the opportunity to follow the tuition process for free, along with the paid tuition. That is basically the change, school boards meet once a month, they can also have a special meeting just by making a phone call, and having a special meeting, and I just wanted to answer your question on tuition, I will make it easier. Basically each school district has a cost per people based on the amount of teachers they have to hire for the class, and it is cost per student minus the foundation aid, and th4e left over of that is what the tuition is. I set the

tuition with a formula, and I am making it simpler, but it is basically the cost per student minus the state payments equals the left over costs, that is what you pay. The 2012 buy down were about \$9500 follows the student, tuition is much less.

Rep. Pat D. Heinert: can you tell me what your tuition is in your district

Jodi Johnson: I actually do not represent a district, but I could give you an example. At Minot public school's kindergarten, a lot of the kindergarten classes cost is zero. Junior high is more expensive, so the cost may be \$2000 to \$3000, in the past in might have been \$5000 to \$6000. The more money following the student has greatly reduced those costs.

Rep. Pat D. Heinert: That difference of \$2000 or \$3000 needs to be paid by the other school district, or is that paid by the parent of the child changing school districts.

Jodi Johnson: It depends. If Williston 1 says they will educate your student for free based on our own policies that we put in our school, then there is no tuition paid, if Williston 1 says we will educate your high school student because you do not have a high school in your district, so we are going to educate your ninth grade student, this is the cost, and it is figured out by that formula, and yes there is a payment made.

Rep. Pat D. Heinert: who makes that payment, is the parent responsible for that payment or is it the school district.

Jodi Johnson: the other school district, I will give an example in Williams county new number 8 does not have a high school, they only have education through eight grade, so they pay tuition on their ninth through twelfth grade students to Trenton, Williston, wherever they want to go.

Rep. Dennis Johnson: Usually those transfers accepting schools, settle for foundation aid or is there usually an additional payment made.

Jodi Johnson: They get tuition payments, I cannot speak for Williston, because I am not their representative, but they get tuition payments.

Rep. Dennis Johnson: I was talking about the foundation aid.

Jodi Johnson: I wish someone from Williston was here, but I assume they would, why would they not take their payment, they are allotted by law.

Chairman- Mark S. Owens: any other questions. Addressing how to sign in. Anyone else in support of HB 1254.

Deb Kemp: see attachment 2 for testimony

Chairman- Mark S. Owens: any questions from the committee.

Rep. Brandy Pyle: how did it happen to take four or five months when the state century (soft audio)

Deb kemp: With tuition free agreements, remember this is in tuition. So what happens is that the school districts would get this tuition free agreements. I am going to district one, they get, and so there is nothing really for how many days that they should send to the other school district, they can sit on it for a couple of months, and wait until they get a group of them. Then they send it over, district eight sits on it for 60 days. Sometimes we were called and said that they sat on them longer than 60 days, now what. There is nothing in century code to address this, we just have to wait until they deal with it at a school board meeting. So it has taken really long, that is why we need something legally to follow, because that is something that Jodi and I do, we follow the legal process for annexation, and we also want to follow the legal process with the tuition free agreements. Any other question

Rep. Rich S. Becker: I have to apologize, because I missed some of the earlier hearing, I had to be outside of the room. I have 2 questions, give me a reasonable example of why a school district would refuse to allow a student to be transferred to the district that their parents would like that student to be in.

Deb kemp: this is not my opinion, this is what was stated to a parent that they shared with me, I am impartial, but I will tell you what the parent was told. I understand where district 8 is coming from, if you do not know about district 8, they do not have a gymnasium at any of their schools, most are modular, they definitely need a new school. A parent was told we need to build a new school, and if we release your child, then we are releasing \$10,000. Because of the foundation aid that they get for their children, that is not what I said, and it is not my opinion. But that is what a parent stated that they were told. Otherwise I have no answer for you, the school districts would have to answer.

Rep. Rich S. Becker: earlier this morning on 1253, I heard commentary that the number 1 priority should be from the student's point of view, to satisfy those child's needs or best interest of the child need from view of the parents. It sounds like on occasion we are not taking care of the parent's need for their child. I can give you an example in Grand Forks. I was hoping you might touch on this, where perhaps a valid reason for not allowing child is when two schools that are somewhat equal over a period of time, one gets to a point where it cannot handle any more children, they might say no we will not allow a waiver, because we cannot physically handle anymore, is that a legitimate reason if the child.

Deb kemp: It's enough of a reason, but for district 1 has in their policies, they do it by a case by case basis, they go in and meet with the parents, and they have to work to see if they have room. So that is looked upon with the accepting school district, absolutely yes, so they can also deny and say I am sorry we cannot accept your child at this time we do not have room in that grade, then the tuition free agreement won't even be sent over by district 8.

Rep. Rich S. Becker: thank you.

Chairman- Mark S. Owens: anyone else in support on HB 1254.

Jodi Johnson: Good morning Chairman and committee members, I just wanted to touch on the fact that while the school want the words tuition free added to the law, there are school like that piece of paper tracking the students, because they want the foundation aid payment

obviously, in Williams county when one school district blankly denied all tuition free waivers, just a few weeks before school started, it was because it had spent a couple of months at the one district, that admitting district, and then a couple of months at the releasing district, and then they denied him. I did seek advice from people for my office going for that tuition, but I got different answers, some people said, well if there is no tuition there is nothing in the law that says people can appeal that decision when there is no tuition being paid, and so schools want it in paper, to run school district you need money, and they can follow that process. And they like to know by March, what students will be coming to a school district, that is why open enrollment and those type of dates are set in March, because they need to hire teachers, and those kind of things, and I do know not only can a school deny a tuition free waiver, they plan on it in Ward County and Fulton there is a new elementary school and the kindergarten is full, and although Minot public stated they are accepting tuition free waivers, the superintendent said that they would deny based on the fact that the kindergarten classes full, and accepting any more would mean splitting the class, so just wanted to touch on some of the things that were said.

Chairman- Mark S. Owens: Would you please identify yourself for HB 1254, are there any questions. Anyone else in support of HB 1254.

Lisa Krom: see attachment 3, and 4 for testimony.

Chairman- Mark S. Owens: Thank you, any questions? Any other support for HB 1254, any opposition for HB 1254, any neutral testimony for HB 1254. Closing hearing on HB 1254.

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1254
1/18/2017
Job 27077

- Subcommittee
 Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to a school district tuition waiver contract.

Minutes:

No attachments

Chairman- Mark S. Owens: so, just for discussion right now, I just wanted to share with you all my thoughts on this one, what we heard in testimony was repeatedly was 60 days this, they got 60 days to do this, they were talking about the, annexation rules and it was 60 days after they made the decision, this bill is not talking about that, this bill is talking about 30 days from the time they submit the application, within 30 days from receiving the petition, so if it comes in the day after the board meeting, and the next board meeting happens to fall into because of various things it is the next month, but it happens it happens to technically be 35 days, then according to this bill it goes automatic, without ever being a discussion about it. I have a problem with that personally.

Rep. Brandy Pyle: (soft audio)

Chairman- Mark S. Owens: this is not about.

Rep. Brandy Pyle: are we on HB 1253 or HB 1254

Chairman- Mark S. Owens: HB 1254, she just did not hear you.

Rep. Brandy Pyle: I e-mailed some school board members, and he felt that 45 days instead of 30 was more reasonable, recalling was Chairman- Mark S. Owens said. They do not need to call a special meeting which can cost that school \$1000 to have board members.

Rep. Dennis Johnson: 45 days is good, or 30 days after their next meeting. Because that 45 days you can still catch it 15 days out of their meeting, where they had 30 days after the next scheduled meeting.

Chairman- Mark S. Owens: that is a thought, 30 days after the next available school board meeting, because then that assures that there will be a meeting, and then they have to

respond within 30 days which is what they were talking about, they felt like 60 days was too long to respond, now we are back to responding 30 days.

Rep. Pat D. Heinert: my only concern, and the reason I brought up the how often school boards meet is that the 30 day theory in school boards are regulated by the open records section of law, which means two school board members cannot talk beyond two school board members, no decision can be made until they come to the board, no discussion can be had, no matter how we put this if we move it past 60 days, and I understand from the families perspective what they have gone through, because the next school board gets 60 days, and on and on. The fact is we are forcing that school board to make a decision at their first available meeting, we are not allowing them to think about it, or check in to anything that may be what they need to hear, and have information on. After that initial meeting.

Rep. Mary Johnson: does anyone know how this really works, do we have a subcommittee that make a recommendation. Or do they actually go through every tuition waiver agreement, I cannot imagine that is done.

Rep. Longmuir: as a former school board member yes we do, what they do we had a case you get a list in the beginning, list the names, and list the numbers of each grade, and you technically approving them. They have x amount of 6th graders coming out you would do theirs, and as you went through the high school you followed it through. It was numbers, and it was an easy enough thing to do, I think the frustration was, there is 60 days, but there is not time that the clock starts.

Chairman- Mark S. Owens: with the annexation system yes, that was my point. And here the clock starts when they submit the petition.

Rep. Longmuir: They have 60 days from that the first available meeting, that puts the board on notice, they have to take action. Actually school district 80 is in my district, there is a lot of undercurrent going on in that district, between the two, this bill is not going to address the problem that is there, the problem is that two school boards were not cooperating. You give them a deadline where they have to do it, and then that way they can string it out to 120 days, because each one will take the full 60 days to respond. Anyways yes.

Rep. Denton Zubke: what this bill does, which it did not before as it says if the school board did not act, it is assumed approved. The penalty is placed in here, that was not there before. They can violate the section and there was no penalty.

Chairman- Mark S. Owens: I will remind everybody that when you say it was not in there before, it was not in there before for paying the tuition, the tuition waiver was never in there.

Rep. Bill Oliver: isn't what we are talking about the tuition waiver, or the payment of tuition. That's what HB 1254 is about.

Chairman- Mark S. Owens: the answer is yes, we are talking about both of them really, because if we change this, it applies to both of them.

Rep. Dennis Johnson: Rep. Brandy Pyle said 45 days, I said probably 30 days from the next scheduled meeting.

Chairman- Mark S. Owens: I was just thinking

Rep. Dennis Johnson: the next meeting the answer is the deadline, because they have two meetings.

Chairman- Mark S. Owens: they would have the opportunity for two meetings, either way they would have to respond within 30 days of their next scheduled meeting which could extend them out at the most they have to meet 60 to 65 days at the most but at least you have a time frame.

Rep. Dennis Johnson: (soft audio)

Chairman- Mark S. Owens: I am interested in giving a timeframe that, I don't know about the rest of the committee, I am sorry is there anybody, I have been looking this way for so long.

Rep. Bill Oliver: HB 1253 deals with the annexation only it does not deal with the timeframe for the, right and HB 1254 only deals with the payment of the.

Chairman- Mark S. Owens: the reason I keep bringing up annexation is when they were talking about changing the 60 days to 30 days, they kept using annexation as the timeframe they had 60 days to find out, but that was 60 days from when they made that decision, there was not teeth, and there was no. And they were using that as an example, and I am just saying that the two examples are not alike, on is apples and one is oranges. Ok well.

Vice Chairman- Cynthia Schreiber-Beck: I have a question, and it goes to Rep. Longmuir. Looking at this and having been a school board member, is this the tuition waiver contract, is this something that is palatable.

Rep. Longmuir: it would be, ours are all pretty much non tuition agreements because they were, we basically accepted whatever the student foundation aid payment was. Was only accepted as a cost, we did not run a tuition cost, as some have talked about when its cost of educating student, one of the reasons for that is, it does cost less to kindergarten class, then it does a high school because of classes and things, as a former school board member, I feel that this is something I could live with as far as, unfortunately some boards in this, it is quite obvious here, they are playing all the games, I think they need a deadline. I do not know if I agree with the penalty fees of it, but if that is what it takes for the school board to do their job, I would have no problem with that.

Rep. Denton Zubke: I have a question directed to Rep. Longmuir, tuition waivers are not unusual at the school board meetings at all, this is something that happens routinely.

Rep. Longmuir: remember what they said about district 1 one shut that down, so they were taking no open enrollments. The receiving school always had the option not to do it. The Stanley school district had shut down their open enrollments because of numbers, some of

the classes were full and they could not really take in more students without adding teachers, the decision is still made, and it also forces the school board to say that we cannot take this student because the 4th grade classes are full, or we do not have the services that we need to provide for this student.

Rep. Denton Zubke: I do like what Rep. Dennis Johnson wording; with everybody's permission I would have an amendment drawn up to that effect.

Chairman- Mark S. Owens: that was my next questions, who would like to take that.

Rep. Dennis Johnson: when you read on page on line 2, within 30 days after receiving the petition, will that be the school board receiving the petition or you want the secretary to be counting the clock.

Chairman- Mark S. Owens: I just did not want that to be the question of the day when we passed it. I would like that to be a little tighter. When does the clock start, because that is when they had a problem with.

Rep. Dennis Johnson: a simple amendment would be understood within 30 days after the school board receives the petition probably. After the schoolboards first meeting, proper language.

Chairman- Mark S. Owens: it was within 30 days after the first meeting following the receipt, so if the school board receives it, and then it is the first meeting that is when the 30 days starts.

Rep. Dennis Johnson: it might be 32, because someone said 31 days.

Chairman- Mark S. Owens: we can do 35, if that is alright with the committee, I will let Rep. Denton Zubke shepherd that amendment.

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
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HB 1254
1/30/2017
Job 27340

- Subcommittee
 Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to a school district tuition waiver contract.

Minutes:

No attachments.

Chairman- Mark S. Owens: please

Rep. Denton Zubke: the question that we had was on page one line 17, it was the 30 days after the school board receives the petition, and we did meet with Kyle, not sure what his official title is, but we talked about this, and after review he made a suggestion to where it is 30 days after they receive the petition, and this is the wording he came up with, so if the school board receives the petition 5 days before a school board meeting they have 30 days after to school board meeting to make the decision.

Chairman- Mark S. Owens: well that is not what it says

Rep. Denton Zubke: isn't it?

Chairman- Mark S. Owens: no, because it says after receiving the petition, once the school board whether they are in session or not that 30 days starts, if they just met at the school board just met yesterday they received the petition the next day, and because of the calendar they do not meet for 35 days, they have to call a special meeting.

Rep. Denton Zubke: well.

Chairman- Mark S. Owens: We discussed that in committee earlier.

Rep. Denton Zubke: the board of the school district shall meet.

Rep. Bill Oliver: That was not inserted, it was an example.

Rep. Brandy Pyle: can we just write within 45 days of receiving the petition, so that will forward.

Chairman- Mark S. Owens: we had an amendment in front of us but it was not seconded. We do not have an amendment in front of us, you can make an amendment. Is that.

Rep. Longmuir: I have a question, how do we describe received, do we hand it to a teacher, do you hand it to the business manager, or can the school board only receive at the school board meeting.

Chairman- Mark S. Owens: I do not understand that, I believe that the school board itself.

Rep. Bill Oliver: same thing only better copy.

Chairman- Mark S. Owens: would you like to explain your second amendment.

Rep. Denton Zubke: I think we have to go back to the drawing board, the intention was we were going to word this, to where after they receive the petition, they would have 30 days following the first meeting after they received the petition, but this does not really say that, my apologies to the committee.

Rep. Bill Oliver: that is an example, it is not the way it is supposed to be written, there is nothing that has been inserted in there, we do not see any inserts.

Chairman- Mark S. Owens: So basically you are saying that you want me to hold it because you want to do it again.

Rep. Denton Zubke: sorry my fault.

Chairman- Mark S. Owens: they want us to hold the bill, they want to revisit their amendment

Rep. Denton Zubke: I will have it to you by tomorrow, I will get it to you ahead of time.

Chairman- Mark S. Owens: tomorrow afternoon would be wonderful.

Rep. Denton Zubke: I am not saying that you will approve or not, but it does make sense, under this section if the student wishes to attend the file or written petition, and then in number two it goes on to say, after this amendment, that the board of the student school district of residence shall meet with the students' parents, and render a decision regarding the payment of tuition within 30 days of the first board meeting after receiving the petition.

Chairman- Mark S. Owens: that is an example of these changes.

Rep. Denton Zubke: right, that is what the inserts do also, in other words you file a petition the school board has 30 days after the first meeting after they have received that petition, it can run anywhere from 59 day 60 days all the way down to 31 days, but it does give that school board at the very least 31 to 32 days to deal with this. I think that was some of the discussion, and some of the concern is how many days was the school board going to have.\

Chairman- Mark S. Owens: a couple of other things in the back pages that I want to check out upstairs with the attorneys.

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1254
1/31/2017
Job 27618

- Subcommittee
 Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to a school district tuition waiver contract.

Minutes:

No attachments.

Chairman- Mark S. Owens: I say let's look at HB 1254. This is on the school district tuition waivers, is there any discussion or desire.

Rep. Denton Zubke: I would move the proposed amendments that were distributed earlier to HB 1254, which clarifies it's on line 17 of page one where we had some discussion on the 60 days and 30 days, and the notice requirements.

Chairman- Mark S. Owens: ok I have a motion, do we have a second. Motion by Rep. Denton Zubke for an amendment, and a second by Rep. Matthew Ruby. Open for discussion committee.

Rep. Brandy Pyle: doesn't this sometimes give that up to the 60-day window depending when the petition is received by the school district.

Chairman- Mark S. Owens: you mean the current language.

Rep. Brandy Pyle: the amendment. It is within 30 days of the meeting after receiving petition.

Rep. Denton Zubke: you are correct, it still does give us in some circumstances that 60-day window, I don't know how we would avoid that considering the fact that they typically meet once a month and we wanted to provide them some time after they receive that notice to make some decision, so I was basing our amendment on discussion of the committee and I see no way on avoiding that.

Rep. Brandy Pyle: could it be a simple 45 days after receiving the petition, that would be over the 30 or 31 days per month, once a month meeting window

Rep. Dennis Johnson: if we are going 30 now after the time period to review it, if you want 45 you would actually be going 75 days that they can have instead of 60.

Chairman- Mark S. Owens: Rep. Dennis Johnson instead of from the day of the meeting, she is talking about 45 from the days of receipt. Which could be the day after they just met, which would only be a few days after their next meeting is what she is referring to, rather than 45 days after their next meeting.

Rep. Dennis Johnson: it is all within 30 days after the meeting to have 30 days to at least work it over, or decide what they want to do I guess.

Rep. Longmuir: it begs the question, what is receipt. Is the receipt when they put it on the desk of the secretary of the school or the business manager, because or is receipt when the school board sees it for the first time. It is an area, that we would need to distinguish.

Chairman- Mark S. Owens: well before I ask Rep. Denton Zubke to comment to that, I can't help but wonder if sometimes it is delayed because they are trying to figure out their student count for the year, and whether or not they got any slots for open enrolment and tuition waivers, if they are not delaying it, and the reason it is delayed is they have to wait. In other words, they cannot tell you in March if they are going to have the ability to take the student in August, and I cannot help and wonder if that is the case here to.

Rep. Denton Zubke: I do not know that I am qualified to, but I think that the example here just indicated that as long as you can substantiate that you delivered the petition whether it be the auditor of the board, but when it comes to the legal beagle and the attorney I am not the person.

Chairman- Mark S. Owens: any other comments or thoughts. Let me see if I cannot see if the student association, the question being on what receipt is, the timing as far as the next school year. Are there any other questions? anything else.

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1254
2/1/2017
Job 27739

- Subcommittee
 Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to a school district tuition waiver contract.

Minutes:

Attachment 1.

Chairman- Mark S. Owens: everybody caught up, HB 1254 deals with the tuition waiver. We have been debating back and forth about the decision within 30 days' issue at the bottom, we debated about after receipt, because we made that amendment, and that went back and forth, and talking to the representative about the school board association, they said they had no problem with the 30 days, and they had no problems with that, and they were the ones I was worried about. I will share that information with you and see if what the committee would like to do with 1254, because the issue we were considering amending is not an apparent issue with the powers to be.

Rep. Bill Oliver: can I make a motion to accept the proposed amendments (attachment 1), or have we already done that.

Chairman- Mark S. Owens: we were waiting on that 30 days' issue at the top. Well that is what we are talking about right now. They all lied within the same thing, the 30 days that I was checking on, I was concerned about the end of school year, and everything. The school board associations representatives said that it bothered them. So if it does not bother them then ok. I do not care.

Rep. Longmuir: the question that I had is what constituted receipt.

Chairman- Mark S. Owens: well they are going to constitute receipt of when they first get it, period. Within 30 days of it arriving at the board whether the board met or not. Here is what I was told, that it is not a problem if it comes in and the appropriate time will just do a quick telephone vote, so if they are not worried about it I am not worried about it. Because their desire was to meet, and to adjudicate this as quick as possible for the taxpayer and the parents which I thought was commendable.

Rep. Longmuir: I would move that we do a do pass on HB 1254

Chairman- Mark S. Owens: you can second it if you want to. Ok So we have a motion from Rep. Bill Oliver, and a second from Rep. Longmuir as written, we all have a copy of the amendment you understand what we are doing, are there any questions. any discussions.

Rep. Brandy Pyle: it was clear that the school board association was ok with the original house bill, I am actually going to vote against the amendment.

Chairman- Mark S. Owens: ok. You want to share with the committee why, you may get people to agree with you.

Rep. Brandy Pyle: I think, and believe in best practice, and if they were ok with it then I think we can leave it up to them, if it has become an issue, then we can revisit it again in two years. I do not think we should stipulate anything that both parties cannot be agreeable to.

Rep. Denton Zubke: I would like to speak in favor of the amendment, because one of the discussion points that we had was that if we leave it at 30 days they can potentially receive the petition the day after their board meeting, and would have to have a telephone call, and something like that so I see absolutely no reason why we would not adopt the amendments and give them 30 days after their board meetings.

Rep. Mary Johnson: I would like to oppose the amendment because truly this amendment does not do anything from the original language, you could still have 60 days and thus 120 days between two school board meetings, and then the parents are stuck in the same place, they have 4 months and they do not know where their children are going to school, this amendment is really the same as the 60 days after receipt.

Chairman- Mark S. Owens: sorry I am not familiar with school boards as much, they do not meet every month, or they do meet every month, do they meet every quarter. Every month, so even with the amendment, they would only have 30 days from meeting, and the most it would be would 60 days. 60 days for what other one, I am sorry. Ok, interesting point. Any further discussion.

Rep. Bill Oliver: I think the amendment actually clearly defines time limits, so if you send it to both boards, which you will have to, they are going to receive it pretty much at the same time, and it kind of limits on the time that they have to act on it, I appreciate all the feedback because it makes it clearer as well. On both sides.

Rep. Brandy Pyle: in section 1 subsection 2 it says within, and in the original bill it says 30 days after receiving the petition the board of the schools, student schools district of residence, so it goes from one to the other, not at the same time, it could potentially be a lot longer time, then doing it at the same time.

Chairman- Mark S. Owens: Rep. Brandy Pyle I see your point, and you are talking about if we wait until within 30 days of the first board meeting if it had been received the day after the board meeting, and you are talking about it could extend it a lot further. Ok, I will tell the committee that, is there any further discussion.

Rep. Dennis Johnson: I think the school board meetings are advertised, people know and school boards. If you know you have a school board meeting on the second Tuesday of every month you are going to get in there a week before, and do it if you are serious about this.

Chairman- Mark S. Owens: it sounded like the people testifying were somewhat serious about it.

Rep. Brandy Pyle: I have one more thing to add, a lot of times the school staff putting together the packets for the school board, or whoever does that, there is usually a deadline so it ends up on the agenda, and it is announced. Sometimes the school will work with the parents to make sure it was on the agenda so it can be done at a timely manner. It could be done at a regular school board meeting.

Rep. Bill Oliver: remember folks, we are dealing with one school board not two. We are only looking to get the tuition from the one school board to the next school, that is all we are dealing with. It does not have to go to two school boards, just the one.

Chairman- Mark S. Owens: ok, any other discussion. Since the school board was fine with the original bill, I think I will resist the amendment, and since the school board was saying. Ok, we will let them have it as originally written. If there is no more discussion, I will ask the clerk to call roll. Vote is 3-11-0. Amendment failed, and this will be set aside.

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HB 1254
2/1/2017
Job 27737

- Subcommittee
 Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to a school district tuition waiver contract.

Minutes:

No attachments.

Chairman- Mark S. Owens: we had the motion on the amendment, the amendment failed, so what is your pleasure.

Rep. Denton Zubke: I would move a do pass on HB 1254.

Chairman- Mark S. Owens: we have a do pass on HB 1254, and seconded by Rep. Matthew Ruby. Any discussion. Correct, it is in its original form, we have talked about it, we talked about amending it six different ways, and in the end it is not amended right now. It reads 30 days, any further discussion. Questions? I ask the clerk to take the role for HB 1254. It was a do pass vote 13-0-1 Rep. Corey Mock is absent. Person to carry the bill is Rep. Brandy Pyle.

January 18, 2017

PROPOSED AMENDMENTS TO HB 1254

-Rep. Zubke & Rep. Oliver

Page 1, line 17, remove "Within ~~sixty~~thirty days after receiving the petition, the"

Page 1, line 17, before "board" insert "The"

Page 1, line 19, after "tuition" insert "within thirty days of the first board meeting after receiving the petition"

Example:

2. ~~Within sixty~~thirty days after receiving the petition, ~~the~~ The board of the student's school district of residence shall meet with the student's parent and render a decision regarding the payment of tuition within thirty days of the first board meeting after receiving the petition. The board may:

Date: 2/1/17

Roll Call Vote # 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1254

House Education Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rep. Oliver Seconded By Rep. Longmuir

Representatives	Yes	No	Representatives	Yes	No
Chairman- Mark S. Owens		✓	Rep. Andrew Marschall		✓
Vice Chairman- Cynthia Schreiber-Beck		✓	Rep. Bill Oliver	✓	
Rep. Rich S. Becker		✓	Rep. Brandy Pyle		✓
Rep. Pat D. Heinert		✓	Rep. Matthew Ruby		✓
Rep. Dennis Johnson		✓	Rep. Denton Zubke	✓	
Rep. Mary Johnson		✓	Rep. Ron Guggisberg	✓	
Rep. Donald W. Longmuir		✓	Rep. Corey Mock		✓
		7		3	4

Total (Yes) 3 No 11

Absent Ø

Floor Assignment Rep. _____

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

Page one, line 17 remove "Within sixty ~~thirty~~ days after receiving the petition, the"
Page 1, line 17, before "board" insert "The" Page 6, line 19 after "petition" insert "within thirty days of the first board meeting after receiving the petition."

Date: 2/1/17

Roll Call Vote # 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1254

House Education Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rep. Zubke Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman- Mark S. Owens	✓		Rep. Andrew Marschall	✓	
Vice Chairman- Cynthia Schreiber-Beck	✓		Rep. Bill Oliver	✓	
Rep. Rich S. Becker	✓		Rep. Brandy Pyle	✓	
Rep. Pat D. Heinert	✓		Rep. Matthew Ruby	✓	
Rep. Dennis Johnson	✓		Rep. Denton Zubke	✓	
Rep. Mary Johnson	✓		Rep. Ron Guggisberg	✓	
Rep. Donald W. Longmuir	✓		Rep. Corey Mock	AD	

Total (Yes) 13 No 0

Absent _____

Floor Assignment Rep. Pyle

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

REPORT OF STANDING COMMITTEE

HB 1254: Education Committee (Rep. Owens, Chairman) recommends **DO PASS**
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1254 was placed on the
Eleventh order on the calendar.

2017 SENATE EDUCATION

HB 1254

2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1254
3/14/2017
Job Number 29137

- Subcommittee
 Conference Committee

Committee Clerk Signature

Jandy Baumgartner

Explanation or reason for introduction of bill/resolution:

Relating to a school district tuition waiver contract

Minutes:

#1, #2, #3, #4, #5

Chairman Schaible: Let's open the hearing for HB 1254.

Repr. Gary Sukut: District 1, Introduce and support 1254. Testimony #1.

Senator Rust: Student A would like to go to school B. Student A goes to school board A and asks for tuition waiver. School A says we will sign a tuition waiver. Does school B have the right to refuse the student under a waiver?

Repr. Sukut: I think they probably could.

Jodi Johnson: Williams/Ward County Supt. of Schools: Testimony #2.

Chairman Schaible: Is this going to force another school board meeting?

Jodi Johnson: They can meet by phone if they need to, but they meet every 30 days.

Chairman Schaible: When does the 30 day's start?

Jodi Johnson: When it is filed with the district they get 30 days and then when it goes to the other district they get another 30 days.

Senator Rust: There are 4 options for a student to go to another district other than their own. Let me see if I am correct. One is open enrollment. If the receiving school district say no than it is done. Another one is for the parent to ask the school district of residence to pay the tuition and if they say no than that is out. The third one is for tuition waiver and again, the district of residence could say no and the district receiving could say no also? The fourth is the parent could annex out of your school district into another one. What we have here is asking to pay tuition or to sign a tuition waiver and are given 30 days. If they decide not to do either. There is

an appeal process for signing waiver. You do leave that person's property in the school's district of residence, correct?

Jodi Johnson: Correct. The receiving and admitting can say no. The parent can appeal. Foundation aid follows the student. Taxes stay with the district.

Senator Davison: Is this in Century Code?

Jodi Johnson: There is Century Code addressing paid tuition and appealing to the county superintendent of schools. So if a parent could not afford the tuition, they could appeal. That process is in the law books. This is just adding the words "tuition free waivers" also because with more money following the student this situation came up. Explanation followed on bill. I just want tuition free waivers to be included with the payment of tuition in the law so that when parents are denied a tuition free waiver that there is some course of action from my office to follow and be written in North Dakota Century Code. Because until 2011, I don't know of school districts using tuition free waivers. They always required the releasing school district to pay tuition. But in 2012 the legislature changed the law and more money followed the student so the school district said they would allow students to come tuition free because they wanted the foundation aid payment. It is a new thing that came up because more money follows the students now.

Chairman Schaible: This isn't changing the responsibility of school, they can still reject, but it gives them the right to appeal. You are giving tuition free waivers and a right to appeal and asking for the 30- day change. That is basically what this does.

Jodi Johnson: Correct, I just want my office to have legal laws and background to fall back on and say this is what we are going to do. Annexing is a whole different process. More explanation followed. Every county is covered in North Dakota with a designee for county superintendent.

Deb Kemp, Williams County Annexation Technician: Testimony #3.

Chairman Schaible: Any other testimony in favor, in opposition, any agency? Seeing none, we will close the hearing.

Additional testimony was submitted by e-mail

Mary Black, Parent in support of HB 1254, written testimony #4.

Lisa Krom, Parent in support of HB 1254, written testimony #5.

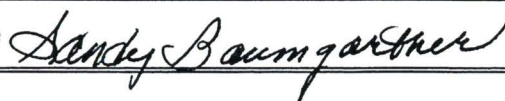
2017 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

HB 1254
3/21/2017
Job Number 29484

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the school district tuition waiver contract

Minutes:

Chairman Schaible: Open hearing. Clerk take roll: all present

Let's turn to 1254. This bill requests tuition waivers. It gives the parents an appeal process. The question was asked on who do you appeal to if you don't have a county superintendent. Everybody has an appointed person.

Senator Rust: When that was done away with all the duties were appointed to someone.

Senator Davison: There is tuition waiver material in the administrative rules of the board of education.

Chairman Schaible: I think the tuition waiver agreement is in there, but this talking about a tuition free waiver agreement. Which is not the appeal process, I believe. That is what this would do.

Senator Rust: I move a "do pass".

Senator Oban: Second.

Senator Rust: All districts have this too where schools have problem on where the student can go. This does provide some flexibility for parents and school districts. Not everyone will be happy about boundaries. I am in favor of it.

Chairman Schaible: Other discussion. It does provide for the appeal process of these tuition free waivers. Ask clerk for roll.

Roll taken: 6 Yeas, 0Nays, 0Absent

Senator Rust will carry

Date: 3-21-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1254

Senate Education Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rust Seconded By Oban

Senators	Yes	No	Senators	Yes	No
Chairman Schaible	✓		Senator Oban	✓	
Vice-Chairman Rust	✓				
Senator Davison	✓				
Senator Kannianen	✓				
Senator Vedaa	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Rust

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

REPORT OF STANDING COMMITTEE

HB 1254: Education Committee (Sen. Schaible, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1254 was placed on the
Fourteenth order on the calendar.

2017 TESTIMONY

HB 1254

Attachment 1

HB1254

1/18/17

HB1254

REPRESENTATIVE GARY R. SUKUT

DISTRICT 1

MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE

FOR THE RECORD, I AM GARY SUKUT, REPRESENTATIVE FROM DISTRICT 1 AND I AM HERE THIS MORNING TO INTRODUCE AND SUPPORT HB1254.

THIS BILL AND HB1253 ARE THE RESULT OF HUNDREDS OF HOURS OF WORK BY TWO PEOPLE WHO HAVE DAY TO DAY BOOTS ON THE GROUND WITH THE ISSUES IN THESE TWO BILLS. THEY ARE HERE TODAY TO PROVIDE BACKGROUND THAT RESULTED IN THE BILLS WE ARE PRESENTING TODAY.

HOUSE BILL 1254 DOES A COUPLE OF THINGS TO THIS SECTION OF CODE WHICH DEALS WITH A STUDENTS PARENT PETITIONING THE SCHOOL BOARD WHEN A STUDENT WISHES TO ATTEND A SCHOOL DISTRICT OTHER THAN THE STUDENTS DISTRICT OF RESIDENCE. HB1254 ADDS TUITION WAIVER CONTRACT TO THIS SECTION AND REDUCES THE BOARD DECISION TIME FROM 60 DAYS TO 30 DAYS.

BACKGROUND HISTORY ON TUITION WAVERS WILL BE PRESENTED IN TESTIMONY TO FOLLOW MY BILL INTRODUCTION.

PAGE 1

- 1) PARENT FILES A PETITION - BOARD MUST RENDER A DECISION IN 30 DAYS TO:
 - a. PAY THE TUITION
 - b. SIGN THE TUITION WAVER CONTRACT
 - c. REFUSE TO PAY TUITION OR SIGN TUITION WAVER CONTRACT

- 2) NO DECISION WITHIN 30 DAYS - PETITION IS DEEMED APPROVED AND BOARD NEEDS TO PAY TUITION

IF THE PETITION IS DENIED THE PARENT MAY FILE AN APPEAL WITH THE COUNTY SUPERINTENDENT OF SCHOOLS.

PAGE 2,

1A - THE APPEAL PROCESS

1B(1) - STUDENTS GRADES 9-12 - SITUATIONS WHERE THE COMMITTEE SHALL APPROVE THE PETITION - BOARD WILL PAY TUITION OR SIGN TUITION WAVER

1B(2) PAYMENT OF TUITION OR DURATION OF TUITION WAVER MAY BE FOR A FIXED NUMBER OF YEARS

1C(1) KINDERGARTEN THRU EIGHT - SITUATIONS WHERE THE COMMITTEE SHALL APPROVE THE PETITION - BOARD WILL PAY TUITION OR SIGN TUITION WAVER

1C(2) PAYMENT OF TUITION OR DURATION OF TUITION WAVER IS LIMITED TO ONE YEAR

2. STUDENTS SCHOOL DISTRICT OF RESIDENCE CONSISTS OF LAND IN MORE THAN 1 COUNTY

3. IF THE SCHOOL DISTRICT DOES NOT PAY TUITION OR SIGN TUITION WAVER WITHHOLD STATE AID PAYMENTS

4. DISCUSSES TRANSPORTATION FOR STUDENT

SECTION 3. SCHOOL BOARD REFUSES TO PAY TUITION OR SIGN TUITION WAVER, COMMITTEE DENIES PETITION ON APPEAL - PARENT MAY PAY THE TUITION

MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE, THANK YOU FOR THIS OPPORTUNITY TO PRESENT HB1254.

I ASK FOR THE COMMITTEES FAVORABLE SUPPORT.

I STAND FOR QUESTIONS.

Attachment 2

HB 1254

1/18/17

Testimony to the
House Education Committee

January 18, 2017

By Deb Kemp, Williams County Annexation Technician

HB1254-Relating to School District Tuition Waiver Contract

Mr. Chairman and members of the committee, I am Deb Kemp and I work as an annexation technician for Williams County. I am here today in support of House Bill 1254 and why there is a need for this bill to pass.

Jodi talked a little about history of tuition free agreements but I would like to go into more detail since I'm the one working and living in this county. I also feel it is a little bit of repeat from HB 1253 but feel it is important information regarding this bill.

Williston Public School District #1 closed their school boundaries in November, 2011. New Public School District #8 does not have a high school so District #1 continued to educate District #8 high school students. District #1 also grandfathered in all District #8 students that were enrolled prior to closed enrollment in District #1 so they could complete their education in District #1. What District #1 found out was that families wanted the siblings of the high school students or siblings of the grandfathered in students to attend the same school district which is District #1. District #1 put together a policy so the siblings of high school students, siblings of special needs students or siblings of the grandfathered in students could go to District #1. Families wanted to follow one school calendar and often they were driving by a District #1 elementary school in order to drop off their high school student. District #8 had to release the students using a tuition free agreement and did for several years.

The first time they denied a group of students was 2 weeks before school started in August of 2014. Jodi and I were receiving phone calls from stressed out parents wanting to know what their options were since their children did not get released to District #1. We found that tuition free agreements were NOT addressed in the Century Code. All that was addressed in the century code was dealing with payment of tuition agreements.

This bill would make it clear for the process of dealing with tuition free agreements. Also there have been times that parents started the tuition free agreement process and it was 4 to 5 months before they found out if their children were released or not. Most often it was too late to appeal to the 3 member committee. There were questions if they could appeal the tuition free agreement as in the century code the appeal process deals with tuition payment. I support house bill 1254 because it clarifies the process of tuition free agreements, it gives a shorter time frame for parents to know if their children are released or not, gives the parents an appeals process without asking for tuition payment and it still gives the school districts the control to release or not.

Attachment 3

1254

1/18/17

Testimony to the
House Education Committee
January 18, 2017
By Lisa Krom, a concerned citizen

RE: HB1254-Relating to School District Tuition Waiver Contract

Mr. Chairman and members of the committee, my name is Lisa Krom and I live in Williston, ND. I have been through the annexation process and I have dealt with tuition free agreements on two occasions. On both occasions the length of time that it took for the school districts to handle our tuition free agreements was far too lengthy.

I am here to speak in support of House Bill 1254. This bill would help shorten the process for families and alleviate stress for both children and parents. I would also like to give some additional suggestions that I feel could make this tuition free agreement process even easier for families.

I think it is easiest if I share my personal experience with tuition free agreements.

As I mentioned earlier my family moved to Williston in 2011. We lived in company housing until we purchased our home in January of 2014. The company housing we lived in was school district 1, but we learned that the new home we were purchasing was school district 8. Our realtor told me that because district 8 did not have a high school, all district 8 high school students attend the district 1 high school. She also explained that because we had a high school student district 8 would "release" our middle school child and our elementary child to also attend district 1. We were happy with this and purchased the home.

That spring, a couple of months after purchasing the home my husband had the opportunity to speak with the district 1 superintendant. She told my husband exactly what the realtor had said. My husband asked if we needed to do anything on our end and she explained that district 1 would submit the paperwork to district 8 and we did not need to do anything.

On August 2nd we received a certified letter from school district 1 telling us that district 8 had denied our tuition free agreement for Parker (our son going into the 7th grade), and for Chelsa (our daughter going into the 4th grade). The letter explained that I needed to contact district 8 to get our children registered very soon because the first day of school was on August 20th. The certified letter made no mention of our high school son, so I assumed this letter was a mistake and district 8 did not realize we had a son in high school. I called district 8 on Monday, August 4th and was told that this was not a mistake and Parker and Chelsa would need to attend district 8.

Chaos instantly struck our family. The kids and I were supposed to be on a week long fun trip to Medora and the lake before school started. Instead of having fun the kids were crying and stressed out. They didn't understand why they had to leave the schools they had been attending for 3 years. What about their friends, what about the school supplies we had already purchased for the schools we thought they were attending, and what about tennis. Parker was supposed to start tennis practice with district 1 on August 11th.

We were a part of the first group that district 8 was denying. The people we reached out to were very helpful, but this was such new territory because district 8 had traditionally released the siblings of those in high school and we had such a short period of time to work with.

So, while in Medora I was talking with Deb Kemp and district 8. My husband was in Williston in the office of the district 1 superintendant. My plan was to file an athletic hardship for our son, and I wasn't sure what I was going to do for our daughter. I was told by district 8 that I didn't have time to file any kid of a hardship. The district 8 school board meeting was on August 11th and if our children were not "released" at that board meeting they would need to attend district 8. My husband was told by district 1 that we either needed a district 1 address (which meant rent an apartment in town), or my husband or I needed to become an employee of district 1. I was a teacher for 14 years before moving to Williston and my ND teaching certificate was still active, so all I needed to do was get my name on the district 1 substitute teacher list. That sounds easy, except at this point I was at the lake and the paperwork needed to be turned in as soon as possible so that district 1 could get my name sent to district 8 as an employee before the August 11th school board meeting. My husband was able to round up everything district 1 needed so that I was able to get on the sub list and be considered a district 1 employee.

My son got up on August 11th and went to the district 1 tennis practice not knowing if he was actually going to get to play tennis that year. If district 8 chose not to "release" us that evening at the board meeting, he possibly wasn't going to get to play tennis or swim that year because district 8 does not offer tennis or swimming. We went to the board meeting on August 11th, 9 days after receiving our certified letter to find out that our children were "released" and would be able to attend district 1 for the 2014-2015 school year, which started in 8 days.

Please understand that August 4th - August 11th of 2014 was one of the most stressful times Parker and Chelsa have ever experienced. I feel that had House Bill 1254 been in place we would have had more time to try to find an alternative way to keep our children in the school district they had been attending for three years. We could have possibly filed some sort of athletic hardship for Parker and a transportation hardship for Chelsa. We lived less than 5 minutes from the district 1 elementary school that she had attended for 3 years, and bus rides to the district 8 elementary school was more than 45 minutes each way. We were fortunate that I was able to become an employee of district 1. However, at that time I also worked part-time for a chemical company, we owned a vending machine business, and I was a CPR-First Aid trainer. I did not need the extra job of being a substitute teacher, but we had no other choice if our children were going to stay in district 1.

2

Our family did not want to go through the tuition free agreement process each year and have the stress of not knowing where our children would attend school each year. We wanted to do something permanent. I knew that Kellie, a mother that lived in our area, was planning to start the annexation process into district 1 for the 2015-2016 school year. I contacted Kellie, who had already been in touch with Deb Kemp. Kellie and I started meeting with neighbors and getting our petition signed in August of 2014.

On January 29th, 2015 our annexation was heard at the county level. We failed with a 2-2 vote even though we had met all the required criteria. In fact we surpassed the criteria by getting 80% of the signatures from our area when only 66.6% were needed. The worst part is that we were not even told why our annexation failed. Panic in our household once again set in, where would our kids be going to school for 2015-2016.

On February 3rd I went to the district 1 office to make sure that our tuition free agreement would be submitted as soon as possible to district 8 for the 2015-2016 school year. If our annexation failed at the state level we would need to go through the tuition free agreement process again. If district 8 would not "release" our kids, I wanted to have plenty of time to find other options rather than being an employee of district 1.

Mid-April I emailed district 1 to find out if district 8 had released our children for the 2015-2016 school year. The email that district 1 sent in response explained that district 8 had signed for the paperwork on April 10th and had 60 days to get it back to district 1. Our family would have an answer by June 10th.

On April 20th, 2015 our annexation passed at the state level. We will never know if district 8 would have released our children, but I do know that if House Bill 1254 was in place at that time we would have at least had an answer by May 10th, 2015 which would have at least been before the end of the school year. We would have had more time to seek out other options if needed.

In addition to supporting this bill, I would like to suggest that time limits also be placed on the board of the district that the student is wanting to attend, as well as a cutoff date for informing parents that a change of school districts for their child will be made.

In our first situation I do not know when district 1 sent our tuition free agreements to district 8. I do not know when district 8 denied our tuition free agreements. All I know is that we did not receive the letter from district 1 until 18 days before school was starting telling us our children would be switching schools. If the board of a student's school district of residence has 30 days, then the district sending the tuition agreements should be required to have them sent by February 1st, or sooner. If parents request they be sent before February 1st, there should be a 30 day time limit as well. In our second situation I made the request on February 3rd and district 8 didn't sign for the paperwork until April 10th. This time frame needs to be shortened so parents have more time to work with if the tuition free agreement is denied.

There should also be a cutoff date for school boards for informing parents if a change of school districts will be made. In our first situation we should have been informed much sooner than 18 days before school was starting and 9 days before the one and only school board meeting that was taking place before the start of the school year. I feel May 1st should be the absolute latest that parents are informed. May 1st would allow for time to research options, and time to appeal if their tuition free agreement was denied.

I am in support of House Bill 1254 because of the additional time it gives families when dealing with tuition free agreements, and because it lays out a process for tuition free agreements which currently is not covered in the century code.

I think the addition of time limits for the district the student is wanting to attend, and cut off dates for school boards for informing parents if there will be a change of school district are an important part of making certain that parents and children are not caught off guard and scrambling.

Thank you for your time.

4

Attachment 4

HB1254 1/18/17

Testimony to the
House Education Committee
January 18, 2017
Mary Black, Parent

HB1254-Relating to School District Tuition Waiver Contract

My name is Mary Black, I am grateful for the opportunity to have my voice heard by the Chairman and Committee. I am a parent of 9 of my own children and 2 foster children, 9 of those children are school age. I would like to tell you a little about our experience as we moved school districts.

In January of 2013, we moved from inside Williston to just 1 mile out of city limits. We received a letter from District 1 in the middle of January, after I registered my kindergartener, that we had moved out of their school district and that we would need to immediately move them to New Public District 8. At the time, we did not even know there were two school districts. I spoke with District 1 and was informed the only way we could stay would be if District 8 agreed in a tuition free agreement. I immediately called District 8 and was told they would not be reviewing tuition free agreements until the following board meeting almost a month away. I called District 1, filled out the paperwork, and prepared to wait. District 8 decided not to address our request at the February board meeting and said they might get to it at the next meeting. District 1 would not wait and we received a letter stating our children needed to move schools by the middle of February. The two school districts refused to work together and families were stuck in the middle.

We called District 1 and were told that if we wanted to pay the \$12,000 per child, we could finish the year off in District 1. We don't have money like that and prepared to move our children. My special needs daughter was not handling the news well and I was very concerned that she would not be able to learn anything the last four months of school as transitions and adjustments are very difficult for her. We called District 1 and begged. We had 7 teachers from the elementary school walk into the District 1 Superintendents office and plead our case. They

spoke about the detrimental effects on my children's (especially my special needs child) education make them move in the middle of the school year. The District 1 Superintendent was determined that District 8 needed to sign the tuition free agreement before we could stay in District 1. District 8 refused to address it in their board meeting.

We dealt with the tears, frustration, and disappointment of our children as we tried to make the best of it. I was very angry that my kids were stuck in the middle of bickering between the Districts. As a last resort, I called a member of the school board and told him our story. He agreed that it was unreasonable and said he would approach the Superintendent of District 1. The morning we were to pick up our kid's things from their school, we received a call from District 1 that we could stay until the end of the year. We were told we would have to go through the tuition free agreement process to attend District 1 next year.

We did not hear from District 8 about our tuition free agreement until June. They denied the agreement. Feeling trapped, we decided not to apply for a tuition free agreement for the next school year and we enrolled in District 8 for the 2013-2014 school year.

The power play between the school districts was very upsetting to our family. Passing this bill will give the districts direction and require them to provide resolution quickly so families do not have to experience what my family went through. I am in favor of bill HB-1254.

Thank you for taking the time to listen to my experiences.

Mary Black
801-389-0272
13931 Town and Country North CT
Williston, ND 58801

Attachment (

HB 1254

2/1/12

January 18, 2017

PROPOSED AMENDMENTS TO HB 1254

-Rep. Zubke & Rep. Oliver

Page 1, line 17, remove "Within ~~sixty~~thirty days after receiving the petition, the"

Page 1, line 17, before "board" insert "The"

Page 1, line 19, after "tuition" insert "within thirty days of the first board meeting after receiving the petition"

Example:

2. ~~Within sixty~~ thirty days after receiving the petition, ~~the~~ The board of the student's school district of residence shall meet with the student's parent and render a decision regarding the payment of tuition within thirty days of the first board meeting after receiving the petition. The board may:

LIB 1254
3-14-17
#1 p.1

HB1254

REPRESENTATIVE GARY R. SUKUT

DISTRICT 1

MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE

FOR THE RECORD, I AM GARY SUKUT, REPRESENTATIVE FROM DISTRICT 1 AND I AM HERE THIS MORNING TO INTRODUCE AND SUPPORT HB1254.

THIS BILL AND HB1253 ARE THE RESULT OF HUNDREDS OF HOURS OF WORK BY TWO PEOPLE WHO HAVE DAY TO DAY BOOTS ON THE GROUND WITH THE ISSUES IN THESE TWO BILLS. THEY ARE HERE TODAY TO PROVIDE BACKGROUND THAT RESULTED IN THE BILLS WE ARE PRESENTING TODAY.

HOUSE BILL 1254 DOES A COUPLE OF THINGS TO THIS SECTION OF CODE WHICH DEALS WITH A STUDENTS PARENT PETITIONING THE SCHOOL BOARD WHEN A STUDENT WISHES TO ATTEND A SCHOOL DISTRICT OTHER THAN THE STUDENTS DISTRICT OF RESIDENCE. HB1254 ADDS TUITION WAIVER CONTRACT TO THIS SECTION AND REDUCES THE BOARD DECISION TIME FROM 60 DAYS TO 30 DAYS.

BACKGROUND HISTORY ON TUITION WAVERS WILL BE PRESENTED IN TESTIMONY TO FOLLOW MY BILL INTRODUCTION.

PAGE 1

- 1) PARENT FILES A PETITION - BOARD MUST RENDER A DECISION IN 30 DAYS TO:
 - a. PAY THE TUITION
 - b. SIGN THE TUITION WAVER CONTRACT
 - c. REFUSE TO PAY TUITION OR SIGN TUITION WAVER CONTRACT

- 2) NO DECISION WITHIN 30 DAYS - PETITION IS DEEMED APPROVED AND BOARD NEEDS TO PAY TUITION

IF THE PETITION IS DENIED THE PARENT MAY FILE AN APPEAL WITH THE COUNTY SUPERINTENDENT OF SCHOOLS.

HB 1254
3-14-17
#1p2

PAGE 2,

1A - THE APPEAL PROCESS

1B(1) - STUDENTS GRADES 9-12 - SITUATIONS WHERE THE COMMITTEE SHALL APPROVE THE PETITION - BOARD WILL PAY TUITION OR SIGN TUITION WAVER

1B(2) PAYMENT OF TUITION OR DURATION OF TUITION WAVER MAY BE FOR A FIXED NUMBER OF YEARS

1C(1) KINDERGARTEN THRU EIGHT - SITUATIONS WHERE THE COMMITTEE SHALL APPROVE THE PETITION - BOARD WILL PAY TUITION OR SIGN TUITION WAVER

1C(2) PAYMENT OF TUITION OR DURATION OF TUITION WAVER IS LIMITED TO ONE YEAR

2. STUDENTS SCHOOL DISTRICT OF RESIDENCE CONSISTS OF LAND IN MORE THAN 1 COUNTY

3. IF THE SCHOOL DISTRICT DOES NOT PAY TUITION OR SIGN TUITION WAVER WITHHOLD STATE AID PAYMENTS

4. DISCUSSES TRANSPORTATION FOR STUDENT

SECTION 3. SCHOOL BOARD REFUSES TO PAY TUITION OR SIGN TUITION WAVER, COMMITTEE DENIES PETITION ON APPEAL - PARENT MAY PAY THE TUITION

MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE, THANK YOU FOR THIS OPPORTUNITY TO PRESENT HB1254.

I ASK FOR THE COMMITTEES FAVORABLE SUPPORT.

I STAND FOR QUESTIONS.

Testimony to the
SENATE Education Committee
By Jodi Johnson, Williams/Ward County Supt. of Schools

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#2p1

RE: HB1254-Relating to School District Tuition Waiver Petition

Mr. Chairman and members of the committee, I am Jodi Johnson and I work as the acting Superintendent of Schools for Ward and Williams County. I am here today to explain what is happening to children and their families in primarily Williams County and why House Bill 1254 needs to pass.

Why I think HB 1254 needs to pass.

- A. **Williston Public School #1 closed open enrollment in 2011**
- B. **Since 2011 Williston #1 will allow students living outside their district to attend the school district for free if the student qualifies under the school policies using "Tuition Free Waiver". In 2016 Minot Public School decided to allow "Tuition Free Waivers" based on school policies. Prior to this point I do not know of any school districts using the wordage "Tuition Free Waiver"**
- C. **The office of the Supt. of Schools is a neutral office and feels schools should have the ability to set their own school policies and approve/deny waivers.**
- D. **In 2014 a school district in Williams County denied all tuition free waivers to Williston Public School #1 from their district. This was legal and it was done a few weeks before school started.**
- E. **My office in Williams had calls from crying parents who had children that had been attending Williston Public School and had established travel patterns, work patterns, daycares and vacation patterns around their child's school calendar.**
- F. **ND Law did not address "Tuition Free Waivers" so there was no appeal process for these parents. Depending on who I sought advice from I got a different answer on how to help them. ND Law appeal process only addressed paid tuition which left no system by law for the parents to follow.**
- G. **Deb Kemp worked closely with these parents and can answer more of the specifics of the difficulties experienced by the parents but I would like to talk about some of the changes. I know many are aware of some of the information I will be giving but it opens the opportunity for questions/answers.**

15.1-29: "Petition for payment of tuition or tuition waiver"

If the wordage "Tuition Free Waiver" is added the parents would be given the opportunity to apply and follow the appeal process. If you are wondering why a school district would deny releasing an application for a tuition free waiver it is because in 2012 laws were changed and more foundation aid followed the students. Tuition free waivers give the school districts a legal way to track the students to ensure that they receive the foundation aid for students living outside their district who are attending in another school district using the tuition free waiver. The foundation aid is around \$9,500 per student.

15.1-29-05: Section 2 "30 Days"

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The school board meets every month as required and has the ability to do a phone conference if needed for special meetings. In one case a parent in Williams County had the admitting school board approve her tuition free waiver request after 60 days and then the releasing school board deny her tuition free waiver request after 60 days. 4 months after the request the parent found out it was denied. We do not want to take any decision making powers away from the districts but if you approve this bill a decision would be made quicker and the parent would have the ability to appeal even if no tuition was required by the admitting district.

In summary

- A. We are not taking any power away from school district to deny or approve tuition free or tuition waivers.
- B. We are providing a way for schools to track students using tuition free waivers.
- C. We are allowing schools to determine their own policies on why or when they will accept tuition free wavier.
- D. We are providing parents an appeal process if a tuition free wavier is denied.

This bill is a win for everyone.

Thank you for your time. I will answer any questions at this time.

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#3.p1

Testimony to the
Senate Education Committee

March 2017

By Deb Kemp, Williams County Annexation Technician

HB1254-Relating to School District Tuition Waiver Contract

Mr. Chairman and members of the committee, I am Deb Kemp and I work as an annexation technician for Williams County. I am here today in support of House Bill 1254 and why there is a need for this bill to pass.

I'm first going to tell you a little history so you understand why tuition free agreements are being used. Williston Public School District #1 closed their school boundaries in November, 2011. New Public School District #8 does not have a high school so District #1 continued to educate District #8 high school students. District #1 also grandfathered in all District #8 students that were enrolled prior to closed enrollment in District #1 so they could complete their education in District #1. What District #1 found was that families wanted the siblings of the high school students or siblings of the grandfathered in students to attend the same school district which is District #1. District #1 put together a policy so the siblings of high school students, siblings of special needs students or siblings of the grandfathered in students could go to District #1. Families wanted to follow one school calendar and often they were driving by a District #1 elementary school in order to drop off their high school student. District #8 had to release the students using a tuition free agreement and did for several years.

The first time they denied a group of students was 2 weeks before school started in August of 2014. Jodi (Williams County School Superintendent) and I were receiving phone calls from stressed out parents wanting to know what their options were since their children did not get released to District #1. We found that tuition free agreements were NOT addressed in the Century Code. All that was addressed in the century code was dealing with payment of tuition agreements.

This bill would make it clear for the process of dealing with tuition free agreements. Also there have been times that parents started the tuition free agreement process and it was 4 to 5 months before they found out if their children were released or not. Most often it was too late to appeal to the 3 member committee. There were questions if they could appeal the tuition free agreement as in the century code the appeal process deals with tuition payment. I support house bill 1254 because it clarifies the process of tuition free agreements, it gives a shorter time frame for parents to know if their children are released or not, gives the parents an appeals process without asking for tuition payment and it still gives the school districts the control to release or not.

Testimony to the
House Education Committee
January 18, 2017
Mary Black, Parent

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HB1254-Relating to School District Tuition Waiver Contract

My name is Mary Black, I am grateful for the opportunity to have my voice heard by the Chairman and Committee. I am a parent of 9 of my own children and 2 foster children, 9 of those children are school age. I would like to tell you a little about our experience as we moved school districts.

In January of 2013, we moved from inside Williston to just 1 mile out of city limits. We received a letter from District 1 in the middle of January, after I registered my kindergartener, that we had moved out of their school district and that we would need to immediately move them to New Public District 8. At the time, we did not even know there were two school districts. I spoke with District 1 and was informed the only way we could stay would be if District 8 agreed in a tuition free agreement. I immediately called District 8 and was told they would not be reviewing tuition free agreements until the following board meeting almost a month away. I called District 1, filled out the paperwork, and prepared to wait. District 8 decided not to address our request at the February board meeting and said they might get to it at the next meeting. District 1 would not wait and we received a letter stating our children needed to move schools by the middle of February. The two school districts refused to work together and my kids were stuck in the middle.

We called District 1 and were told that if we wanted to pay the \$12,000 per child, we could finish the year off in District 1. We don't have money like that and prepared to move our children. My special needs daughter was not handling the news well and I was very concerned that she would not be able to learn anything the last four months of school as transitions and adjustments are very difficult for her. We called District 1 and begged. We had 7 teachers from the elementary school walk into the District 1 Superintendent's office and plead our case. They

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spoke about the detrimental effects on my children's education (especially my special needs child) to make them move in the middle of the school year. The District 1 Superintendent was determined that District 8 needed to sign the tuition free agreement before we could stay in District 1. District 8 refused to address it in their board meeting.

We dealt with the tears, frustration, and disappointment of our children as we tried to make the best of it. I was very angry that my kids were stuck in the middle of bickering between the Districts. As a last resort, I called a member of the school board and told him our story. He agreed that it was unreasonable and said he would approach the Superintendent of District 1. The morning we were to pick up our kid's things from their school, we received a call from District 1 that we could stay until the end of the year. We were told we would have to go through the tuition free agreement process to attend District 1 next year.

We did not hear from District 8 about our tuition free agreement until June. They denied the agreement. Feeling trapped, we decided not to apply for a tuition free agreement for the next school year and we enrolled in District 8 for the 2013-2014 school year.

The power play between the school districts was very upsetting to our family. Passing this bill will give the districts direction and require them to provide resolution quickly so families do not have to experience what my family went through. I am in favor of bill HB-1254.

Thank you for taking the time to listen to my experiences.

Mary Black
801-389-0272
13931 Town and Country North CT
Williston, ND 58801

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Testimony to the
Senate Education Committee
By Lisa Krom, a concerned citizen

RE: HB1254-Relating to School District Tuition Waiver Contract

Mr. Chairman and members of the committee, my name is Lisa Krom and I live in Williston, ND. I have been through the annexation process one time and I have dealt with tuition free agreements on two occasions. On both occasions the length of time that it took for the school districts to handle our tuition free agreements was far too lengthy.

I am in support of House Bill 1254. This bill would help shorten the process for families and alleviate stress for both children and parents. I would also like to give some additional suggestions that I feel could make this tuition free agreement process even easier for families.

I think it is easiest if I share my personal experience with tuition free agreements.

As I mentioned earlier my family moved to Williston in 2011. We lived in company housing until we purchased our home in January of 2014. The company housing we lived in was school district 1, but we learned that the new home we were purchasing was school district 8. Our realtor told me that because district 8 did not have a high school, all district 8 high school students attend the district 1 high school. She also explained that because we had a high school student, district 8 would "release" our middle school child and our elementary child to also attend district 1. We were happy with this and purchased the home.

That spring, a couple of months after purchasing the home my husband had the opportunity to speak with the district 1 superintendant. She told my husband exactly what the realtor had said. My husband asked if we needed to do anything on our end and she explained that district 1 would submit the paperwork to district 8 and we did not need to do anything.

On August 2nd we received a certified letter from school district 1 telling us that district 8 had denied our tuition free agreement for Parker (our son going into the 7th grade), and for Chelsa (our daughter going into the 4th grade). The letter explained that I needed to contact district 8 to get our children registered very soon because the first day of school was on August 20th. The certified letter made no mention of our high school son, so I assumed this letter was a mistake and district 8 did not realize we had a son in high school. I called district 8 on Monday, August 4th and was told that this was not a mistake and Parker and Chelsa would need to attend district 8.

Chaos instantly struck our family. The kids and I were supposed to be on a week long fun trip to Medora and the lake before school started. Instead of having fun the kids were

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crying and stressed out. They didn't understand why they had to leave the schools they had been attending for 3 years. What about their friends, what about the school supplies we had already purchased for the schools we thought they were attending, and what about tennis. Parker was supposed to start tennis practice with district 1 on August 11th.

We were a part of the first group that district 8 was denying. The people we reached out to were very helpful, but this was such new territory because district 8 had traditionally released the siblings of those in high school and we had such a short period of time to work with.

So, while in Medora I was talking with Deb Kemp and district 8. My husband was in Williston in the office of the district 1 superintendent. My plan was to file an athletic hardship for our son, and I wasn't sure what I was going to do for our daughter. I was told by district 8 that I didn't have time to file any kind of a hardship. The district 8 school board meeting was on August 11th and if our children were not "released" at that board meeting they would need to attend district 8. My husband was told by district 1 that we either needed a district 1 address (which meant rent an apartment in town), or my husband or I needed to become an employee of district 1. I was a teacher for 14 years before moving to Williston and my ND teaching certificate was still active, so all I needed to do was get my name on the district 1 substitute teacher list. That sounds easy, except at this point I was at the lake and the paperwork needed to be turned in as soon as possible so that district 1 could get my name sent to district 8 as an employee before the August 11th school board meeting. My husband was able to round up everything district 1 needed so that I was able to get on the sub list and be considered a district 1 employee.

My son got up on August 11th and went to the district 1 tennis practice not knowing if he was actually going to get to play tennis that year. If district 8 chose not to "release" us that evening at the board meeting, he possibly wasn't going to get to play tennis or swim that year because district 8 does not offer tennis or swimming. We went to the board meeting on August 11th, 9 days after receiving our certified letter to find out that our children were "released" and would be able to attend district 1 for the 2014-2015 school year, which started in 8 days.

Please understand that August 4th - August 11th of 2014 was one of the most stressful times Parker and Chelsa have ever experienced. I feel that had House Bill 1254 been in place we would have had more time to try to find an alternative way to keep our children in the school district they had been attending for three years. We could have possibly filed some sort of athletic hardship for Parker and a transportation hardship for Chelsa. We lived less than 5 minutes from the district 1 elementary school that she had attended for 3 years, and bus rides to the district 8 elementary school was more than 45 minutes each way. We were fortunate that I was able to become an employee of district 1. However, at that time I also worked part-time for a chemical company, we owned a vending machine business, and I was a CPR-First Aid trainer. I did not need the extra job of being a substitute teacher, but we had no other choice if our children were going to stay in district 1.

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Our family did not want to go through the tuition free agreement process each year and have the stress of not knowing where our children would attend school each year. We wanted to do something permanent. I knew that Kellie, a mother that lived in our area, was planning to start the annexation process into district 1 for the 2015-2016 school year. I contacted Kellie, who had already been in touch with Deb Kemp. Kellie and I started meeting with neighbors and getting our petition signed in August of 2014.

On January 29th, 2015 our annexation was heard at the county level. We failed with a 2-2 vote even though we had met all the required criteria. In fact we surpassed the criteria by getting 80% of the signatures from our area when only 66.6% were needed. The worst part is that we were not even told why our annexation failed. Panic in our household once again set in, where would our kids be going to school for 2015-2016.

On February 3rd I went to the district 1 office to make sure that our tuition free agreement would be submitted as soon as possible to district 8 for the 2015-2016 school year. If our annexation failed at the state level we would need to go through the tuition free agreement process again. If district 8 would not "release" our kids, I wanted to have plenty of time to find other options rather than being an employee of district 1.

Mid-April I emailed district 1 to find out if district 8 had released our children for the 2015-2016 school year. The email that district 1 sent in response explained that district 8 had signed for the paperwork on April 10th and had 60 days to get it back to district 1. Our family would have an answer by June 10th.

On April 20th, 2015 our annexation passed at the state level. We will never know if district 8 would have released our children, but I do know that if House Bill 1254 was in place at that time we would have at least had an answer by May 10th, 2015 which would have at least been before the end of the school year. We would have had more time to seek out other options if needed.

In addition to supporting this bill, I would like to suggest that time limits also be placed on the board of the district that the student is wanting to attend, as well as a cutoff date for informing parents that a change of school districts for their child will be made.

In our first situation I do not know when district 1 sent our tuition free agreements to district 8. I do not know when district 8 denied our tuition free agreements. All I know is that we did not receive the letter from district 1 until 18 days before school was starting telling us our children would be switching schools. If the board of a student's school district of residence has 30 days, then the district sending the tuition agreements should be required to have them sent by February 1st, or sooner. If parents request they be sent before February 1st, there should be a 30 day time limit as well. In our second situation I made the request on February 3rd and district 8 didn't sign for the paperwork until April 10th. This time frame needs to be shortened so parents have more time to work with if the tuition free agreement is denied.

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There should also be a cutoff date for school boards for informing parents if a change of school districts will be made. In our first situation we should have been informed much sooner than 18 days before school was starting and 9 days before the one and only school board meeting that was taking place before the start of the school year. I feel May 1st should be the absolute latest that parents are informed. May 1st would allow for time to research options, and time to appeal if their tuition free agreement was denied.

I am in support of House Bill 1254 because of the additional time it gives families when dealing with tuition free agreements, and because it lays out a process for tuition free agreements which currently is not covered in the century code.

I think the addition of time limits for the district the student is wanting to attend, and cut off dates for school boards for informing parents if there will be a change of school district are an important part of making certain that parents and children are not caught off guard and scrambling.

Thank you for your time.