

19.0256.02000

FISCAL NOTE STATEMENT

Senate Bill or Resolution No. SB 2052

This bill or resolution appears to affect revenues, expenditures, or fiscal liability of counties, cities, school districts, or townships. However, no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note regarding this bill or resolution. Pursuant to Joint Rule 502, this statement meets the fiscal note requirement.

Sheila Sandness
Senior Fiscal Analyst

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Sheila Sandness
Senior Fiscal Analyst

2019 SENATE EDUCATION

SB 2052

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2052
1/8/2019
30549

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to relating to school district levies for a school safety plan; and to provide an effective date.

Minutes:

Att. # 1 - President of ND United: Att. #2 - Amiee Copas, Exec Director of NDCEL; Att. #3 - ElRoy Burkle, Exec. Director, ND Small Organized Schools; Att. #4 - Alexis Baxley, Exec. Director, ND School Boards Association; Att. # 5 - Donnell Preskey, NDACo Speaking as Exec. Director of the ND Sheriffs Association
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Vice-Chairman Fors: I'll call the hearing to order. Please read the title of SB 2052. The clerk read the bill. Vice-Chairman Fors recognized Senator Schaible.

(0:00:52) **Chairman Schaible**, District 31: At the interim committee meetings, school safety was discussed at length. A bill was developed to help school districts address school safety. With the number and different sizes of districts I realized not one plan would suffice for every district. The best idea was to allow school districts to develop their own school safety plan and determine locally what was the best plan for safety in their districts and how to fund the plan. The community and school board must be involved development of a safety plan. Districts would be able to carve out a little niche by allowing school districts to assess 5 mills that would be exempt from the other criteria of doing it through their general mills, like building fund or asbestos fund. The fund could only be spent on the safety plan. It would prevent schools from indicating they need a door and pay for it out of the fund. I am planning to add an amendment emergency clause to the bill. I want to address the issue of putting this on property tax. The idea is that education is usually a combination of state and local funds. I believe in this session; the state was going to do quite a bit out of the state share for what we are planning for all our bills. We are looking to solve some problems for some of our districts the state is going to talk over and I thought this was a good compromise to put this on the local burden of property tax. The second thing is districts will have to have a vote of the people to get it passed. A district does not have to do this if they don't want to. This is just one tool that can be used for school safety. Some districts get resources officers paid for by the county – that's one option. Another thing, a district can provide school safety out of their general fund. This is another option if they have no other option. This is a property tax that I would like to see visited occasionally. I have written here every five years, I don't like to have a tax that goes on forever and ever, because I don't think it would ever go away. I

think if there is a need for it, that's fine that we have that, but this bill says it will be revisited every five years. If they don't revisit it, it goes away. It must be reapproved every five years. With that, I would be happy to answer any questions.

Vice-Chairman Fors: Senator Oban

(0:05:22) **Senator Oban:** Senator Schaible, the way this is written, it says the plan has to be reauthorized not the funding of the plan. Is that your intention?

Senator Schaible: Mr. Chairman and Senator Oban, no, my intention is that both the plan and the funding needs to be reauthorized. The intent is that the voters would need to approve the plan and funding.

Senator Oban: Do you think an entire safety plan – the language of that – should be made available for an election?

Senator Schaible: My vision of this is the plan should be mutually devised by the school district and the community. There are some sensitive areas that should not be divulged, but the general gist of the safety plan should be devised by the school and community. Some of the plans might not need to be public, but that is deep in the weeds of the safety plan.

Senator Oban: To a school district the size of Bismarck's, 5 mills is essentially pocket change. Would be at all willing to talk about maybe 5 mills or a percentage of their general fund? In Bismarck Public, they just took \$4.5 million from their ending balance to dedicate to some behavior health services for kids. Do you think that qualifies for a school safety plan and \$4.5 million as they told us was not nearly enough to meet the needs.

Senator Schaible: Senator Oban, I understand what you are saying. The community decides the safety plan. I'll give you an example – one district's plan might include a special school for very active kids that have a lot of struggles. Their safety plan might be to have a special facility for that. That's totally different than what might happen in another district. I don't know if 5 mills is enough, but it is a tool to start the process.

Vice-Chairman Fors: Any other questions of Senator Schaible.

(0:09:28) **Senator Joan Heckaman, District 23:** As a cosponsor of this bill, I would add my support to what Senator Schaible said other than this will add tools and funding for schools to use for a safety plan. It also allows for local control. Many times we mandate plans and programs and levies that we don't look at what schools need and what they have available to use for their safety plans. The safety of our children, of our teachers, our staff and of the public, too, is utmost importance given the changes in the atmosphere now in our K12 campuses. Whether this levy is used for the development of a plan, the implementation of a plan, or supplies, equipment, training or whatever else, the funding options will only make our schools safer and secure.

Chairman Schaible: Other testimony in favor of.

(0:11:20) Representative Mark Owens, District 17: **I stand support of this bill. In the past, I have fought against** increasing and lowering property tax ever since I got here. In 05. In this case, the flexibility the bill gives for each district, from very small to very large, the difference in the needs, the transparency it will produce and the local control to decide what they need - they don't have to do five mills, they can do two mills. It was asked if 5 mills is enough. I don't think the five mills is intended to solve the problems overnight. It is like technology changes so you will have to adjust. This won't be a onetime shot of so much money coming in and this is our safety plan there. So the review of both the plan and reauthorization of the mills I think are important, as well. I would like to add my support.

Chairman Schaible: Any questions?

(12:36) **Nick Archuleta, President of ND United:** See attachment #1.

(0:16:05) Amiee Copas, Exec Director of NDCEL: See attachment #2.

Chairman Schaible: Questions?

(0:22:37) **Senator Oban:** Mr. Chairman and Amiee do you feel any value in defining some parameters or something and in your words to get us to a place where we are lititamy closer to safer schools?

Amiee Copas: **Defining parameters could be difficult because every community will have different** ideas on what it means for safety to them. At a minimum, a safety plan should look at both the hard and the soft side. If we only look at the hard side every time, we are not getting to the resolution to the issue. The community conversation with the schools must include the hard conversation – what is causing and also the quick resolution we can come to. Those are both critical parts. It would be unfortunate if a community would take the time to have the conversation and only look at hardening their school and not look at the other piece. The conversation needs to be holistic and on-going. Hopefully, communities will start to dive in and talk about how we can more closely work together.

Senator Davison: Mr. Chairman and Amiee Copas, have you thought about what a minimum would be at all? Have you looked at what some of the mill levies are for the smaller districts in relationship to what might be a minimum number as opposed to just the mill levy amount.

Amiee Copas: Chairman Schaible, Senator Davison and members of the committee, NDCEL focus group has spoken about the question you are asking, but we have not hard lined what that should look like from district to district. To be smart about it a study should be done to see what 5 mills would look like from district to district. It would be unfortunate to go through the process and pass a bill like this and then have some districts say it is not worth the effort, because it is worth the effort to have the conversation.

Chairman Schaible: Other questions? Thank you.

(0:26:37) **ElRoy Burkle, Exec. Director, ND Small Organized Schools:** See attachment #3.

(0:29:22) **Alexis Baxley, Exec. Director, ND School Boards Association:** See attachment #4

Chairman Schaible: Questions?

Senator Oban: I would like to give some feedback from school board members that I have heard from and ask if you have heard similar feedback. Recognizing the situation we are all in with budgeting, there is a feeling that this is the legislature's way of passing the buck on a very serious issue that is happening statewide onto property taxpayers. Have you heard that from other school board members?

Alexis Baxley: Chairman Schaible, Senator Oban I have heard from school board members from around the state that it is difficult to pass any mill levy and this might be hard to get passed in their district.

Senator Oban: If I could just add, essentially no one wants to come to the legislature to increase taxes, but they don't want to raise taxes to pay for stuff – but at some point somebody will have to raise taxes to pay for stuff. The frustration is that the legislature doesn't want to do it, the school board doesn't want to do it, yet, there needs to be a realization at some point that either you can't expect things to be done or somebody is going to be expected to pay for it.

Alexis Baxley: I think that is a common frustration for a lot of people for a lot of topics.

Chairman Schaible: Other questions? Other testimony in favor of the bill.

(0:36:17) **Donnell Preskey, NDACo Speaking as Exec. Director of the ND Sheriffs Association:** See Attachment # 5.

Chairman Schaible: Any questions? Thank you. Other testimony in favor of? Seeing none, is there testimony in opposition to the bill? With that, I will close the hearing.

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2052
1/14/2019
30744

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A BILL relating to school district safety plans, school district levies for a school safety plan and to provide an effective date.

Minutes:

Chairman Schaible opened the discussion of SB 2052.

Senator Rust explained the amendment the Legislative Council submitted (19.0256.01002) to him correcting the language so that the electors are not voting on the safety plan. The intent was that the levy be approved after the school board had consulted with patrons. The levy must be reauthorized at least once every five years. The other part is the plan should not be a matter of public record so the security of students is not jeopardized.

Senator Rust: Amendment 19.0256.01001 declares this an emergency measure. If it gets two-thirds of the body, it goes effect immediately upon the signature of the governor.

Chairman Schaible: Questions or discussion.

Senator Davison: I move to adopt amendment 19.0256.01001

Senator Rust: Second.

Voice Vote Motion Carries.

Senator Rust: I move amendment 19.0256.01002 be adopted

Senator Oban: Second.

Voice Vote Motion Carries.

Chairman Schaible: We have an amended version of SB 2052 before us.

Senator Rust: Mr. Chairman, I move we adopt SB 2052 as amended.

Senator Elkin: Second.

Chairman Schaible: We have before us a motion SB 2052 as amended.

Do Pass motion carried 7 – 0 with all present.

Senator Rust will be the carrier.

January 4, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2052

Page 1, line 3, remove "and"

Page 1, line 4, after "date" insert "; and to declare an emergency"

Page 2, after line 22, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

January 11, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2052

Page 1, line 1, after "section" insert "to chapter 15.1-09 and a new section"

Page 1, line 2, after "plans" insert "and levy authority for a school safety plan"

Page 1, after line 5, insert:

"SECTION 1. A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

School district safety plan - Establishment of school safety plan fund - Approval - Open records exemption.

The board of a school district may develop a school safety plan, in consultation with the qualified electors residing within the district, and establish and maintain a school safety plan fund subject to the limitations in section 57-15-14.2. A school safety plan developed by the board of a school district is exempt from the provisions of section 44-04-18 and section 6 of article XI of the Constitution of North Dakota with respect to aspects of the plan addressing the security of students."

Page 1, line 8, replace "**School district safety plan - Establishment of**" with "**Tax levy for**"

Page 1, line 8, remove "**- Approval**"

Page 1, line 9, after "The" insert "school"

Page 1, line 9, replace "develop" with "levy taxes for"

Page 1, line 9, remove "and establish and maintain"

Page 1, line 10, remove "a school safety plan"

Page 1, line 10, after "fund" insert an underscored comma

Page 1, line 10, remove ". The plan must be"

Page 1, line 11, replace "approved" with ", when authorized to do so"

Page 1, line 12, remove "The plan must be reauthorized at least once every"

Page 1, line 13, replace "five years" with "The ballot must specify the number of mills proposed for approval and the number of years for which that approval is to apply. Approval or reauthorization by electors of levy authority under this section may not be effective for more than five taxable years"

Page 2, line 13, after "district" insert ", pursuant to section 2 of this Act,"

Renumber accordingly

January 14, 2019

SK
1002

PROPOSED AMENDMENTS TO SENATE BILL NO. 2052

Page 1, line 1, after "section" insert "to chapter 15.1-09 and a new section"

Page 1, line 2, after "plans" insert "and levy authority for a school safety plan"

Page 1, line 3, remove "and"

Page 1, line 4, after "date" insert "; and to declare an emergency"

Page 1, after line 5, insert:

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Page 2, line 13, after "district" insert ", pursuant to section 2 of this Act,"

Page 2, after line 22, insert:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

8/6
2002

Date: 1-14-19
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2052

Senate Education Committee

☐ Subcommittee

Amendment LC# or Description: 19.0256.01601

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 Davison Seconded By Rust

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:			Senator Marcellais:		
Vice-Chairman Fors:			Senator Oban:		
Senator Davison					
Senator Elkin:					
Senator Rust:					

Total (Yes) _____ No _____

Absent All Present

Floor Assignment _____

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

Vote Vote Motion Carried

Date: 1-14-19
Roll Call Vote #: 2

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2052**

Senate Education Committee

☐ Subcommittee

Amendment LC# or Description: 19.0256.01002

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 Marcellais:		
Vice-Chairman Fors:			Senator Oban:		
Senator Davison					
Senator Elkin:					
Senator Rust:					

Total (Yes) _____ No _____

Absent All Present

Floor Assignment _____

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

*Voice
Vote
Motion Carries*

Date: 1-14-19
Roll Call Vote #: #3

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2052

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 Elkin

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:	✓	
Vice-Chairman Fors:	✓		Senator Oban:	✓	
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Rust

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

REPORT OF STANDING COMMITTEE

SB 2052: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2052 was placed on the Sixth order on the calendar.

Page 1, line 1, after "section" insert "to chapter 15.1-09 and a new section"

Page 1, line 2, after "plans" insert "and levy authority for a school safety plan"

Page 1, line 3, remove "and"

Page 1, line 4, after "date" insert "; and to declare an emergency"

Page 1, after line 5, insert:

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School district safety plan - Establishment of school safety plan fund - Approval - Open records exemption.

The board of a school district may develop a school safety plan in consultation with the qualified electors residing within the district, and establish and maintain a school safety plan fund subject to the limitations in section 57-15-14.2. A school safety plan developed by the board of a school district is exempt from the provisions of section 44-04-18 and section 6 of article XI of the Constitution of North Dakota with respect to aspects of the plan addressing the security of students."

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Page 1, line 13, replace "five years" with "The ballot must specify the number of mills proposed for approval and the number of years for which that approval is to apply. Approval or reauthorization by electors of levy authority under this section may not be effective for more than five taxable years"

Page 2, line 13, after "district" insert ", pursuant to section 2 of this Act,"

Page 2, after line 22, insert:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2019 HOUSE EDUCATION

SB 2052

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

SB 2052
2/27/2019
32945

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Bev Monroe

Explanation or reason for introduction of bill/resolution:

A bill relating to school district safety plans, school district levies for a school safety plan and to provide an effective date

Minutes:

Attachment 1, 2, 3, 4, 5, 6

Vice Chairman Cynthia Schreiber-Beck: Opened the hearing on SB 2052.

Chairman Owens: This bill allows school districts to provide for a safety plan. In that safety plan, they are authorized to levy up to 5 mills for that safety plan following the requirements of century code, which requires a vote of the people. It doesn't tell them what has to be in the safety plan, this is pure local control to provide for their own safety and the safety of their students.

Vice Chairman Cynthia Schreiber-Beck: Any questions from the committee?

Sen. Donald Schaible: (Attachment 1) Section 1 explains that they have to be consulting with the qualified electors or with the community. It's important that the community devises the school safety plan and that the school board involves the community to do this. It's simpler to pass the mill levies if they have that cooperation with their electorate. Section 2 says they would have to list how many mills they are taking and would limit up to five mills. The maximum would be for five years. They would then have to do another plan and another vote up to another five mills.

In Subsection 5, they would have to create a special fund known as the safety plan fund and the money would only be used for that rationale. In this bill it says they are exempt from some of the other state requirements. Some of our mill levies that are acted out with our funding formula are part of our state contribution and their funds are deducted. These five mills would be exempt from that formula. The community would have full advantage of those five mills and that money would not be imputed from that.

The effective date of this is December 31, 2018. There have been some requests from schools if this would pass. Below this you'll see that this has an emergency clause on it, so if the governor would sign this, it would become effective immediately. This would give

schools a chance to get started on and they could begin using taxes from the 2018 year. That was the idea behind the emergency clause.

Vice Chairman Cynthia Schreiber-Beck: Any questions from the committee?

Aimee Copas, NDCEL: (Attachment 2) 7:20-9:40

Vice Chairman- Cynthia Schreiber-Beck: Any further questions? Others in support?

Alexis Baxley, NDSBA: (Attachment 3)

Vice Chairman Cynthia Schreiber-Beck: Questions from the committee?

Rep. Ron Guggisberg: If my child is involved where a big fight breaks out and the school is prepared for it, my child gets injured. How do I get the information about the plan that was in place or if there was or was not one? How do you get records that are secured from open records?

Alexis Baxley: In that type of incidence or in relation to this discussion, the way most school districts would handle it is that you would disclose generally what the plan is that you have i.e., an evacuation plan, reunification points, that you will have an SRO, but not the details of the plan. That's what we are talking about that is important to keep private. The exemption allows the district to release what they can safely release, but maintain the secrecy of what they need to maintain to protect students. In your specific example, after an incident any district has a communication policy on how they are sharing information with parents of students after an event. After that it would be an open records request.

Vice Chairman Cynthia Schreiber-Beck: Any additional questions? Continue with support of SB 2052.

Zachary Geraets, student: (Attachment 4)

Vice Chairman Cynthia Schreiber-Beck: Continue with those in support.

Nick Archuleta: (Attachment 5)

Vice Chairman- Cynthia Schreiber-Beck: Any questions?

ElRoy Burkle: (Attachment 6)

Vice Chairman- Cynthia Schreiber-Beck: Any further questions? Continue with support of SB 2052. Any opposition? Any neutral testimony? Seeing none, we will close the hearing on SB 2052.

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

SB 2052
3/6/2019
33353
5:00-23:30

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Bev Monroe

Explanation or reason for introduction of bill/resolution:

A bill relating to school district safety plans, school district levies for a school safety plan and to provide an effective date.

Minutes:

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Chairman Owens: Discussion from the committee?

Representative Denton Zubke: Mr. Chairman, I move a **Do Pass** on SB 2052.

Rep. Pat D. Heinert: **Seconded.**

Chairman Owens: Any discussion?

Rep. Andrew Marschall: My problem with this, and we have issues in our area, is that when schools put forward a tax measure, they will do it as a special election and very few people show up at the polls. Usually only half of the people show up at the primary elections and you get only a quarter of the people at the special elections. You don't get a true representation of the people when they vote for these tax measures. I would have preferred an amendment to this bill that if there were any questions related to the taxes, it needs to be either on a primary or general ballot to get more representation of the people. Schools do this on purpose by creating the special elections. I would resist a do pass without an amendment to the bill.

Chairman Owens: It is interesting that they would go to all the expense of a special election when it doesn't cost them anything to go the other way.

Rep. Brandy Pyle: Section 5 is to declare an emergency but there has to be so many days' notice before you can have the special election? I agree that it doesn't make any sense.

Chairman Owens: The emergency clause is to allow people to get working on their safety plan so even if they wanted to hold an election, they would still have to follow those rules. Right now, if it passed here with the emergency clause, they would still take it to the ballot before August 1, if they wanted to or if anyone has primary votes or if they do special

elections. That is not very financially wise to do it that way. You can invite the people who made the motion to allow for your amendment if you wish?

Representative Denton Zubke: What would your amendment be?

Rep. Andrew Marschall: It would be that they be able to do this but it has to be either on a primary or general ballot. You can't just call a special election to move the vote for this tax.

Representative Denton Zubke: So you would be delaying this bill substantially by requiring it to be on a general election.

Rep. Andrew Marschall: That way you would have more of a representation of the electorate instead of putting this out there. It isn't just in our area, there are other portions of the state that we hear about all the time.

Rep. Dennis Johnson: The school election is always held separately and it's always held at the school or the polling place. Because you have a general election you can't hardly put that provision on a general ballot or primary ballot, can you? We are giving schools the ability to one or two or up to five mills. Each school is going to differ when putting it on the general election ballot.

Rep. Pat D. Heinert: There is a section under Century Code under elections that allows for school districts and cities to hold special elections for this type of thing whenever they deem fit and however they deem fit at their expense. Otherwise, school board members and city officials are elected in the primary elections in Junes of the even numbered years.

Vice Chairman Cynthia Schreiber-Beck: Therefore, to clarify, Rep. Heinert, it's an option?

Rep. Pat D. Heinert: Correct. It does not say they have to; it just gives them the authority to do it. That's under a different section of the law, not under this. This is only authorizing them to ask the people for up to 5 mills for a school safety plan.

Chairman Owens: The question that was asked was whether or not the person would withdraw that in lieu of the amendment.

Rep. Andrew Marschall: Because it's not opening up that section of code where it deals with special elections, you can't add it by request to this bill?

Chairman Owens: We can add anything we want to to a bill. It does say it's governed by 57-15-14.2, which deals with school district's levies, but it specifically says 'at a regular or special school district election', too. Since your motion came after the motion to Do Pass and the second is not ready to pull the motion - but remember they do need an election and unlike every other property tax that we have got out there - it sunsets and they have to redo it every five years.

Vice Chairman Cynthia Schreiber-Beck: I wanted to point out that it's at any regular or special school district election, so you have options.

Chairman Owens: The two years could be hazardous. The safety of the students at these schools have been a major issue going back to at least last session if not the session before. Now we have wasted two or four years and we need to do something and this is what came up.

Representative Denton Zubke: That's my position, also. We've talked about guns and allowing guns in schools, safety resource officers, etc. We talked about the process of keeping our students safe. This is a safety plan and I think we get it out there and let the schools choose it.

Rep. Andrew Marschall: I'm not against this bill. I would like to change it that couldn't do it whenever they wanted to, even though they are paying for it.

Chairman Owens: I was concerned about this until I found out they have to do it over again in five years.

Rep. LaurieBeth Hager: I think there is a vagueness to this. The school safety plan isn't defined in this at all. There is a mention of cameras and security officers and SRO's but we don't actually define in here what our definition of that is. The talk was that it was local control, but this feels very vague to me in the terminology.

Representative Denton Zubke: I don't think the state should be telling each individual school what type of safety plan they should develop. Every building, ground and region is different; their police force is different. I think it is just better being left to those schools and let them develop that plan.

Rep. Daniel Johnston: My views are the same as Rep. Hager's views. So the school has a special election to boost revenue in this case, but who actually oversees how the money is being spent?

Chairman Owens: It's actually written into the bill. It can only be used for the safety plan just like the ten mills for building can only be used for building. It's written into Century Code. DPI manages their funds from the standpoint of oversight. They know what is in their general fund, building fund, sinking and interest fund, etc. In this case, they know what is in the safety plan. Rep. Hager, it is a bit vague. What we have learned over the last four years is trying to come up with something at the state level that addresses every school, but every school is different and they wanted different things. The simplest thing was to charge them with creating the safety plan but not dictating to them what should be in it. The amount of mills given to them would depend on what they are requesting and then they don't renew the tax after five years because they have installed everything they needed.

Rep. LaurieBeth Hager: I feel there should be some definition of what this could include, i.e., safety cameras, security officers, etc.

Chairman Owens: Anything we list will artificially create a situation where something may not be included and may be understood as not being able to have that item. We have heard that one district wants to create a different building whereby their behavioral issued children would go there, so that the other students can actually learn.

Rep. Ron Guggisberg: I had some of the same concerns so I asked one of the groups supporting this bill how they felt about adding something in about the county emergency manager approving the plan. Some schools are different counties; every county emergency manager has different skill levels. As far as the budget information, it will be open to the public. You just won't be able to see the actual plan.

Chairman Owens: Any further questions?

Rep. Brandy Pyle: In 15.1-09-33, if this passes, the school board would be responsible for developing a safety plan. Would that duty or power be implemented into that section by default?

Chairman Owens: Any further discussion?

A **Roll Call Vote** was taken: **Yes 10, No 2, Absent 2.** Motion carried on Do Pass on SB 2052. Rep. Heinert will carry this bill.

Committee work closed on SB 2052.

Date: 3-6-19
Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES**
BILL/RESOLUTION NO. 2052

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. Heinert

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	✓		Rep. Guggisberg	✓	
V. Chair. Schreiber-Beck	✓		Rep. Hager	✓	
Rep. Heinert	✓				
Rep. Hoverson	A				
Rep. D. Johnson	✓				
Rep. M. Johnson	A				
Rep. Johnston		✓			
Rep. Longmuir	✓				
Rep. Marschall		✓			
Rep. Pyle	✓				
Rep. Strinden	✓				
Rep. Zubke	✓				

Total (Yes) 10 No 2

Absent 2

Floor Assignment Rep. Heinert

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

REPORT OF STANDING COMMITTEE

SB 2052, as engrossed: Education Committee (Rep. Owens, Chairman) recommends
DO PASS (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2052
was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

SB 2052



Great Public Schools

Great Public Service

**Testimony before the Senate Education Committee
SB 2052
Tuesday, January 8, 2019**

Good afternoon, Chairman Schaible and members of the Committee. For the record, my name is Nick Archuleta, and I am the president of North Dakota United. I rise today in full support of a DO PASS recommendation for SB 2052.

Every North Dakotan wants their community's children to have an enriching, vibrant, and above all, safe learning space. SB 2052 will be another tool that ND school districts can access to enhance the safety of their schools.

Last spring, I traveled the state meeting with teachers and listening to their concerns. Chief among those concerns were the number of students coming to school with trauma and other behavioral health concerns. They were overwhelmed by the increasing number of students who "acted out" regularly and interrupted the learning of the other children in their classes. They told of the many instances when teachers and staff were injured, spat upon, threatened, and intimidated by students. When I asked what could be done to mitigate such behavior, the answer was almost universal: invest in the behavioral health of our students early in their academic career. That means more counselors and social workers based in our elementary schools.

This past fall, I was pleased to be part of Listening Forums on School Safety held across the state. We heard from administrators, teachers, school board members, law enforcement, and students about school safety. The issues ranged from the behavioral health concerns, to protecting schools from active shooters, to addressing the addiction issues of school aged children. Not all communities have the same concerns at the same level of importance. SB 2052 would allow local school boards to raise money and, we hope, leverage it with monies from state and federal sources to enhance school safety in the areas that they feel best supports the safety needs of their schools.

Please render a DO PASS recommendation for SB 2052. I will be happy to answer any questions.



SB 2052
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p1

SB 2052 – Testimony in Support

Good afternoon Senate Education Committee, my name is Dr. Aimee Copas – I serve as the Executive Director for the North Dakota Council of Educational Leaders which is the organization that serves our school Superintendents, Principals, CTE Directors, Technology Directors, AD's, County Superintendents, Business Officials and truly every school leader with the exception of teachers and school board members. We stand before you today support SB 2052 which is a bill that begins to recognize the significant needs within our schools and communities to address significant mental and behavioral health concerns that exist and that have a direct impact on school safety.

When it comes to a state like North Dakota, to look into the faces of our constituents and to ask them to raise their hands and volunteer more of their hard-earned dollars for support of our school – the issue must be a real one. Is the issue real in North Dakota? Ask our teachers, administrators, and school staff, and they will resoundingly tell you YES!

Behavioral health issues in our K-12 schools affect many of our youth and directly impact classroom learning and social interactions, both of which are critical to the success of students. These concerns go hand in hand with overall safety concerns for our schools. Over the past years, much national attention has been given to children's mental health - often through high profile suicides and school shootings, which has placed a focus on "crisis response" rather than a systematic approach to helping our nations' children with their mental health needs. The reality, however, is addressing school safety and these concerns is not done by singular approaches. There is no simple silver bullet. In reality, neither arming school staff with guns, placing SRO's in every building, or any silver bullet approach solves the underlying safety issue. All of those responses are just that – responses to crisis, but the responses that we quickly turn to do not actually get to the heart of the matter.

One out of every 4 or 5..... That's how many students will display a significant behavioral/mental health problem over the course of their lifetime. School leaders could line up and share extensive



stories of the troubled youth that walk the halls of our schools all over the state. The stories are troubling, and they are real. Such students can be identified early with considerable accuracy if educators are given the right training and tools. Unfortunately, in tight budgetary times, most schools rely on reactive methods, like office discipline referrals, to figure out which students need behavioral and mental health services. Even when they are successfully identified, there are significant service gap issues that our state continues to grapple with.

Where are our gaps? First, let's consider the service provider side of the equation. The National Association of School Psychologists recommends a ratio of 1 school psychologist for every 500-700 students. However, the reality is that states on average have ratios of nearly twice that amount. Simply put, schools rarely have the staff necessary for comprehensive mental health services. The same results of not enough staffing support hold true in school counselors, guidance counselors, school nurses and other critical staff.

Second, only a small number of students who need mental health services will receive intervention in a timely manner. This is no different in ND as has been shown to us by the study done in the most recent interim by the Department of Behavioral Health where they outlined in a 250-page report providing 65 recommendations in 13 categories.

We MUST start somewhere as a state to truly dive into this issue in each community and find community-based approaches to the problem. One of the first needs in combatting this probably locally is a lack of funds to do so. The bill before you today provides, a pathway to funding once a safety plan has been locally approved.

What might school safety plans look like or include? Although school safety needs are very locally driven, it has been recognized nationally to have safety plans that do some of the following:

Successful plans often focus on pieces to ensure school personnel and local law enforcement have the appropriate tools and training to take proactive steps in school safety initiatives.



Initiatives do not come without cost. There must be a vehicle to provide funding to get us to a place where we are legitimately closer to safer schools. Funds gleaned whether directly from the state or through additionally approved access to mills would help schools invest in early intervention and prevention programs, and technology. Specifically, the legislation would provide opportunities for plans that included pieces such as:

- **Prevention Training:** Funding for training to prevent student violence against others and self, including training for local law enforcement officers, school personnel, and students.
Prevention training would be designed to give students and school personnel the ability to recognize and respond quickly to warning signs of school violence and would include active shooter training.
- **Technology:** Funding for technology and equipment to improve school security and prevent attacks, including the development and operation of anonymous reporting systems.
- **Threat Assessment and Crisis Intervention Teams:** Funding for school threat assessment and crisis intervention teams, so that school personnel can respond to threats before they materialize.
- **Coordination with Law Enforcement:** Funding to support law enforcement coordination efforts, and in particular, those officers who already staff schools.
- **Wraparound school services** to attend to the behavioral and mental health issues IN our schools.
 - Those mentioned above are just a handful of approaches that schools, and communities might look to as they search for a comprehensive approach.

These are just some examples of what the funds generated could potentially bring to fruition.

The story to be told here is a long one and the fiscal ask if we are truly looking at tackling this in the right way is a large one. This bill is a strong step in the right direction toward finding a funding stream to begin to tackle some of the issues that are critical to each community in our state. We strongly encourage a DO PASS of this bill as well as others that enable a funding mechanism to help tackle what educators would tell you is a #1 issue we face in our schools today.



North Dakota Small Organized Schools

SB 2052
1-8-19
AH #3
P.1

Mr. ElRoy Burkle
Executive Director
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Mr. Brandt Dick
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January 6, 2019


Senator Schaible, Chairman, and Members of the ND Senate Education Committee,

For the record, my name is Mr. ElRoy Burkle and I serve as North Dakota School Organization Schools' Executive Director.

NDSOS goes on record of supporting SB 2052. This will provide each individual school district with an additional option to access funds to assist them in addressing their respective safety building needs, social/mental health needs, behavioral health needs as well as other related issues as determined by local educational leaders, educators, students, parents and community.

As a former superintendent, the only suggestion would be to change this from the vote of the patrons to board action just as what is currently allowed with miscellaneous mills.

Thank you for your time and I shall stand for questions.

Respectfully,

s/s Mr. ElRoy Burkle

Mr. ElRoy Burkle, Executive Director
ND Small Organized Schools
1419 9th Ave NE
Jamestown, ND 58401
Cell: 701-230-1973 Email eburklendsos@gmail.com

Revised January 6, 2019
File: SB 2052 19.0256.01000 School Safety

Board of Directors

Region 1

Mr. Tim Holte, Supt. Stanley
Mr. John Gruenberg, Supt. Powers Lake

Region 2

Mr. Jeff Hagler, Supt. North Star
Mr. Steven Heim, Anamoose & Drake

Region 3

Mr. Frank Schill, Supt. Edmore
Mr. Dean Ralston, Supt. Drayton

Region 4

Mr. Kelly Koppinger, Supt. New England
Mr. Jim Gross, Supt. Selfridge

Region 5

Mr. Joel Lemer, Bd. Member Carrington
Mr. Brandt Dick, Supt. Underwood

Region 6

Mr. Mitch Carlson, Supt. LaMoure
Dr. Steven Johnson, Supt. Lisbon

The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.



P.O. Box 7128
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SB 2052
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p.1

SB 2052
Testimony of Alexis Baxley
Senate Education Committee
January 8, 2019

Chairman Schaible and members of the Senate Education Committee, my name is Alexis Baxley. I am the executive director of the North Dakota School Boards Association. NDSBA represents all operating North Dakota school districts and their boards. I am here today testifying in support of SB 2052.

School safety, in many forms, is an increasingly urgent need for school districts. Whether we are talking about facility needs, school resource officers, or mental and behavioral health supports, districts are continually short on the funds necessary to meet those needs. We believe that every district is best suited to identify the tools and strategies that will be most effective for their staff, students and communities. For these reasons, we support Senator Schaible's proposal. While dedicated funding through the state or other guaranteed sources would be our first choice, this is a good first step in the right direction.

We do have one concern with the bill – the requirement of voter approval of the safety plan. We don't object to the idea of providing voters with information about how money raised from the related mills will be spent, but we do want to ensure this language is not misconstrued in regard to school safety plans or tools districts create or discuss in preparation for the worst-case scenario – having to respond to a violent event. NDSBA and its members feel strongly that many of these tools should be exempted from open records requirements for security reasons. With this in mind, we would like to suggest the committee consider amending SB 2052 to include language amending NDCC 44-04-24.

Currently, NDCC only exempts "security systems" from open records requests. This exemption was created in 2003 following 9/11. While we believe the intent was to restrict highly sensitive information including evacuation plans, emergency response plans and other security measures, the language adopted places a strong emphasis on physical and electronic security. The ability to restrict disclosure of this type of information to the general public is still necessary; however, the focus on physical and electronic security has created some uncertainty, and our members have identified the

need to clarify or expand the type of records covered by the exemption. The safety planning and associated procedures that a public entity, particularly school districts, must develop are much broader today. Our members serve arguably the most vulnerable population of North Dakotans and are entrusted with their safety and health. It is important that districts have the ability to keep information and records related to threat response and assessments closed in certain circumstances. For example: a district may develop an active shooter response or evacuation plan. A publicly available evacuation plan would make students sitting ducks. Currently, it is unclear whether this type of information would be exempt from public disclosure.

The language we're suggesting keeps the current definition of security system plan, but adds "emergency response plans or procedures" and "threat assessment or threat response plans or procedures." We believe this will allow a public entity to declare exempt information and records relating to not only plans and procedures created and established in advance of a threat or emergency, but also the manner in which such plans and procedures were carried out during an emergency and certain information gathered during that emergency. We believe creating an exemption for this type of information is appropriate, rather than declaring it confidential, in order to allow the public entity to share information when appropriate or keep it closed when warranted to protect the health and safety of the entity and the population it serves.

NDSBA believes this type of exemption would be a pertinent amendment to SB 2052, and an important safety tool for school districts and public entities. I'd be happy to answer any questions regarding the suggested amendment or our support of SB 2052. Thank you.

44-04-24. Security Plans and Procedures~~Security system plan~~ - Exemption.

1. Security plans and procedures information A ~~security system plan~~ kept by a public entity is exempt from the provisions of section 44-04-18 and section 6 of article XI of the Constitution of North Dakota.
2. As used in this section, "security plans and procedures information" mean all records, information, photographs, audio visual presentations, schematic diagrams, blueprints, surveys, recommendations, communications, or consultations relating to:
 - a. The physical or electronic security of a public facility, or any critical infrastructure, whether owned by or leased to the state or any of its political subdivisions, or any privately owned or leased critical infrastructure. "Critical infrastructure" means public buildings, systems, including telecommunications centers and computers, power generation plants, dams, bridges, and similar key resources, whether physical or virtual, so vital to the state or any of its political subdivisions that the incapacity or destruction of these systems would have a debilitating impact on security, state economic security, state public health or safety, or any combination of those matters;
 - b. Emergency response plans or procedures; or
 - c. Threat assessment or threat response plans or procedures.

As used in this section:

- a. "Critical infrastructure" means public buildings, systems, including telecommunications centers and computers, power generation plants, dams, bridges, and similar key resources, whether physical or virtual, so vital to the state that the incapacity or destruction of these systems would have a debilitating impact on security, state economic security, state public health or safety, or any combination of those matters.
- b. "Security system plan" includes all records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, communications, or consultations or portions of any such plan relating directly to the physical or electronic security of a public facility, or any critical infrastructure, whether owned by or leased to the state or any of its political subdivisions, or any privately owned or leased critical infrastructure if the plan or a portion of the plan is in the possession of a public entity; threat assessments; vulnerability and capability assessments conducted by a public entity, or any private entity; threat response plans; and emergency evacuation plans.
3. This exemption applies to security system plans and procedures created or received by a public entity before, on, or after-_____March 20, 2003.
4. Nothing in this section may be construed to limit disclosure to personnel, consultants, contractors, private entities, or other public entities when such disclosure is necessary to create, modify, or carry out any security plans and procedures, or such disclosure is required for necessary construction, renovation, or remodeling work on a public building. Disclosure under this subsection does not constitute public disclosure.

5. Unless otherwise prohibited by law, security plans and procedures information kept by a public entity which is otherwise closed under this section may be disclosed to any other public entity, law enforcement officials, or federal agency for the purpose of law enforcement, provided that the information is not used for other purposes and the closed nature of the records is otherwise maintained.
6. Closed records that are authorized by this section to be disclosed to another entity or individual continue to be closed in the possession of the receiving entity or individual, except as otherwise provided by law.

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1-8-19
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Testimony prepared for the
Senate Education
January 8, 2019
By: Donnell Preskey, NDACo

SB 2052 – Support for Establishment of a Voter Approved School Safety Fund

Chairman Schaible and committee members, I am Donnell Preskey with the North Dakota Association of Counties. One of my roles at NDACo is serving as the Executive Director of the North Dakota Sheriff's and Deputies Association (NDSDA). NDSDA stands in support of Senate Bill 2052.

The Sheriff's number one priority in serving and protecting our counties is the safety of our children in our communities. That includes their safety in schools.

The National Sheriffs Association, unanimously passed a resolution that recognizes our schools as critical infrastructure requiring the protection of classrooms, students, teachers and staff. The resolution urges each state Sheriff's Association to work on legislation to accomplish this goal.

North Dakota Sheriff's support the use of funds that can be dedicated for enhancing physical security of school facilities, security lock and camera systems, hardening of classrooms. School safety improvements go beyond physical investments. Intervention and prevention are critical components to enhancing school safety and this strategy calls for an increase in the number of trained school resource officers.

At the end of the last school year, there were 53 School Resource Officers in North Dakota. There are eight school resource officers serving rural schools in the counties of: Burleigh (1), Cass (4), McKenzie (2), and Stark (1).

Let me share a little bit about the success of one county's program. Cass County started a school resource deputy program in 2008 with one resource deputy. There are now four deputies serving five schools in rural Cass County. The deputies provide school safety services and advisement to over 30,000 students and school employees. In 2018, the Cass County program received a national award for their program development.

Sheriffs recognize that all communities have different needs in securing their schools. This bill gives the local school and citizens a say on the plan that best fits their needs. Most importantly, it's the citizens who will decide if they should approve a school safety fund and if that is something they support higher property taxes to pay for and if it should be continued.

Mr. Chairman, our schools are a part of our critical infrastructure that should be protected as well as a government building, thereby securing our most important assets which are "Our Children". We ask you to give this bill a Do Pass recommendation to allow local citizens a say in funding to enhance safer schools.



NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

SB 2052
2-27-19
#1



Senator Donald Schaible

District 31
9115 Highway 21
Mott, ND 58646-9200

R: 701-824-3168
dgschaible@nd.gov

COMMITTEE:

Education, Chairm:
Energy and Natural Resourc

Good Morning Chairman Owens and the House Education Committee. For the record, I am Senator Don Schaible, representing District 31 and I am here before you this afternoon to introduce SB2052 which is a school safety bill. This bill would allow school districts along with their community to develop a safety plan. A safety plan could include anything from cameras, metal detectors or other building improvements but could also be used to fund resource officers, psychiatrist or any other out of the box ideas to solve safety. That may sound strange to some, but safety concerns are very different in each of our districts and that why it is so important that the community is involved with a school's safety plan. After a plan is complete this bill would allow for a school district to assess 5 mill of property tax that could only be used to fund the safety plan. The school district would hold an election to get a simple majority of the people to approve the plan. Again, this money could only be spent on what is included in the plan. This property tax mills would be good for 5 years and to continue would need a new plan and a new vote.

This bill is not meant to be the total solution for school safety but another option for schools to use. Currently school have used a variety of ways of addressing safety needs by using general funds, building funds or in some cases share the cost with county or city. It would be possible to also combine efforts with other school districts or an Regional Education Association to find the needs that best fit their community.

One point I would like make clear is that I am not an advocate for all of the safety needs to be address by property tax. School funding is a combination of State and Local contributions with the state currently paying for about 75% of that cost. I introduced this bill because I believe that school district needs an additional tool to address individual school need



SB 2052
2-27-19
#2

SB 2052 – Testimony in Support

Good afternoon House Education Committee, I am here today representing the North Dakota Council of Educational Leaders which is the organization that serves our school Superintendents, Principals, CTE Directors, Technology Directors, AD's, County Superintendents, Business Officials and truly every school leader with the exception of teachers and school board members. We stand before you today support SB 2052 which is a bill that begins to recognize the significant needs within our schools and communities to address significant mental and behavioral health concerns that exist and that have a direct impact on school safety.

When it comes to a state like North Dakota, to look into the faces of our constituents and to ask them to raise their hands and volunteer more of their hard-earned dollars for support of our school – the issue must be a real one. Is the issue real in North Dakota? Ask our teachers, administrators, and school staff, and they will resoundingly tell you YES!

Behavioral health issues in our K-12 schools affect many of our youth and directly impact classroom learning and social interactions, both of which are critical to the success of students. These concerns go hand-in-hand with overall safety concerns for our schools. Over the past years, much national attention has been given to children's mental health - often through high profile suicides and school shootings, which has placed a focus on "crisis response" rather than a systematic approach to helping our nations' children with their mental health needs. The reality, however, is addressing school safety and these concerns is not done by singular approaches. There is no simple silver bullet. In truth, neither arming school staff with guns, placing SRO's in every building, or any silver bullet approach solves the underlying safety issue. All of those responses are just that – responses to crisis, but the responses that we quickly turn to do not actually get to the heart of the matter.

One out of every 4 or 5... That's how many students will display a significant behavioral/mental health problem over the course of their lifetime. School leaders could line up and share extensive stories of the troubled youth that walk the halls of our schools all over the state. The stories are troubling, and they are real. Such students can be identified early with considerable accuracy if educators are given the right training and tools. Unfortunately, in tight budgetary times, most

NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education for all students in North Dakota.

Dr. Aimee Copas Executive Director ----- Russ Ziegler Assistant Director



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2.27-19
#2

schools rely on reactive methods, like office discipline referrals, to figure out which students need behavioral and mental health services. Even when they are successfully identified, there are significant service gap issues that our state continues to grapple with.

Where are our gaps? First, let's consider the service provider side of the equation. The National Association of School Psychologists recommends a ratio of 1 school psychologist for every 500-700 students. However, the reality is that states on average have ratios of nearly twice that amount. Simply put, schools rarely have the staff necessary for comprehensive mental health services. The same results of not enough staffing support hold true in school counselors, guidance counselors, school nurses and other critical staff.

Second, only a small number of students who need mental health services will receive intervention in a timely manner. This is no different in ND as has been shown to us by the study done in the most recent interim by the Department of Behavioral Health where they outlined in a 250-page report providing 65 recommendations in 13 categories.

We MUST start somewhere as a state to truly dive into this issue in each community and find community-based approaches to the problem. One of the first needs in combatting this probably locally is a lack of funds to do so. The bill before you today provides a pathway to funding once a safety plan has been locally approved.

What might school safety plans look like or include? Although school safety needs are very locally driven, it has been recognized nationally to have safety plans that do some of the following:

Successful plans often focus on pieces to ensure school personnel and local law enforcement have the appropriate tools and training to take proactive steps in school safety initiatives. Initiatives do not come without cost. There must be a vehicle to provide funding to get us to a place where we are legitimately closer to safer schools. Funds gleaned whether directly from the state or through additionally approved access to mills would help schools invest in early intervention and prevention programs, and technology. Specifically, the legislation would provide opportunities for plans that included pieces such as:

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Dr. Aimee Copas Executive Director ----- Russ Ziegler Assistant Director

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#2

- **Prevention Training:** Funding for training to prevent student violence against others and self, including training for local law enforcement officers, school personnel, and students. Prevention training would be designed to give students and school personnel the ability to recognize and respond quickly to warning signs of school violence and would include active shooter training.
- **Technology:** Funding for technology and equipment to improve school security and prevent attacks, including the development and operation of anonymous reporting systems.
- **Threat Assessment and Crisis Intervention Teams:** Funding for school threat assessment and crisis intervention teams, so that school personnel can respond to threats before they materialize.
- **Coordination with Law Enforcement:** Funding to support law enforcement coordination efforts, and in particular, those officers who already staff schools.
- **Wraparound school services** to attend to the behavioral and mental health issues IN our schools.
 - Those mentioned above are just a handful of approaches that schools, and communities might look to as they search for a comprehensive approach.

These are just some examples of what the funds generated could potentially bring to fruition.

The story to be told here is a long one and the fiscal ask if we are truly looking at tackling this in the right way is a large one. This bill is a strong step in the right direction toward finding a funding stream to begin to tackle some of the issues that are critical to each community in our state. We strongly encourage a DO PASS of this bill as well as others that enable a funding mechanism to help tackle what educators would tell you is a #1 issue we face in our schools today.

NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education for all students in North Dakota.

Dr. Aimee Copas Executive Director ----- Russ Ziegler Assistant Director





NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

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SB 2052
2-27-19
#3

SB 2052

**Testimony of Alexis Baxley
House Education Committee
February 27, 2019**

Chairman Owens and members of the House Education Committee, my name is Alexis Baxley. I am the executive director of the North Dakota School Boards Association. NDSBA represents all operating North Dakota school districts and their boards. I am here today testifying in support of SB 2052.

School safety, in many forms, is an increasingly urgent need for school districts. Whether we are talking about facility needs, school resource officers, or mental and behavioral health supports, districts are continually short on the funds necessary to meet those needs. We believe that every district is best suited to identify the tools and strategies that will be most effective for their staff, students and communities. For these reasons, we support Senator Schaible's proposal. While dedicated funding through the state or other guaranteed sources would be our first choice, this is a good first step in the right direction.

We also strongly support the language in Section 1 regarding an open records exemption for safety plans. NDSBA and its members feel strongly that safety plans should be exempted from open records requirements for security reasons.

Currently, NDCC only exempts "security systems" from open records requests. This exemption was created in 2003 following 9/11. While we believe the intent was to restrict highly sensitive information including evacuation plans, emergency response plans and other security measures, the language adopted places a strong emphasis on physical and electronic security. The ability to restrict disclosure of this type of information to the general public is still necessary; however, the focus on physical and electronic security has created some uncertainty, and our members have identified the need to clarify or expand the type of records covered by the exemption. The safety planning and associated procedures that a public entity, particularly school districts, must develop are much broader today. Our members serve arguably the most vulnerable population of North Dakotans and are entrusted with their safety and health. It is important that districts have the ability to keep information

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and records related to threat response and assessments closed in certain circumstances. For example: a district may develop an active shooter response or evacuation plan as part of their safety plan. A publicly available evacuation plan would make students sitting ducks. Under current law, it is unclear whether this type of information would be exempt from public disclosure.

We believe this change will allow a public entity to declare exempt information and records relating to plans and procedures created and established in advance of a threat or emergency. We believe creating an exemption for this type of information is appropriate, rather than declaring it confidential, in order to allow the public entity to share information when appropriate or keep it closed when warranted to protect the health and safety of the entity and the population it serves.

For these reasons, NDSBA urges a Do Pass recommendation on SB 2052. I'd be happy to answer any questions. Thank you.

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Testimony of Zach Geraets
University of Mary social work student
North Dakota House Education Committee
S.B. No. 2052
February 27, 2019

Hello Chairman Mark S. Owens, vice-chair Cynthia Schreiber-Beck, and members of the committee. My name is Zach Geraets and I'm a junior social work student at the University of Mary. I stand before you today in support of Bill 2052.

As a future social worker who has a passion for working with youth, one of my goals is to assure that students are happy, healthy, and safe at home and at school. Bill 2052 will allow me to fulfill the goal of my profession to a greater degree, and more importantly will safeguard the students in our state.

Often times when individuals hear the word 'health' they are quick to assume physical measures of health such as broken bones or weak immune systems. Yet, health goes far beyond physical measures. Health refers to students' mental wellbeing, self esteem, and overall happiness. Students deserve access to quality resources that fully provide for their mental health. If 2052 passes, schools will be able to invest in more psychologists, resource officers, and social workers who are trained to provide for the needs of students' well being.

Along with students' mental and physical health, my goal as a future social worker is to ensure students' safety at home and at school. This bill will provide me with the tools necessary to protect our students in their learning environment. It should be a students' right to know they are safe and protected at school. Unfortunately, we cannot always provide that guarantee in their home, but we should put all efforts we can to ensure peace of mind in the public school system.

We see students' safety and well being constantly plastered in our news and media, it should not take a crisis in our state in order to implement safety measures and regulations. We do not want something as horrendous as a school shooting to occur when we can take the steps now to intervene and treat mental health disorders. Let us build a foundation of resources to protect our students today, in order to ensure a generation of happy, healthy, and safe leaders of tomorrow.

I ask you today to invest in the students of North Dakota's safety and well being by supporting Senate Bill 2052.

Thank you for your time and I shall now stand for questions.

Zach Geraets

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Great Public Schools

Great Public Service

**Testimony before the House Education Committee
SB 2052
Wednesday, February 27, 2019**

Good afternoon, Chairman Owens and members of the Committee. For the record, my name is Nick Archuleta, and I am the president of North Dakota United. I rise today in full support of a DO PASS recommendation for SB 2052.

Every North Dakotan wants their community's children to have an enriching, vibrant, and above all, safe learning space. SB 2052 will be another tool that ND school districts can access to enhance the safety of their schools.

Last spring, I traveled the state meeting with teachers and listening to their concerns. Chief among those concerns were the number of students coming to school with trauma and other behavioral health concerns. They were overwhelmed by the increasing number of students who "acted out" regularly and interrupted the learning of the other children in their classes. They told of the many instances when teachers and staff were injured, spat upon, threatened, and intimidated by students. When I asked what could be done to mitigate such behavior, the answer was almost universal: invest in the behavioral health of our students early in their academic career. That means more counselors and social workers based in our elementary schools.

This past fall, I was pleased to be part of Listening Forums on School Safety held across the state. We heard from administrators, teachers, school board members, law enforcement, and students about school safety. The issues ranged from the behavioral health concerns, to protecting schools from active shooters, to addressing the addiction issues of school aged children. Not all communities have the same concerns at the same level of importance. SB 2052 would allow local school boards to raise money and, we hope, leverage it with monies from state and federal sources to enhance school safety in the areas that they feel best supports the safety needs of their schools.

Please render a DO PASS recommendation for SB 2052. I will be happy to answer any questions.

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February 24, 2019

Chairman Owens, and Members of the ND House Education Committee,

For the record, my name is Mr. ElRoy Burkle and I serve as North Dakota School Organization Schools' Executive Director.

NDSOS goes on record of supporting SB 2052. This bill will provide each individual school district with an additional option to access funds assisting them in addressing their respective safety building needs, social/mental health needs, behavioral health needs as well as other related issues as determined by local educational leaders, educators, students, parents and community.

Thank you for your time and I shall stand for questions.

Respectfully,

s/s Mr. ElRoy Burkle

Mr. ElRoy Burkle, Executive Director

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The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.