

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

1371

2001 HOUSE EDUCATION

HB 1371

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1371

House Education Committee

☐ Conference Committee

Hearing Date 01/29/01

Tape Number	Side A	Side B	Meter #
#1		X	710 to 6162
#2	X		1 to 1062
Committee Clerk Signature <i>Jana K. Kelsch</i>			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunsaker, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will not open the hearing on HB1371

Rep. Disrud: (District 21) I responded to a request that the issue of age of a child's age of entry into school would be addressed. School to me means kindergarten, which is scheduled by the local school district. Being responsible for a child includes the concern and action on behalf of the educational, emotional, psychological, intellectual and social well-being of a child. I am a parent of four adult sons and four grandchildren, and to me, their future and their lives is the most important thing. I've dedicated my whole life to children. I have been focused on the care, but especially the care of a child whose life situation is in need of advocacy, and in many ways, I saw this bill as one of advocacy. There will be a couple of concerns in regards to writing this for

school, and we will be addressing it. An amendment has been written that will address some of the issues of concern that we have already discussed. Children of this era are learning earlier than ever, they in their toddler years, can operate a computer. They have been exposed to a wide variety of stimulus. The intention of HB1371 is to ensure that each child has the opportunity to receive the best chance that they can have to get a good start in life.

Rep. Hanson: Can you tell me what 15.1-20-02 exempts? I'm trying to find it in the Century Code and all it says is it's been reserved.

Rep. Disrud: Would you allow me to defer that question to the experts that will follow me?

Chairman Kelsch: I think that Section 2 deals with in case HB1045 does not pass, so I think that she's adopting it into there.

Larry Klundt: (Executive Director of the ND Council of Educational Leaders) The ND Association of Elementary School Principals are very interested in this bill. Simply put, the bill reduces the age from seven to six for compulsory education, and there appears to be a couple of difficulties that principals and teachers deal with regarding that. I had the opportunity to attend a meeting last summer, John Goodlan, Professor of Education of University of California Los Angeles, was one of the speakers at a banquet where he was being honored for doing a lot of work in education. What he said that struck me, he said, 'You know, as educators, we don't often make decisions based on research, we make them mostly on opinions'. And I think that's true, and then he went on to say, 'If we really based decisions on research, we would start children at age four in our schools, because they're maturing so much sooner, and we would graduate them at age sixteen, and we'd organize them into age groups. When the elementary

schools approached the council about introducing legislation relative to that, reducing to age six, I thought of that.

Rep. Mueller: I haven't seen the amendments referred to, but what is your reaction to those folks who are saying, 'my young person is just not ready to go to school at six years old'. Maybe they will be ready at age seven. Can you respond to that?

Kludt: I guess we would be very interested in finding out whether or not that's really true, whether they would be mature enough or not mature enough. Today, nearly all of the six year olds are in school. Most start when they're five in kindergarten some place, and they're in the first grade at age six, so maturity level is OK. I think kids are maturing. The exception that Mr. Hanson was talking about. I think they include things like home school and private school and things like that.

Rep. Mueller: Maybe that's part of the point I might make. If most of them are in school are in six, which I believe is correct, I guess there must be some good reason why there are very few that aren't, and maybe that's where I'm having some questions.

Kludt: I suspect the two principals here may have some insight to your question.

Rep. Hunsakor: We're all interested in making a child into an adult who can function at the maximum in society, but it isn't all academic. I believe what happens in the heart of the child is learning from mom and dad in the home is part of that, and you used the figure of four years of age. It seems like these kids are thrust into the academic area, some of them, before they're ready, and they need home experiences.

Kludt: I believe strongly that the first teachers are parents. Parents have a great deal of influence, and a great deal of responsibility in getting children ready for school. Mr. Goodlan's

research suggests that kids mature a lot sooner now than they did 20 and thirty years ago, and he thinks that four years is appropriate. I'm not sure of that. We see kids at five and they're in first grade at six, what our problem is, we don't have a compelling reason to keep them in school at six, and parents are able to take them in and out, and we have no teeth in the laws that deals with that.

Rep. Hunsakor: Should parents be forced to have their kids in school at age six, even though, in their opinion their child is not ready?

Klundert: Yes.

Rep. Meier: Is this intended for home education and private schools also?

Klundert: I think that there are exceptions in the law, I think those exceptions that were talked of were except home schools. You don't have to make it so you can be in a home school and you can be in a private school, but I think that the intention is that they would start receiving instruction at age six, at home school and at private school.

Rep. Meier: So, you are definitely stating that that would include home education?

Klundert: I believe so, I would have to reread those sections, but I think that's what it means.

Chairman Kelsch: On page 45 of HB1045, the exceptions that Rep. Hanson alluded to.

15.1-20-02, these are the exceptions: The child is in attendance for the same length of time at an approved, non- public school, the child has completed high school, the child is necessary to the support of their family and the child's family, a multidisciplinary team that includes the child's school district superintendent, the director of the child's special education unit, the child's classroom teacher, the child's physician, and a child's parent has determined that the child has a disability that renders attendance or participation in a regular special education program in

expedient or impractical or the child has been receiving home education, provided that this exception is not available if the child has multiple disabilities, as are determined in section 25, which is the home school section. So, they would be exempted from this.

Klundt: As long as they are getting services at home.

Tom Conlon: (Elementary school principal in Mandan) *Please refer to written testimony*

Rep. Thoreson: Is there a minimum age a student can go to kindergarten?

Conlon: Right now, kindergarten is typically for a five year old. A child who will turn five between August 31 and January 1 may opt to petition the school district and go through a process that's approved through DPI, to advance a student, so that student might be able to get in if that student will turn five within that deadline, otherwise, you have to be five years old by August 31.

Rep. Hunsaker: When a child is six years old, the parents have the choice then, to put the child in kindergarten or first grade, as long as they attend the full duration of kindergarten or first grade, am I understanding you correct?

Conlon: That's what our intention is with this, and that's what we're concerned with, with the way it was written, someone might be determine that that six year old would have to be in school every day, all day for 173 days, and that's not the intention that we have.

Rep. Solberg: How often does this occur? That parents sends their kids to school and then is out a large number of days?

Conlon: No, it doesn't happen very often, in fact, most kids are enrolled in school, and most parents will send their kids to school regularly. We do have some parents who do not, for some reason, send their children to school regularly. Maybe today is Monday, and we had a big weekend, and we didn't get around to sending our kid to school today, whatever the situation.

What happens is, a few of our kids that do not come to school regularly, because their parents do not send them regularly for no apparent reason, so when we have that situation, again, what we do as principals and teachers, we try to confer with that parent and we try to encourage them and we try to let them know about the importance of attending school on a regular basis, and when that doesn't happen, then we have no other alternative. We've written them letters, we've conferred with them, but that's as far as we can go.

Rep. Nelson: If this bill passes, what procedure would you have in your hands for that parent who decides still, whether it's compulsory or not, what will you have that will make that student go to school on a more regular basis?

Conlon: We would do with what we do with the kids now that are seven and above. Call social services and other agencies to send that school regularly. It would be like educational neglect if that child was not sent to school regularly.

Rep. Nelson: Do you use social services now, if in your opinion, their missing too many days? Don't you have that option now?

Conlon: We do have that option for 7 through 16 year olds. We do not have that option for 6 year olds, because right now, it's not mandatory for those children to be in school, so when we call social services, they say, there's nothing we can do, they don't have to be in school until they're seven. They could take their child out of school all together.

Rep. Haas: What procedure do you have in place at your school, for a parent who comes to you now, and let's say that the child is six by August 31, and the parent comes to you and says, 'I don't think that my child is ready to be in the first grade, I'd like to wait a year'.

Conlon: We have kindergarten for them, and I've never had a parent not opt to do that. I've had lots of parents who have said that their child isn't ready, or they haven't even contacted us, and they decide that they're child is not ready, and then when they're six, they come to us and automatically register for kindergarten. I may say that because kindergarten is not compulsory, that parent may say that they've been working with that child at home and say that their child is ready for the first grade, and we would place them in first grade.

Buster Langowski: (Elementary principal in Hazen) We happen to be in a category, in NID, where 26 states that have a compulsory attendance law that is at age 7. There also happen to be 17 states that have a compulsory attendance law at age 6, and mind you that there are four states that have a compulsory attendance law at age 5. Also, the oldest law in record was established in WA in 1871, and the newest law was established in 1929 in AK. Our present law was established in 1886. I look at it from the standpoint of an opportunity. Presently, all our children have opportunities to go to school, but it isn't necessarily always the case that they're there all the time, and in the past 10 years there have been tremendous research done on the development of the brain. I attended a conference by a woman who has done extensive brain research. One of things that I have taken on as a goal is to try to make our school a more brain compatible school. Simply because of the technology out there today, they can see what is happening with the brain in terms of learning. If a child were not stimulated, the neurons in the brain will find a different pathway, and in some instances, will not pick up the needed information it should have to learn in a certain way. If a child was never exposed to language, by the age of 10, those neurons that transmit that into learning will have faded away, and the likelihood of that child learning after that point in time is almost nil. I refer to that as a window of opportunity. Another way that

children learn is through multi-sensory sensory information. There are nineteen different senses used in terms of how we learn. All children start out with a female brain, whether they are male or female, and research strongly suggests that girls surpass boys at a particular point. It may take a boy, for instance, a longer time to learn how to read, simply because their brain does not have the mechanical function to process language as easy as girls. In some of the research, a child's brain actually emits 225% more energy than an adult brain. The problem is that there's so much energy that it's difficult for the child to focus on what needs to be accomplished and what doesn't need to be accomplished. We talk about windows of opportunity for children, and the window of opportunity for a child in motor development is from zero to six, emotional control is zero to three, vocabulary is zero to four, a second language zero to ten, math and logic is zero to four, music is zero to ten. In terms of what I am proposing and why I feel support is needed for this piece of legislation is the fact that I look at it as an opportunity. We need to give kids all the opportunities that we can provide them. We all realize that there are a number of dysfunctional homes in every community, and if a child is just sitting and watching TV or playing Nintendo, we also know that that child is not being stimulated the way that he/she should be stimulated in terms of providing the best opportunity for the child to learn. The school can provide that opportunity, and by having this law on record, would provide us some latitude to take and put a little teeth in the law with the people who are reluctant to send their children. I ask for some assistance, and I was told that because compulsory attendance law is age seven, there wasn't anything they could do for me, and that was a six year old first grader. They weren't coming to school regularly.

Rep. Hanson: If most kids are already are starting at six, and just a small number at seven, what is the percent start at seven and what percent start at six?

Langowski: We have very few, probably less than one percent that are starting at age seven. Most of them are starting at age six.

Rep. Solberg: Has this become quite a big problem in your district?

Langowski: It has not been a tremendously big problem in our area. Where we run into the most problems, is because we're in the energy area, people are constantly moving into the area, and we have difficulty tracking children down, and when we do, keeping them in school. I think, though, if all the school districts in ND only had one situation to deal with in a year, though, that's a number of children.

Bev Nielson: (School Board's Association) When the law was written, I think that they just arbitrarily picked age seven. I think it just seemed like a good age. I don't think there's anything magical about seven, or six, or five, or four, or eight. We picked an age, and it was in the law. In those days, we didn't have the number of preschools we have now, we didn't have the number of kindergartens we have now. I think it's at least worthy to at least have this discussion, we do have some discrepancies in the law. We will always have truancy issues, and no state's attorney wants to prosecute on truancy issues, so we deal with that all the time. However, the first year of school; think about the message that we send: positive or negative. The first message they get in an instance like this is, at school, you can come and go as you please. This is a cognitive message, and in our opinion, it's a negative cognitive message. Also, if the child has to be held back then, because of excessive absences, or needs tutoring, or somehow gets singled out because of that. Then, I think we create an emotional negative feeling for education, so in that

one year, when that six year old is enrolled in first grade, and he feels like he doesn't need to attend, and then having that special help. I don't think we've created a very positive image in that youngsters mind for education. The joy of education, the responsibility of education, which is doing your part and showing up and doing your homework, and I think we do have some holes in the law that is weird. A kindergartner can go to kindergarten at age five, so if they go to kindergarten and the parents want to send their child to first grade at age six, they're not required to be there, so now what do you do with that six year old? These things are worth talking about. I don't know if this bill has all of the necessary answers to that, but I do think that we have some holes in the law, where we have to let them enroll at age six, but we can't require them to attend. Maybe we want to look at some wording that says, if you choose to enroll your child in school, they are subject to the compulsory attendance laws. Then we put it on them. If they make a choice to send them at six, then they're responsible and the law applies to them at age six, as opposed to saying, every child at six, needs to be in school. If you want to give respect to parent choice, and you feel that the age seven is a magical number, because we've had it for a long time, then perhaps we can find some wording that says, 'if you bring your child and you enroll them into first grade, you now come under the compulsory attendance laws, unless at some point you choose to withdraw your child from school', but don't leave the teacher wondering if the student is going to be there, and then try to catch the student up when they get back. That's not fair to the teacher, the principal, and to the child, to give them the impression that that's OK.

Rep. Nelson: To fix a problem in the first grade, if that's all this bill did, I would be in complete agreement with you, but I would guess that the argument that we will hear sooner or later is that we are getting to a compulsory kindergarten situation by moving to age six. Is there a language to

ensure that a student that is enrolled in the first grade live under the compulsory attendance law, but parents still have the option of whether or not they want to send their children to kindergarten or not, would you agree that that's where the division is?

Nielson: I think if we went with verbiage that if you choose to enroll your six year old in first grade that they come under the compulsory attendance law, kindergarten is optional, however, I also believe that if you enroll your child in kindergarten, that you should bring your child in kindergarten, so they don't get the message that, we're enrolled, but if we don't want to go, we don't have to go. That's not a positive message, I think you make that decision when you enroll them. If, after a couple of weeks, you see that the child is not doing well, rather than letting them go no, and you withdraw them from enrollment, then of course, you wouldn't come under that anymore, but I do think that if you make a decision to enroll your child in school, that you have a responsibility as a parent, and the child needs to know that they have a responsibility to attend school.

Rep. Thoreson: Do you think there's a particular age where it's easier to tell if a student is ready for school, or do you have to just enroll them in kindergarten and see if they're ready?

Nielson: I think if they have not been in preschool, unless you are working with your child in some sort of a structured preschool educational program, or if their daycare has some preschool, you might be able to tell. We don't test them. I don't know that there's a magic age, but I do know that more and more kids are going to preschools, and daycares that have academic tracks, and that parents in general are happy to send them to kindergarten at age five, because they've been paying for preschool for two years.

Rep. Hanson: How many students are not attending kindergarten?

Nielson: I don't know.

Rep. Hanson: How about when they take the census, is that part of it? The school census?

Nielson: We don't know.

Rep. Hunsakor: What would happen, for parents who wished to wait until age seven, when their children were six years old, and kindergarten were mandatory at age six, for those parents who want to wait until seven.

Nielson: The way I read this bill is that, once they are at age six, they have to be in attendance at public school, and to me, kindergarten would be a viable choice, as long as they were enrolled.

Rep. Hunsakor: If a parent does not start their kids in school and want to wait until age seven, they would have to be in kindergarten at age six?

Nielson: If we leave the law the way that it is, they don't have to do anything at age six. They don't have to be in school until their seven.

Rep. Nottestad: Based on that, then, we could end up with kindergartners being forced to start school in the middle of the year?

Nielson: I think those age requirements and dates and everything would be the same. I don't think that they are changing that.

Rep. Nielson: On the fiscal note, there's 21 schools that don't offer a kindergarten program at the present time. How are you going to respond to those schools when they find out that you testified on this bill that would require an approved kindergarten program or at least one that's accessible for their district. How will you handle that?

Nielson: I don't think they would be required to have a kindergarten, I think that parents would have to deal with whatever the system is in the community that they live in. If there isn't a

kindergarten in the community, then when when they became six, they would go to first grade, however, to elate some of these concerns, it might be better to say, for those who choose to enroll at six.

Gary Gronberg:(DPI) I think we need to look at a bill like this from a statewide policy perspective. Right now, the total program, or the compulsory attendance law says, once you reach a certain age, you must be in a program that's required to be provided by a school. Right now, the only program that's required to be provided by a school at the starting age is grade one. Compulsory attendance law has to be equated with grade one, unless we require something below grade one in all schools, so I don't think that you can put an exception in the law saying, if you provide something, because right now, that's not mandatory. We do provide state aid if the school district chooses the option of providing it. It would be like you start your parks and rec. program in the summer time. Do you have to go every single day? The answer is, no you don't. Compulsory attendance is a different animal. Compulsory attendance must be equated with what we require, and then the age at which we require. If we move from seven to age six, it means what we require is grade one, it means compulsory attendance that would be required at grade one, unless we choose to require kindergarten, and now we could deal with compulsory attendance with a required program for every student dealing with when must you start or be in a required program, so if we move this law, currently, as the bill is stated, to age six, that means, when must you be in the first required program provided by a school district, and the first required program is grade one.

Rep. Hanson: What are we paying in foundation aid for kindergarten? A half a year? Or a whole year?

Chairman Kelsch: We pay a half a year.

Gronberg: It has to do with the length of the program. We have some programs that provide as little as thirty days, and we would provide a pro rated foundation aid payment for that, to as many as 180 half days is the maximum.

Chairman Kelsch: Anyone who wishes to appear in opposition to HB1371?

Camille Smith: (former teacher and parent) I have three oppositions to the bill. Number one being, the system is not broken, so why do we need to fix it? The current system is working now as we see that the schools are succeeding as the test results show, and also that most five and six year olds already are attending some sort of education program. I think that it would hurt the children in the way that, if you say that every six year old has to attend school, if it was that there was a child that the parent feels is not ready, if you say they must go, then at the end of the year, the teacher sees that they're not ready to progress to the next year, and they would have to hold them back, which would hurt their self esteem and their whole outlook on the educational system. If they did pass them along, so as to not hurt the child, they would start behind, and they just continue to fall behind. Thirdly, the whole thing is the parents right. It's our child, and if we feel that they're ready then good, but if we feel that they aren't, then that is taking away that right as a parent to make that decision, and every child matures at a rate different than the chronological age, and I think the parent, raising the child up to that point, knows when they are ready to begin that career. I believe that the worst case scenario if it stays as it is, then there are seven year olds who are really ready to go and start their education and they do well all the way through their education. I do not support this bill.

Pam O'Keefe: (former teacher and parent) We have five and six year olds in school already, why are we mandating something that's already being done. Somebody said in HB1361 that they want more local control in day to day operations, again, parents would like to have more local control of the operation of their families. I think that when you start requiring things that are already being done, when you start fixing laws that aren't broken, it makes me a little nervous, because I know when I try to fix things that aren't broken, I break it, and I would be a little concerned about what's going to happen later on. Listening to some of the testimony in favor of this bill, I was a little alarmed, because why would somebody want to make a law that would require somebody to do what they're already doing? I can only think of three reasons. Maybe these people have looked at our laws compared with other states laws and thinks, 'we should get ourselves in line with some of these other states that requiring at age five to six', and I thought, to me, that's not necessarily a compelling reason to go about changing our law. The second reason I thought of is maybe there are some six year olds in our schools, and some of our administrators addressed that there are some cases where some cases where children are being yunked in and out of their school situation, but for the most part, I did a quick web search, and there are as many kindergartners and first graders in our schools as there are in any other grade, and in fact, I think it was Janet Mhyre, and there were fewer third graders, so maybe we should be going after the eight year olds instead of the six year olds, the six year olds are in school already, so why mandate what we're already doing. The third reason I thought of that might justify this law was preparing to lower the age even further, and when Mr. Klundt mentioned that book talking about four being a good age to start, I got chills up and down my spine, I have a four year old, and she's smart, and she can use the computer, and she is in no way ready to go to school. I, as a parent,

feel that I can make that decision. Mr. Langowski was talking about functional homes, and parents who will enroll their children in school and then not send them for thirty days out of the year. It would seem to me that if that were going on, there is probably dysfunctional things going on in that home too, that Social Services might be able to address, without having to worry about educational neglect. Ms. Nielson was talking about the impression that first grade makes, and I think she has a very good point. I think that if a child gets the impression that they don't really have to go to, that's a problem, but school can make another impression too. My husband has talked about his impressions of first grade, which was, 'I could be playing right now, but you're making me be in school'. Ok, that's kind of a shabby reason not to send your six year old to school, because he'd rather play instead, but I can't help but wonder, what if his impression would have been different. Would he have enjoyed school? Would he not have deliberately flunked classes in high school because he hated school that much? I don't know, but perhaps if he had waited one more year to mature a little bit more, his impression of first grade might have been, 'well, this isn't too bad, I kinda like this school', so there's something to be said for first impressions. Finally, I want to address the issue of remediation. I think that remediation gets a bum rap, my experience as a professional teacher was in the high schools, and if you think that it's humiliating for a seven year old having to be remediated, try remediation a nineteen year old. I would rather see a child be held back a year, or waiting one more year before he/she starts school as a first grader, than having such a poor experience in the beginning of his school years, that he eventually does start playing hooky, does become a truant child, and by the time he's sixteen, seventeen, eighteen years old, desperately needs remediation. That to me would be even

more humiliating. I think that this bill has good intentions, but I don't think we need it. If there were problems, then I don't think this bill is addressing it.

Rep. Nelson: The situation that Mr. Langowski referred to of a six year old that's in first grade and isn't going to class, whether it's prevalent or not, if that's happening, how would you address that situation, within the constraints of the present law?

O'Keefe: As I said, if the only problem is that the six year old isn't going to school, it could simply be a situation where the parents decided, 'I don't think that this child is ready for school', and I agree with some of the people who said that it kind of puts that teacher in a bit of a quandary having a child that's already enrolled that isn't showing up, but if that's the decision that the parents have made, then I think that the schools need to work with that. If they can find out, without violating the parents rights, why isn't the child attending school, that might help schools to provide the education that that child might need, and maybe that six year old needs to be on a schedule of 'maybe I'm just going to come every three days in a week, because I can't handle the rest of the week, give me another year, I'll be fine'. Beyond that, I really don't know.

Chairman Kelsch: We will now close the hearing on HB1371.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1371a

House Education Committee

☐ Conference Committee

Hearing Date 02-14-01

Tape Number	Side A	Side B	Meter #
TAPE 1		X	2129 to 3450
Committee Clerk Signature	<i>Joan Deane</i>		

Minutes: Chairman Kelsch: We are taking up HB 1371. Rep Hawken do you have amendments.

Rep Hawken: I idea is to make it so if they enroll the child, then they come under the compulsory rule. That would not prevent them from taking them out and changing them.

Chairman Kelsch: If a child is enrolled in a public school prior to the age of seven .

Rep Hawken: Right.

Rep Brusegaard: Remove the over strike on seven and delete six. Then at the end of the paragraph that says if the child is enrolled in kindergarten at the age of six, they shall be subject to the departments jurisdiction.

DISCUSSION

Chairman Kelsch: If a child is enrolled in a public school prior to reaching the age of seven.

Rep Hawken: Yes, that is it.

DISCUSSION

Chairman Kelsch: Goes over the amendment again.

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House Education Committee
Bill/Resolution Number HB 1371
Hearing Date 02-14-01

DISCUSSION

Chairman Kelsch: we have a proposed amendment.

Rep Hawken: I would move it.

Chairman Kelsch: Restates the amendment.

DISCUSSION

Chairman Kelsch: We will put this back in the file and we will have an amendment drafted.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1371 b

House Education Committee

☐ Conference Committee

Hearing Date 2-19-01

Tape Number	Side A	Side B	Meter #
1		xx	1660--2000
Committee Clerk Signature <i>Pam Owen</i>			

Minutes: Chair Kelsch : Let's look at HB1371. I have the amendments to propose to the committee. The issue is about the students who are starting first grade at age 6 and there is no mandate to keep them in school. We decided to keep the compulsory age to age 7, with an exception. It allows a parent, after they enrolled that student, 30 days to un-enroll that student, if they choose. This also resolves the issue of complying with the compulsory attendance laws.

Rep. Nelson : I move the amendment 10555.0101.

Rep. Brusegaard : I second.

VOICE VOTE: ALL YES. CARRIED.

Rep. Brusegaard : I move a DO PASS AS AMENDED.

Rep. D. Johnson : I second.

VOTE: 13 YES and 1 NO with 1 absent. PASSED. Rep. D. Johnson will carry the bill.

FISCAL NOTE

Requested by Legislative Council
01/22/2001

Bill/Resolution No.: HB 1371

Amendment to:

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

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

If there is a fiscal impact, it cannot be determined based on data within the Department. While 21 districts do not provide kindergarten within their district, most of their students have access to kindergarten in other districts.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Anita Decker	Agency:	Public Instruction
Phone Number:	328-1718	Date Prepared:	01/22/2001

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1371

Page 1, line 10, replace "~~six~~" with "seven"

Page 1, line 13, after the period insert "If a person enrolls a child of age six in a public school, beginning thirty days after the date of enrollment the person shall ensure that the child is in attendance at a public school for the duration of the school year."

Page 1, line 18, remove the overstrike over "~~seven~~" and remove "~~six~~"

Page 1, line 19, after the period insert "If a person enrolls a child of age six in a public school, beginning thirty days after the date of enrollment the person shall ensure that the child is in attendance at a public school for the duration of the school year."

Renumber accordingly

Date: 2/19/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1371

House House Education Committee

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number 10555.0101

Action Taken Pass As Amended

Motion Made By Rep. Brusegaard Seconded By Rep. D. Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman-RaeAnn G. Kelsch	✓		Rep. Howard Grumbo	✓	
V. Chairman-Thomas T. Brusegaard	✓		Rep. Lyle Hanson	✓	
Rep. Larry Bellew		✓	Rep. Bob Hunsaker	✓	
Rep. C.B. Haas	✓		Rep. Phillip Mueller	✓	
Rep. Kathy Hawken	✓		Rep. Dorvan Solberg	✓	
Rep. Dennis E. Johnson	✓				
Rep. Lisa Meler	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				

Total (Yes) 13 Click here to type Yes Vote No 1 Click here to type No Vote

Absent 1

Floor Assignment Click here to type Floor Assignment Rep. D. Johnson

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

REPORT OF STANDING COMMITTEE

HB 1371: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1371 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "six" with "seven"

Page 1, line 13, after the period insert "If a person enrolls a child of age six in a public school, beginning thirty days after the date of enrollment the person shall ensure that the child is in attendance at a public school for the duration of the school year."

Page 1, line 18, remove the overstrike over "~~seven~~" and remove "six"

Page 1, line 19, after the period insert "If a person enrolls a child of age six in a public school, beginning thirty days after the date of enrollment the person shall ensure that the child is in attendance at a public school for the duration of the school year."

Renumber accordingly

2001 SENATE EDUCATION

HB 1371

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1371

Senate Education Committee

☐ Conference Committee

Hearing Date 03-14-01

Tape Number	Side A	Side B	Meter #
1		x	40.4 - end
2	x		0 - 19.9
2 (03-19-01)	x		8.1 - 17.0
Committee Clerk Signature <i>Ann Johnson</i>			

Minutes: CHAIRMAN FRIEBORG opened the hearing on HB 1371 which relates to the compulsory attendance of students.

Testimony in support of HB 1371:

REPRESENTATIVE DISRUD, District 21, sponsored this bill at the request of several school administrators. If a student has needs like an IEP, and the school provides for it, it is expensive to take them out of a program. This bill allows 30 days for a parent or school to evaluate the student and make a decision. The bill does not apply to home schooled children. This bill is similar to SB 2202. When she asked about withdrawing one of the bills, it was suggested to keep both bills alive and come out with the very best arrangement for our children in public schools..

TOM CONLON, Principal at Mandan, stated the guiding force behind this legislation are the elementary principals in the state. The law, as it reads now, states parents must send their children who are seven. The concern is with the 6-year-old children. Some parents of 6-year-olds don't send them to school on a regular basis thus making it easier to put them in the

category of at-risk children. The elementary principals are concerned with the 30-day rule and would rather not have that in the bill. He stated that the principals like SB 2202 a little better than this bill. SENATOR O'CONNELL asked how the law works now. MR. CONLON stated there is a guideline in Century Code that says a child who misses 20 days of school is one that may be looked at for retention. the teacher usually starts the process by visiting with the parents, however, at age six, there is not much that can be done now. That is why this bill is important, it addresses six year olds. This legislation would let the schools go to social services and get them to support the parent in getting the child to school regularly. The principals feel once a child starts school, they need to attend regularly. SENATOR FREBORG asked if an option could be that once a parent starts their child in school, the child falls under the compulsory attendance law. MR. CONLON stated that could be an option.

BEV NIELSON, ND School Boards Assn., supports the legislation, because it is at the parent's discretion to enroll their children at age six. The NDSBA is not in support of the 30 day rule. NDSBA feels if a parent enrolls their child, no matter what the age, they need to be in regular attendance. If the parent feels the child, for one reason or another, is not ready, they should be allowed to remove them from attendance.

Testimony in opposition to HB 1371:

CAM LEEDAHL, a home educator, spoke against the bill. (see attached). She also presented written testimony from PAMELA A. O'KEEFE, parent and former teacher. (see attached).

Hearing no further testimony, the hearing on HB 1371 was closed.

CHAIRMAN FREBORG asked ANITA DECKER, DPI, to give information on the status of SB 2202. She stated the amendments had passed the House Committee on 3/12/01. It restored the age to seven. It removed the words "each school year" and made it "each school calendar"

as relating to kindergarten. They also added the same language as HB 1371, line 13 - 15. Now SB 2202 looks the same as HB 1371. SENATOR COOK feels we should put an amendment on this bill that states, "if you enroll your child at age 6, the child falls under the compulsory attendance laws". SENATOR FREBORG would like this written so the child can not be unenrolled. He asked SENATOR CHRISTENSON what would happen if the parents want their child to attend but the teacher determines the child is not ready. She stated that the school and teachers tend to meet the requirements of the parents and make every effort to do what the parents want to make the child successful. More discussion on attendance and age limits. JERRY GRONBERG, DPI, stated there are exceptions to compulsory education now available. There are with a physician recommendation and a multidistrict assessment team recommendation. SENATOR WANZEK will draft an amendment. SENATOR FREBORG hopes the amendment will take care of the students and other problems seen with this bill.

03-19-01, Tape 2, Side A, 8.1 - 17.0

SENATOR WANZEK presented an amendment. (10555.0201) This allows a child, age 6 or older, to be disenrolled from school but may not be reenrolled until the following year. It goes on to say this is not applicable if the reason for withdrawal is the child's relocation to another school district.

SENATOR WANZEK moved to adopt the amendment (10555.0201). Seconded by SENATOR CHRISTENSON. Senator Freborg asked Tom Decker what had happened to SB 2202. Mr. Decker stated it had been amended to look very similar to this bill up until the amendment now before the committee. Senator Flakoll stated that essentially, this removes the 30 day period that was imposed in the bill.

Page 4
Senate Education Committee
Bill/Resolution Number HB 1371
Hearing Date 03-14-01

Roll Call Vote: 7 YES. 0 NO. 0 Absent. Amendment Adopted.

SENATOR CHRISTENSON moved a DO PASS as Amended. Seconded by SENATOR KEELER.

Roll Call Vote: 7 YES. 0 NO. 0 Absent. Motion Carried.

Carrier: SENATOR CHRISTENSON

March 19, 2001

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1371

Page 1, line 7, after "~~other~~" Insert:

"1."

Page 1, line 13, after the period insert:

"2."

Page 1, line 14, remove "beginning thirty days after the date of enrollment"

Page 1, line 15, replace "a" with "the", replace the second "the" with "each", and after the underscored period insert "The person may withdraw a child of age six from the public school. However, once the child is withdrawn, the person may not reenroll the child until the following school year. This subsection is not applicable if the reason for the withdrawal is the child's relocation to another school district."

Page 1, line 19, after the period insert:

"1."

Page 1, line 21, after the period insert:

"2."

Page 1, line 22, remove "beginning thirty days after the date of enrollment"

Page 1, line 23, replace "a" with "the", replace the second "the" with "each", and after the underscored period insert "The person may withdraw a child of age six from the public school. However, once the child is withdrawn, the person may not reenroll the child until the following school year. This subsection is not applicable if the reason for the withdrawal is the child's relocation to another school district."

"3."

Renumber accordingly

Date: _____
Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1371

Senate	Education	Committee
--------	-----------	-----------

☐ Subcommittee on _____
or _____

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken adopt amendment 10555.0201

Motion Made By Sen. Wamsley Seconded By Sen. Kristinsson

[illegible]

Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

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

Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. / 37/

Senate Education Committee

☐ Subcommittee on _____
or _____

☐ Conference Committee

Legislative Council Amendment Number

Action Taken DPA

Motion Made By Sen. Christenson Seconded By Sen. Kelsch

[illegible]

Total (Yes) 7 No 0

Absent 0

Floor Assignment Ann Christensen

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

REPORT OF STANDING COMMITTEE

HB 1371, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1371 was placed on the Sixth order on the calendar.

Page 1, line 7, after "ether" Insert:

"1."

Page 1, line 13, after the period Insert:

"2."

Page 1, line 14, remove "beginning thirty days after the date of enrollment"

Page 1, line 15, replace "a" with "the", replace the second "the" with "each", and after the underscored period Insert "The person may withdraw a child of age six from the public school. However, once the child is withdrawn, the person may not reenroll the child until the following school year. This subsection does not apply if the reason for the withdrawal is the child's relocation to another school district."

Page 1, line 19, after the second period Insert:

"1."

Page 1, line 21, after the period Insert:

"2."

Page 1, line 22, remove "beginning thirty days after the date of enrollment"

Page 1, line 23, replace "a" with "the", replace the second "the" with "each", and after the underscored period Insert "The person may withdraw a child of age six from the public school. However, once the child is withdrawn, the person may not reenroll the child until the following school year. This subsection does not apply if the reason for the withdrawal is the child's relocation to another school district."

"3."

Renumber accordingly

2001 TESTIMONY

HB 1371

January 29, 2001

House Bill 1371
Compulsory Attendance

My name is Tom Conlon. I am an elementary principal from Mandan and I hold the office of past president of the North Dakota Association of Elementary School Principals. The purpose of this testimony is to support this bill and thank Representative Disrud for introducing the bill.

Presently the law states that children need to be in attendance at school from the ages of seven to sixteen. This law was written before the days of kindergarten and before recent studies of the importance of learning at an early age.

The NDAESP believes this legislation is very important. The problem that we see with the present law is that a few parents, though they enroll their children, do not send their children to school on a regular basis. Some of these students will miss as many as thirty days of school in a school year. Some students are retained mainly because they were not in school on a regular basis. Other students will fall behind their peers and be placed in remedial programs. It is very important for our young students to experience a positive beginning to their education and regular attendance helps assure this.

The teacher and the principal may attempt to hold a conference, or may write the parent letters relative to the importance of attending school regularly, but the present law does not make school attendance mandatory for six year old children. The parent can simply ignore these attempts and nothing changes for the child.

Most parents enroll their children for kindergarten when they are five and of course most of these students are enrolled in first grade when they are six. The problem is not that six

year old children are not in school. They are enrolled and most of them attend school regularly. This legislation supports the students that do not attend regularly.

Possible Amendment:

The language of the bill includes the phrase, "shall ensure the child is in attendance at a public school for the duration of each school year."

A few students may be held out of school for a year, or held back in kindergarten making them six years old and in kindergarten. Presently kindergarten is held on a half-day basis, an every other day basis, one semester only basis, or I believe, for only six weeks in some school districts. This might necessitate a language change to allow a six year old to attend kindergarten as an educational option.

Amendment:

A six year old kindergarten student would attend school for the duration of the kindergarten program as outlined by the local school district.

Final Bill:

Compulsory Attendance. Any person having responsibility for a child between the ages of six and sixteen years shall ensure that the child is in attendance at a public school for the duration of each school year. A SIX YEAR OLD KINDERGARTEN STUDENT WOULD ATTEND SCHOOL FOR THE DURATION OF THE KINDERGARTEN PROGRAM AS OUTLINED BY THE LOCAL SCHOOL DISTRICT.

Chairman Freeborg and members of the committee:

I am Cam Leedahl from Leonard. I am a home educator, here to speak against HB 1371.

There are two areas for which I have concern.

The first is that ^{if} a parent determines that his child is not ready for the classroom, the parent should be able to withdraw a child at any time from school while the child is still under compulsory age. The parent's best interest for the child should be preferred over the school's financial interest. The parent should be able to withdraw the child permanently for the year and not be forced to home educate in order to keep the child out of a classroom.

The other area for which I have concern is how this bill would affect home educators.

The language in this statute makes no distinction between kindergarten and other grade levels. Does "... enrolls a child of age six in a public school ..." pertain to kindergarten? If it does *not* pertain to kindergarten, then the bill should clarify that it does not, or there will be confusion that may lead to major conflicts in some school districts.

If the intent *is* to include enrollment in kindergarten, this bill makes kindergarten mandatory after thirty days of enrollment. This will create problems for parents who withdraw their child under the home education exception.

If the parent files a statement of intent to home school in order to remove the child from the kindergarten, then he must comply with the home education law. Never before have parents had to file a statement of intent to home educate kindergarten. The home education law was not written with kindergarten in mind. Would the four hours a day, 175 days a year requirement for home schools be applied to a kindergarten child? That would be excessive, for the public school kindergartens are only required an equivalent of 30 full days. This gets even more problematic if a

monitor is required. A monitor would have to be provided an hour per week for the kindergarten level! That is not only incredibly excessive, but totally unnecessary. As it is, all the monitors I have talked to say that one hour a week is too long for any grade level.

Another problem is that home educators do not want to have to file a statement of intent to home educate younger than the present seven years old. Learning readiness, in terms of cognitive maturity, is a major concern.

Take the example of the parent who enrolls his six year old child in the public school first grade. The parent decides, after thirty days, to withdraw the child under the home education exception. He must file a statement of intent to home educate. He is faced with a dilemma. He does not think his child is ready for first grade instruction. Here is a problem similar to the first one. Would he have to indicate the child is in kindergarten? Would he have to teach kindergarten four hours a day, 175 days in the year? If he requires a monitor, would he then have to be monitored for kindergarten?

The purpose of the bill, as I understand it, was to address the problems of frequent, unexcused absences of a few students that are under the compulsory age, especially those with IEP's. In testimony for SB 2202 last week before the House Education Committee, Mr. Tom Conlin declared there are very few students causing this problem.

There are a greater number of parents and children that will endure problems as a result of this bill than the number of children for which this bill was created to apply. I urge this committee to give a do not pass recommendation to this bill.

I would much rather this bill be voted down, but if the committee determines to give a favorable nod to this bill, I would like to propose some changes.

I understand that the school has difficulties when a child attends classes only intermittently. If, indeed this is the reason for this bill, it seems to me that it would be much better to address those particular situations more directly.

A possible solution might be to reword the bill to include something to the effect of, "If a person enrolls a child of age six in a public school, the person shall ensure that the child is in attendance at a public school for the entire time such school is in session, provided that person may withdraw the child from the school for the remainder of the school year."

The school could enforce the attendance law while the six year old is enrolled. Even after the child is withdrawn, the school could prosecute the parents for truancy for absences incurred during the time the child was enrolled in the public school. In the case of the student for whom an expensive IEP had been implemented, perhaps the expenses of the IEP could be collected as part of the truancy penalty.

Also, if this committee plans to leave the thirty day period or other time requirement in the bill, it should be required that parents be notified at the time of registration that they may withdraw their children only within that time period. Otherwise, parents would not be aware that they have this option.

I urge you to give this bill a do not pass recommendation.
Thank you for considering my comments.

Testimony Against House Bill 1371

Pamela A. O'Keefe
1538 5th Street South
Fargo, North Dakota 58103
280-0247

To the SENATE EDUCATION COMMITTEE

In regards to House Bill 1371:

As a parent and former teacher, I oppose any effort to lower the compulsory attendance age. Although this amended version of HB1371 leaves the compulsory attendance age as is, (ages seven to sixteen), Section 2 would effectively lower the age from seven to six for those six year olds enrolled for more than thirty days.

Proponents have indicated that they want this issue addressed because sometimes a child will be enrolled, but exhibit an irregular pattern of attendance. Under the current law, proponents say, administrators have no recourse, no means of getting these children back into school. On the other hand, if a bill such as this were to pass into law, then, say proponents, they would be able to contact Social Services, who would then work with parents to get the child in question to attend regularly.

This presupposes that a six year old not in attendance at school is cause for alarm. If a child, of any age, is suspected of being a victim of abuse or neglect, the law already requires school administrators to report this to the appropriate agency. On the other hand, if the only concern an administrator has regarding a six year old is that the child is not in school, perhaps that lack of attendance is only a problem for the administrator, not the child. If the problem is one of record-keeping, perhaps administrators in such a position, when they contact the parents, could suggest that if the child is not going to continue school for that year, that the child be withdrawn for the remainder of the year. Then, the child is no longer the school's responsibility.

I do not think that this situation is as serious as proponents would like us to think. Tom Conlin, of Mandan, has testified twice in the House Education Committee. He has stated that the number of enrolled six year olds who have attendance problems is very small, less than 1% of those enrolled. Mr. Conlin has also stated that those he represents do not like the revisions on HB1371, and would prefer seeing the compulsory attendance age lowered.

This tells me that Mr. Conlin, and those he represents, are not concerned with the difficulties which irregular attendance cause for schools, but rather, that they want to see the compulsory attendance age lowered. While I find HB1371 unsatisfactory (I would prefer, if such a bill as this were passed into law, that it specified 30 **SCHOOL** days, or that it were killed all together), at least this version still allows parents the right, for a time, of withdrawing their child.

However, such efforts to lower the compulsory attendance age ignore the fact that not all six year olds are created equally; some few are not ready for formal education. Under current law, parents, who are best informed about their own children, can determine whether waiting one more year would be beneficial to their children.

Additionally, I believe that such a change would be the first step toward lowering the compulsory attendance age even further. In January 2000, a bill was introduced to the Rhode Island House, which would have lowered their compulsory attendance age from six to four. H6767, if passed, would have mandated full day kindergarten for Rhode Island's four year olds. Fortunately, this bill was killed in committee. However, it is chilling to think that there are government entities who think that four year olds require a full school year of full day school.

Proponents will not be happy unless the compulsory attendance age is lowered. Opponents such as myself do not want to see this happen.

First, changing the law to get a handful of children to attend school seems absurd. Second, such bills do not take into account the individual needs and difference among six year old children. Third, it encroaches on parental rights. Fourth, both proponents and opponents could view this as a spring board for further lowering the compulsory attendance age.

For all these reasons, I would request that this bill leave the Senate Education Committee with a "do not pass" recommendation.