

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3024

2001 HOUSE EDUCATION

HCR 3024

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR3024

House Education Committee

☐ Conference Committee

Hearing Date 02/12/01

Tape Number	Side A	Side B	Meter #
#1	X		1 to 1760
Committee Clerk Signature <i>Jan E. [Signature]</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 open the hearing on HCR3024.

Rep. Koppang: (District 25) *Please refer to written testimony*

Rep. D. Johnson: Do all states receive 10%?

Rep. Koppang: I would say in that general area, but I do not know.

Rep. Hawken: (District 46) Spoke in support of the bill.

Bob Ruffen: (Director of Special Education for DPI) *Please refer to written testimony*

Rep. Mueller: In your testimony, you talked about 40% of the cost of special education and then you go on to suggest that those two things are different. Can you explain that?

Rutten: Your confusion is held by many people. The 40% is not just the cost of special education in the state. It's that issue about the average per pupil expenditure for all education in the United States, and then you have to multiply it by the number of children in our state that need these special services.

Bev Nielson: (ND School Boards Association) We support this resolution. It would be nice to implicate that it's a matter of integrity that we have money left over when we haven't paid our bills yet. I think we could all do that, and I think tax payers would notice more of a difference, if the federal government would pay their obligation to the state and local government.

Christopher Dodson: (Catholic Conference) We support this resolution.

Chairman Kelsch: We will now close the hearing on HCR3024.

Chairman Kelsch: What are the wishes of the committee?

Rep. Hawken: I move the amendment.

Rep. Brusegaard: Second.

Chairman Kelsch: What are the wishes of the committee?

Rep. Brusegaard: I move a DO PASS AS AMENDED AND NOT BE PLACED ON THE CONSENT CALENDAR.

Rep. Solberg: Second.

Chairman Kelsch: Committee discussion.

The motion of DO PASS AS AMENDED with 15 YAY 0 NAY 0 ABSENT.

Floor assignment: Rep. Hawken

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3024

Page 1, line 19, after the first "the" insert "most recent"

Page 1, line 20, replace "has never exceeded 11 percent" with "is one-third of the 40 percent target level set by Congress"

Renumber accordingly

Date: 2/12/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3024

House House Education Committee

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number

1305 8.0301

Action Taken

Do Pass As Amended Not be passed on to the consent calendar

Motion Made By

Rep. Brusegaard Seconded By Rep. Solberg

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 Hunsakor	✓	
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) 15 Click here to type Yes Vote No 0 Click here to type No Vote

Absent 0

Floor Assignment Click here to type Floor Assignment Rep. Hawken

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

REPORT OF STANDING COMMITTEE (410)
February 12, 2001 4:51 p.m.

Module No: HR-24-3138
Carrier: Hawken
Insert LC: 13058.0301 Title: .0400

REPORT OF STANDING COMMITTEE

HCR 3024: Education Committee (Rep. R. Kelsch, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3024 was placed on the
Sixth order on the calendar.

Page 1, line 19, after the first "the" insert "most recent"

Page 1, line 20, replace "has never exceeded 11 percent" with "is one-third of the 40 percent
target level set by Congress"

Renumber accordingly

2001 SENATE EDUCATION

HCR 3024

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3024

Senate Education Committee

☐ Conference Committee

Hearing Date 02-28-01

Tape Number	Side A	Side B	Meter #
1		x	36.3 - end
2	x		0 - 7.8
2 (03-05-01)		x	20.1 - 31.0
Committee Clerk Signature <i>Andrea Johnson</i>			

Minutes: CHAIRMAN FREBORG opened the hearing on HCR 3024 which urges Congress to raise the level of federal funding for the education of children with disabilities.

Testimony in support of HCR 3024:

REPRESENTATIVE MYRON KOPPANG, District 25, presented written testimony. (see attached). There are other states involved in under-funding also.

BEV NIELSON, ND School Boards Assn., stated the National School Bd. Assn. had a resolution for the Federal government to fully fund their share of funding for educating children with disabilities.

MAX LAIRD, President NDEA, stated Senator Conrad has promised to propose 17 billion over the next 5 years for the federal government to make up their under-funding.

BOB RUTTEN, Director of Special Education for DPI, presented written testimony. (see attached).

JACK MCDONALD, Association of Nonpublic Schools, stated they support the bill. This has been a particular problem for nonpublic schools. They usually make arrangements through the public school system for students with disabilities. With the funding being so little, it has been very difficult.

There was no opposition to the resolution.

CHAIRMAN FREBORG closed the hearing on HCR 3024.

SENATOR COOK proposed an amendment to include the President of the United States on page 2, line 6, to those who will receive this resolution. Seconded by SENATOR WANZUK. Roll Call Vote: 6 YES. 0 NO. 1 Absent. Amendment adopted.

SENATOR KELSH moved an amendment to state: whereas Congress is considering income tax reductions and has never lived up to their promised funding level of 40%, they should apply it for property tax relief and use some of the excess funds to provide the promised 40% funding for children with disabilities. Seconded by SENATOR O'CONNELL. SENATOR COOK asked if the intent of the amendment is to suggest that since there is a surplus they should pay, but if there weren't, they should not pay? SENATOR KELSH stated that he feels they have not been made to feel this is a high priority over the last few years, and he feels this resolution addresses that.

SENATOR KELSH WITHDREW HIS MOTION TO ADOPT THE AMENDMENT.

SECONDED BY SENATOR O'CONNELL. SENATOR WANZEK stated he could support the amendment if it did not speak to the surplus.

SENATOR KELSH will have an amendment properly drawn up by Legislative Council.

Page 3
Senate Education Committee
Bill/Resolution Number HCR 3024
Hearing Date 02-28-01

03-05-01, Tape 2, Side B, 20.1 - 31.0

SENATOR KELSH presented further amendments to HCR 3024. (see attached). He explained the amendments. He feels there is money available to do the full 40% funding and the Feds should now pay the share they promised. SENATOR COOK feels the commitment on the part of the Feds is not relative to a surplus of money. He feels they should pay the 40% since they promised that, whether there is a surplus or not. Committee discussion.

SENATOR KELSH moved to adopt the amendment. Seconded by SENATOR CHRISTENSON. Roll Call Vote: 3 YES. 3 NO. 1 Absent. The amendment failed.

SENATOR COOK moved a DO PASS as Amended. Seconded by SENATOR FLAKOLL.

Roll Call Vote: 5 YES. 1 NO. 1 Absent. Motion Carried

Carrier: SENATOR FLAKOLL

March 2, 2001

PROPOSED AMENDMENTS TO ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3024

Page 1, line 1, replace "raise the level of federal funding for the education" with "set aside a portion of the current budget surplus to fully fund Congress's original commitment to"

Page 1, line 2, remove "of"

Page 2, line 6, replace "raise the level of federal funding for the education of" with "set aside a portion of the current budget surplus for the purpose of fully funding Congress's original commitment to pay 40 percent of the average cost incurred by school districts in providing special education to"

Renumber accordingly

Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. *HCR 3024*

Senate	Education	Committee
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☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken adopt amendment

Motion Made By Cook Seconded By Warrick

[illegible]

Total (Yes) 6 No 0

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: *include President of U.S.*
pg 2, line 6,

Date: 3/5/01
Roll Call Vote #: ~~3/5/01~~ /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3024

Senate	Education	Committee
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☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken adopt amend - failed

Motion Made By Sen. Kelch Seconded By Sen. Christensen

[illegible]

Total (Yes) 3 No 3

Absent 1

Floor Assignment _____

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

Date: 3/5/01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3024

Senate	Education	Committee
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☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number

Action Taken DPA

Motion Made By Am. Cook Seconded By Am. Flakoll

[illegible]

Total (Yes) 5 No 1

Absent /

Floor Assignment Sen. Flakold

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

REPORT OF STANDING COMMITTEE (410)
March 6, 2001 8:19 a.m.

Module No: SR-38-4868
Carrier: Flakoll
Insert LC: 13058.0402 Title: .0500

REPORT OF STANDING COMMITTEE

HCR 3024, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HCR 3024 was placed on the Sixth order on the calendar.

Page 2, line 8, after the first "to" Insert "the President of the United States,"

Renumber accordingly

2001 TESTIMONY

HCR 3024

HOUSE CONCURRENT RESOLUTION 3024
EDUCATION COMMITTEE
REPRESENTATIVE RAEANN KELSCH, CHAIRWOMAN

CHAIRPERSON KELSCH, MEMBERS OF THE EDUCATION COMMITTEE, MY NAME IS REPRESENTATIVE MYRON KOPPANG FROM DISTRICT 25 IN WAHPETON, NORTH DAKOTA. I AM HERE TO SUPORT HOUSE CONCURRENT RESOLUTION 3024, URGING CONGRESS TO INCREASE FEDERAL FUNDING FOR THE EDUCATION OF CHILDREN WITH DISABILITIES FOR THE FOLLOWING REASONS:

1. CONGRESS ENACTED THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT IN 1975, NOW KNOWN AS THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA). IN 1982, CONGRESS DETERMINED THAT STATE ENTITLEMENT SHOULD BE 40% OF THE AVERAGE "PER STUDENT" EXPENDITURE IN THE UNITED STATES, WHEN THE FEDERAL MANDATE BECAME LAW.
2. NORTH DAKOTA HAS BEEN RECEIVING ABOUT 10-14 PERCENT OF THE PROMISED AMOUNT.
3. THIS UNDER-FUNDING HAS CAUSED THE STATE AND LOCAL PROPERTY TAX TO PAY A LARGE SHARE OF THIS COST TO EDUCATION. THE STATE HAS ASSUMED ABOUT 30% AND LOCAL ABOUT 60% OF THE COST FOR IDEA.
4. THIS UNDER-FUNDING WOULD TRANSLATE INTO \$15,000,000 TO \$18,000,000 SHORTFALL PER YEAR, FROM THE FEDERAL GOVERNMENT.
5. IF THE STATES COULD RECEIVE 40% OF THE COST FROM CONGRESS, THERE COULD BE A REDUCTION IN LOCAL PROPERTY TAX AND THE STATE GENERAL FUND.
6. THE COST FOR FUNDING THIS PROGRAM HAS BEEN INCREASING RAPIDLY AND WILL CONTINUE TO DO SO, AS ADDITIONAL MANDATES ARE REQUIRED.
7. BUDGET SURPLUS IN RECENT YEARS COULD BE USED TO RAISE THE SUPPORT FOR EDUCATION OF CHILDREN WITH DISABILITIES.

OUR HOPE IS THAT FUNDING FOR CHILDREN WITH DISABILITIES WILL BE SUPPORTED FROM ALL SOURCES, AND THAT THESE YOUNG PEOPLE WILL BE GIVEN EVERY OPPORTUNITY TO REACH THEIR FULL POTENTIAL IN LIFE.

THANK YOU. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS. I HAVE AN AMENDMENT THAT I WOULD LIKE TO PROPOSE FOR THE RESOLUTION.

TESTIMONY ON HCR 3024
HOUSE EDUCATION COMMITTEE
February 12, 2001
Department of Public Instruction

Madam Chairman and members of the committee:

My name is Bob Rutten and I am the Director of Special Education for the Department of Public Instruction. I can be reached at 328-2277. On behalf of the DPI, I am here to express support for House Concurrent Resolution 3024, which urges Congress to raise the level of federal funding for the education of children and youth with disabilities.

Increased federal support for special education is a position the Department has advocated for many years. The Department believes the language of HCR 3024 would communicate to national leaders how seriously the Legislative Assembly of North Dakota regards this issue and how important it is to elevate financial support for the education of children and youth with disabilities.

There has been some confusion about the original intention of Congress regarding the funding of the Individuals with Disabilities Education Act (IDEA). The amount promised in the original 1975 legislation was not 40% of the costs of special education. It was *40% of the average per pupil expenditure in public elementary and secondary schools in the United States multiplied by the number*

of children with disabilities ages 3-21 in the state receiving special education and related services. The level of federal funding received by North Dakota for the education of children with disabilities for the most current year is approximately one-third of the targeted funding amount of 40% set by Congress.

It is encouraging to report that there is movement in the right direction on this issue. As a result of the Congressional appropriation finalized in December, North Dakota can expect the largest increase in funding for the IDEA that we have ever received.

In August and October, 2000 the Department of Public Instruction contacted North Dakota's senators in Washington urging them to support a federal increase in funding for the IDEA. We received correspondence from both senators indicating their agreement with this principle and their willingness to work toward its realization.

When parents become aware that their child has a disability, typically a very wide range of emotions result. This often includes bewilderment, fear, anger, frustration and guilt. Whenever there's public talk about the financial burdens of special education, parents can and often do get another reminder of those deeply felt emotions. In addition to the relief of state and local education budgets, one of my strongest reasons for increasing federal support of special education funding is to bring an end to this perennial plea. If Congress would support the targeted

amount of 40% federal funding as previously described, I'm certain that at least some of the pain parents experience would be lessened. I urge your support for this Resolution and thank you for your consideration of children and youth with disabilities, their families and the schools of North Dakota that serve them.

TESTIMONY - HOUSE CONCURRENT RESOLUTION 3024
SENATE EDUCATION COMMITTEE
SENATOR LAYTON FREBORG, CHAIRMAN
2-28-01

CHAIRPERSON FREBORG AND MEMBERS OF THE EDUCATION COMMITTEE, MY NAME IS REPRESENTATIVE MYRON KOPPANG FROM DISTRICT 25 IN WAHPETON, NORTH DAKOTA. I AM HERE TO SUPPORT HOUSE CONCURRENT RESOLUTION 3024, URGING CONGRESS TO INCREASE FEDERAL FUNDING FOR THE EDUCATION OF CHILDREN WITH DISABILITIES FOR THE FOLLOWING REASONS:

1. CONGRESS ENACTED THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT IN 1975, NOW KNOWN AS THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA). IN 1982, CONGRESS DETERMINED THAT STATE ENTITLEMENT, WHEN THE FEDERAL MANDATE BECAME LAW, SHOULD BE 40% OF THE AVERAGE "PER STUDENT" EXPENDITURE IN THE UNITED STATES, (9-11%)
2. NORTH DAKOTA HAS BEEN RECEIVING ABOUT 10-14% OF THE PROMISED AMOUNT.
3. THIS UNDER-FUNDING HAS CAUSED THE STATE AND LOCAL PROPERTY TAX TO PAY A LARGE SHARE OF THE COST TO EDUCATION. THE STATE HAS ASSUMED ABOUT 30%, AND LOCAL ABOUT 60%, FOR IDEA.
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OUR HOPE IS THAT FUNDING FOR CHILDREN WITH DISABILITIES WILL BE SUPPORTED FROM ALL SOURCES, AND THAT THESE YOUNG PEOPLE WILL BE GIVEN EVERY OPPORTUNITY TO REACH THEIR FULL POTENTIAL IN LIFE.

THANK YOU. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS.

TESTIMONY ON HCR 3024
SENATE EDUCATION COMMITTEE
February 28, 2001
Department of Public Instruction

Mr. Chairman and members of the committee:

My name is Bob Rutten and I am the Director of Special Education for the Department of Public Instruction. I can be reached at 328-2277. On behalf of the DPI, I am here to express support for House Concurrent Resolution 3024, which urges Congress to raise the level of federal funding for the education of children and youth with disabilities.

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