

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 3M



ROLL NUMBER

DESCRIPTION

2323

2001 SENATE EDUCATION

SB 2323

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2323

Senate Education Committee

☐ Conference Committee

Hearing Date 01-30-01

Tape Number	Side A	Side B	Meter #
1	X		0 - 28.3
Committee Clerk Signature <i>Andrea Johnson</i>			

Minutes:CHAIRMAN FREBORG called the committee to order.

ROLL CALL TAKEN with all members present.

CHAIRMAN FREBORG called the hearing on SB 2323 which relates to the open enrollment of students registered in military installation school districts.

**Testimony in support of SB 2323.**

SENATOR O'CONNELL, District 6, spoke on the bill. He stated this bill will clear up the law.

There is some confusion whether the two military bases have the right to open-enroll.

SENATOR FREBORG asked if there has been a problem. SENATOR O'CONNELL stated there has been a problem at Glenburn and the attorney representing Glenburn Public Schools would be testifying.

REPRESENTATIVE HUNSKOR, District 6, feels students living on military installations should have the same right as those who do not live on military bases in regard to the open-enrollment law.

GARY THUNE, Attorney representing the Glenburn School District, supports this bill. (see attached testimony). Both Air Bases are treated as a separate and individual school district. Minot Air Force Base (MAFB) contracts with Minot Public Schools which has an elementary school and a middle school on the base that they staff and offer classes there and bus the other students to Minot. In Grand Forks, on the base there, the Public School District owns the buildings. SENATOR FREBORG asked if a bill were to pass which stated the district of residence must pay tuition what would happen. MR. THUNE stated there is a bill reflective of this pending which takes open enrollment and put into resident a payment of a quarter for each of the next four years. The school district of residence for these students is the MAFB, and he thinks the tuition requirement would come from MAFB because they are contracting for services from Minot. If tuition is a variable in the case of open enrollment, that would be charged to the district of residence. SENATOR COOK asked if the base has a school board. He replied they do. They are appointed by DPI and have duties outlined in statute. The dollars required for education on the bases come from the FEDS in an impact aid situation. SENATOR KELSH asked what dollar amount is paid from the base to Minot Public School Dist. Per student. MR. THUNE replied foundation aid and tuition apportionment follow the student to the school they attend. There is an annual contract between the MAFB and the Minot School Dist. GREG McNARY, Supt. Of Schools in Glenburn spoke in support of SB 2323. (see attached) He stated Glenburn buses students to and from the base and get tuition apportionment, foundation aid, and impact aid. There is a complex formula for this. In the 2000 - 2001 school year they will receive a total of \$130,000. The statute relating to tuition apportionment is NDCC 15-40.3-03.

Page 3  
Senate Education Committee  
Bill/Resolution Number SB 2323  
Hearing Date 01-30-01

JULIE ROHLK presented testimony in support of SB 2323. (see attached).

JERRY COLEMAN, DPI, supports the bill. He would like to see an emergency clause added since it clarifies what has already been going on since the inception of open-enrollment.

**There was no testimony in opposition to SB 2323.**

**SENATOR O'CONNELL moved to apply the emergency clause to the bill. Seconded by**

**SEN. WANZEK. Roll Call Vote: 7 YES. 0 NO. 0 Absent. Amendment adopted.**

**SENATOR WANZEK moved a DO PASS as AMENDED. Seconded by SEN.**

**O'CONNELL. Roll Call Vote: 7 YES. 0 NO. 0 Absent. Motion Carried**

**Carrier: SENATOR O'CONNELL**

## FISCAL NOTE

Requested by Legislative Council

01/23/2001

Bill/Resolution No.: SB 2323

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.*

This bill allows a student who is a resident of a military installation school district to participate in open enrollment under 15-40.3.

**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.*

There is no estimated fiscal impact on state foundation aid or tuition apportionment. The impact, if any would be at the district level.

**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:	Jerry Coleman	Agency:	Public Instruction
Phone Number:	328-4051	Date Prepared:	01/25/2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2323

Page 1, line 3, after "districts" insert "; and to declare an emergency"

Page 1, after line 14, insert:

<sup>3</sup>  
"SECTION 2. EMERGENCY. This Act is declared to be an emergency  
measure."

Renumber accordingly

Roll Call Vote #: /

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2323**

Senate	Education	Committee
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☐ Subcommittee on

or

☐ Conference Committee

Legislative Council Amendment Number

Action Taken amend Apply Emergency Clause

Motion Made By Sen. O'Connell Seconded By Sen. Waryk

[illegible]

Total (Yes) 7 No 0

Absent ☒

## Floor Assignment

If the vote is on an amendment, briefly indicate intent: *apply emergency clause*



Date: 1-30-01  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2323

Senate Education Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DPA

Motion Made By Sen. Wanzek Seconded By Sen. O'Connell

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. O'Connell

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

**REPORT OF STANDING COMMITTEE**

**SB 2323: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2323 was placed on the Sixth order on the calendar.

Page 1, line 3, after "districts" insert "; and to declare an emergency"

Page 1, after line 14, insert:

"**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

2001 HOUSE EDUCATION

SB 2323

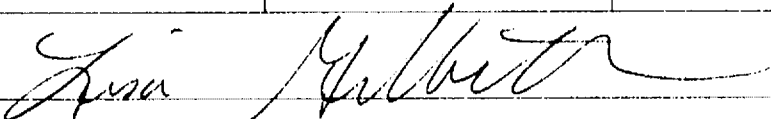
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2323

House Education Committee

☐ Conference Committee

Hearing Date 03/05/01

Tape Number	Side A	Side B	Meter #
#1	X		53 to 1370
Committee Clerk Signature 			

Minutes:

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

Chairman Kelsch: We will now open the hearing on SB2323.

Sen. O'Connell: (District 6) This bill clarifies the language. There's some confusions as to whether they could open enroll or not. They have their own school board, so they can do this.

Rep. Hunskor: (District 6) I'm in favor of this bill and I'd like to encourage your support for it.

Gary Thune: (Atty. Representing Glenburn Public School Districts) \*Please refer to written testimony\*

Rep. Bellew: This legislation does not allow open enrollment into the air force base?

Thune: The statute simply clarifies that the students that reside on the air force base are permitted to participate in open enrollment. In Grand Forks, students can open enroll in, but this statute is not intended to address that issue.

Greg McNary: (Superintendent of Glenburn Public Schools) Glenburn has participated in open enrollment since the inception of the open enrollment statute. Students from the Minot air force base comprise the majority of students who open enroll to the Glenburn schools. The legislation is simply to clarify the existing practice where students from the Minot air force base have been treated the same as ND students. It does not seek special treatment, it's only to ensure that these students are afforded the same open enrollment opportunities as the other students in ND.

Rep. Mueller: What is this bill fixing that we had problems with?

McNary: The way I understand it, if a district is what's called a nonoperating district, they may not participate in open enrollment. There was some question as to whether or not the Minot air force base district was a nonoperating district, because they contract to Minot. We don't believe that's the case.

Ernie Devlin: (Parent) \*Please refer to written testimony\*

Jule Rohlk: (Parent) \*Please refer to written testimony\*

Rep. Nottestad: I move a DO PASS.

Rep. Mueller: Second.

Chairman Kelsch: Committee discussion.

The motion of DO PASS passes with 15 YAY 0 NAY 0 ABSENT

Floor Assignment: Rep. Hunskor

Date: 3/5/01

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. ~~SB 232~~ SB 232 3

House House Education

Committee

☐ Subcommittee on \_\_\_\_\_  
or

☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Nottestad Seconded By Rep. Mueller

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 Hunskor	✓	
Rep. C.B. Haas	✓		Rep. Phillip Mueller	✓	
Rep. Kathy Hawken	✓		Rep. Dorvan Solberg	✓	
Rep. Dennis E. Johnson	✓				
Rep. Lisa Melor	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep. Hunskor

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

**REPORT OF STANDING COMMITTEE (410)**  
**March 5, 2001 12:07 p.m.**

**Module No: HR-37-4806**  
**Carrier: Hunskor**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2323, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends**  
**DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2323**  
**was placed on the Fourteenth order on the calendar.**

2001 TESTIMONY

SB 2323



Mary Thune SB 2323  
Senate Educ. 9:00 am  
1-30-0

Chairman Freborg, Members, of the Committee

My Name:

Represent the Glenburn Public Sch  
District - Located North of Minot  
a Contiguous to the MAFB

As you are aware MAFB is one of two  
Military Installation School Districts  
in N.D. authorized by Ch. 15-1-08  
of the NDCC, formerly Ch. 15-27.5, enacted  
in 1989.

~~Since~~ Since 1995 students who are  
residents of MAFB have  
open enrolled into the Glenburn  
School District pursuant to our  
Open Enrollment Law, Ch. 15-4a3  
and Glenburn has received both  
Foundation aid & tuition apportionment  
for those students - Now <sup>to total</sup> ~~amounting~~  
52 students - without question.

DPI Draft Memo from Tom  
Dexter dated Dec. 1st 2000, for  
the 1st time raised the issue of ~~whether~~  
Scholey - [QUOTE MEMO]

**Draft ... for discussion purposes only**

**To:** School Board, Grand Forks Air Force Base

School Board, Minot Air Force Base

**From:** Tom Decker, Director

School Finance and Organization

**Date:** 12/01/2000

**Re:** Open Enrollment

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It has come to our attention that students from the Minot Air Force Base District and the Grand Forks Air Force Base district have been attending school in other districts under North Dakota's open enrollment statute.

1. School districts have been approved by the State Board for Public Education at the military installations at Grand Forks and Minot.
2. Neither air base district provides educational services. Both districts contract with Minot and Grand Forks public school districts for the provision of education to the students residing in the district.
3. NDCC 15-40.3-01 states that "...A student whose school district of residence does not offer the grade level in which the student requires enrollment may not participate in open enrollment...."
4. NDEC 15.1-08-04 provides that the school board shall "...Contract for the provision of education to the students residing in the district..."
5. The DPI open enrollment database identifies 53 Minot Air Force base resident students open enrolled into the Glenburn. The Grand Forks Air Force Base sends four students to Emerado under open enrollment. The database also identifies three students from Larimore, one from Emerado, one from Midway open enrolled into the Grand Forks.

Based on the above facts and after consulting with the Attorney General's Office, open enrollment is closed to districts not providing grade level services and some type of contract for the provision of educational services is required.

The students open enrolled out of the air force base districts will be removed from the open enrollment database. The students identified as open enrolled into the Grand Forks Air Force Base District will be moved to the Grand Forks district as that is the district providing the educational services.

**Cc:** Dale McLaughlin, Minot Public Schools  
Dean Kreitinger, Grand Forks Public Schools

G:\Lact\mact02.doc

## Purpose of This Bill

1) Preserve the long standing practice of permitting military institutional school children to open enroll by

2) Clarifying the existing law

Open Enrollment basically provides:

A) All students may open enroll out of their District of residence, unless their District doesn't offer the grade level involved

Ex. 5-6 CANNOT

7-12

Exception: 2 Schools coop

5-6; 7-12

Both  
qualify

B) MAFB Does offer 5, 12, the only way it is permitted to offer there under 151-08-04(3)

This bill recognizes the unique  
circumstances of MAEB & GF AFB

The only two Districts in  
the state regulated by  
statute to contract for  
educ. services:

It preserves the status quo  
practice in North Dakota.

As such,

It contains no fiscal  
note.

Urge Do Pass,

Answer Questions.

Good Morning!

My name is Greg McFary. I currently serve as Superintendent of Schools in Glenburn. Glenburn is about 25 miles NE of Minot and about 10 miles NE of the Minot Air Force Base.

The Glenburn School District has participated in Open Enrollment since the inception of the Open Enrollment Statute. Students from the Minot Air Force Base today comprise the majority of students who ~~enroll~~ Open Enroll to the Glenburn School. (70%)

Currently there are 52 students from the Minot Air Force Base, who, together with their parents, understand the North Dakota Open Enrollment statute to apply to them, just as it applies to any other student in North Dakota. They believe under the North Dakota Open Enrollment law that not only do they have the ~~look~~ to attend school in Glenburn, they believe

that just like any other North Dakota student, they have the right to remain in the school to which they have Open Enrolled as long as they so choose. Please allow me to reiterate, students and parents at the Minot Air Force Base, feel they should have the same treatment as any other students and parents who live in North Dakota, under the North Dakota Open Enrollment law.

This legislation before you today is simply to clarify the existing practice where students from the Minot Air Force Base have been treated the same as other North Dakota students.

It does not seek special treatment for students who live on Minot Air Force Base, its purpose is merely to insure they are afforded the same Open Enrollment options as all

Children in North Dakota. I urge you to pass Senate Bill 2323.  
Thank you very much for your time.

Julie Kahlke  
144 Coral Court  
Minot AB, ND

Good morning. My name is Julie Kahlke. I live at Minot AB with my husband, Ed, and our five children, Army, Auster, Neal, Natalie and Sarah. This is our second assignment at Minot. The first one began in 1995 and lasted three years. We hope to live in North Dakota at least another three years.

Seventeen years ago, Ed chose the AF as the branch of service most congenial to families. As a prior Marine, he knew the potential for frequent deployments. His Air Force career field, security police/missile security, has allowed us to live in America not far from our hometown, Holstein, IA, and abroad in Europe and Asia. There were several moves between '90 and '95. The Ellsworth missile wing was deactivated and we moved to Iraklion Air Station, Crete, Greece. That base closed. The school was one of the last buildings to be dismantled. The children finished that school year with celebrations & tearful good-byes. The school was a stabilizing force amidst the confusion of dwindling equipment, services and people. We went on ~~the~~ to Rhein-Main Air Base in Germany, expecting to stay three years, but then the base downsized and we moved on 11 months later. We arrived in Minot ready to unpack and stay put. The children needed uninterrupted friendships and we found Glenburn. To us, Glenburn meant stability, small teacher to student ratio and a means to connect our children to the rural culture that meant so much to us as we were growing up.



Coming from 2 years of DODDS (Department of Defense Dependent Schools) we knew our children might need some extra academic attention. Sarah was moved from first grade to kindergarten, so she could learn her phonemes and be ready to read by first grade. The others needed help with Math. By fourth grade Neal was participating in the math competition. He & Natalie still call Mr. Shielges one of their favorite teachers.

I asked my children why they like Glenburn. <sup>(the second "time")</sup> Our friends are there," they replied. "I wasn't confused on the first day" (of 7th grade). Natalie remarked, "Neal was happy to return for the sports and the good teachers." Our oldest, Amy, attends Minot State. One of her former Glenburn classmates who also attends, helped her get involved with the drama group. ~~That~~ That association has raised her morale. Austen, our sophomore, is gradually reestablishing old ties. His teachers are patient with him. He plays Panther football. We expect him to be graduated from Glenburn in the spring of 2003.

My husband is serving as a UN Peacekeeper in Ethiopia right now. When he returns in July, he will find us in the middle of baseball season, working at summer jobs & planning a trip to Iowa. The military lifestyle is full of disruptions that are expected and unexpected - the fewer the better. We need the stability of Glenburn, our adopted hometown.

Every Friday afternoon in Seoul, a certain group gathers to protest the American military in the Republic of Korea. By the invitation of their government, the Americans remain and guarantee the freedom of ~~the~~ those South Koreans to speak freely. To speak freely. Choose schools for our children are freedoms we don't underestimate.

SB 2323

Testimony before the House Education  
Committee - Monday March 5, 2001 - 9:00 A.M.

Madame Chair - Members of the Committee:

My Name is Gary Thune - Attorney for  
Glenburn Public School District

I appear in support of SB 2323:

- Minot Air Force Base (MAFB) is one of two military installation school districts in North Dakota, authorized by Ch. 15.1-08 of the N.D.C.C., formerly Ch. 15-27.5, enacted in 1989
- Since 1995, students from MAFB have open enrolled into the Glenburn School District pursuant to our open enrollment law, Ch. 15-40.3, receiving both foundation aid and tuition apportionment for these students (now totalling 52) without question.
- A DPI draft memo from Tom Decker, dated December 1, 2000 raised the issue of eligibility of military installation students

to open enroll out of military installation school districts. This was the first time this issue has been raised in North Dakota since its enactment as Ch. 15-423 in 1993. (See attached Memo dated 12/01/2000)

- DPI know supports this Bill and has offered a friendly amendment
- The two purposes of SB 2323 are:
  - 1) To clarify existing law; and
  - 2) To preserve the long standing practice which permits military installation school children to participate in open-enrollment.

This Bill recognizes that military installation school districts do offer <sup>all</sup> grade levels the only way they are permitted to offer them, namely by contracting for services [§15.1-08-04(3)].

It preserves the status quo practice in North Dakota. Therefore, there is no fiscal note.

I urge a Do Pass and will be happy to answer your questions.



My name is Ernie Devlin and I am a parent of three girls who attend Glenburn Public Schools. My eldest child, Taima, a junior, has been enrolled in Glenburn for 3 years and my other two children, Tarah and Torey, are freshman and have been enrolled there for 2 years. Our family has found Glenburn to be an outstanding school for which our children to grow both mentally and emotionally. We are members of the Panther Booster Club, Close-up Parents, attend as many as possible extra-curricular activities, and volunteer to help at these events. Our children are extremely involved in many events. All three participate in Basketball, Volleyball, Track, and Speech and are members of the Honor Roll. Taima is in Close-up and Tarah is in Choir and a State finalist for National History Day. As military families some children don't have the convenience of growing up in one location. As a family we feel we have found an extended surrogate family within the Glenburn community. I feel my children have excelled far more than if they would have attended another school, thanks to the Superintendent, Principals and Faculty at Glenburn Public Schools.

Recently, I have been told that I as a parent I may not have the choice as where to send my children to school. This has to do with open enrollment policies and by living on a military installation. As a parent, and knowing the needs of my children, I truly believe nobody should have the right to dictate where I send my children. If I were to live anywhere else in the state other than on a military installation, I would have this choice and I find this a little discriminatory in nature. Pulling my children, or any child, from a school they like based on where we live rather than a child's needs and wants could prove disruptive to a child's learning. As for my children specifically, I have talked to them about this matter. They are truly happy in school and have had many opportunities that I believe would not have been possible at a larger school: Tarah has the opportunity to go to Washington D.C. for History Day, an event in which I believe Minot High had no participants. They are given a greater chance to participate in sports, a key factor in our family's life. Torey making varsity basketball and being pushed from a "C" student to "A/B" Honor Roll. Tarah's nomination to sing in the annual Messiah. Taima's participation in the Close-up Program's trip to Washington D.C. to learn more about our government. Taima being in the top 10 percent of her class for grades. The opportunity to work with the younger children in the school with reading, math and P.E. As parents we looked for the solid basics (reading, writing and arithmetic) and an atmosphere that suits their personalities, wants and desires. These are just a few reasons why we, as parents, chose Glenburn Public Schools.

My family transferred to Minot 6 years ago from Germany. My children at that time spent more than half their lives outside of the United States. Small town farm villages and small military communities are what my children remember from living in Germany, much like the small town communities of Glenburn, Lansford, Upham, to name a few. Small schools with low teacher/student ratios are what they were accustomed to and why they have adapted so well. Minot's Central Campus has larger classes in which some students can fall through the cracks and can be overlooked, at no fault to the teachers, most underpaid profession, or the School District. Minot has an outstanding program, however; some kids who don't express themselves have a greater chance to get lost in the system. In my opinion, open enrollment should be based on parent's choices for their children's needs rather than on school districts' monetary desires and legal loopholes.

Thank You  
Ernie Devlin