

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1261

2005 HOUSE EDUCATION

HB 1261

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1261**

House Education Committee

☐ Conference Committee

Hearing Date **18 January 05**

Tape Number	Side A	Side B	Meter #
1	X		5,850 - end
		X	0-1475
2		X	500 -1190

Committee Clerk Signature



Minutes:

**Chairman Kelsch opened the hearing on HB 1261.**

**Rep. Mueller, District 24, introduced the bill.** This bill moves the timeline from 5 - 10 years for a newly reorganized district to adjust.

**Tom Burdill, school board member, Page ND,** testified on behalf of the bill. This bill is designed to promote reorganization and schools getting together. In visiting with others considering reorganization, you hear comments about "there are five years we can make an agreement and then they can do whatever they want." If that was a little longer maybe we would be more open to reorganization. I don't think we are looking at keeping a building open for X number years. If you have a reorganized board of seven members, putting a stipulation on sites changing the majority needed to make decision would promote the reorganization of the district. It alleviates some of those fears. This says "up to 10 years" but it will not likely take that long, it

gives us that ability to make a longer term agreement. It promotes consolidation and gives us something to satisfy some people to make that happen faster.

**Rep. Haas:** In this day and age of rapidly changing demographics and shifting of populations, do you think 10 years might actually hamstring the school from making a decision that might really benefit the district following the reorganization.

**Burdill:** It could do that and that's the board's responsibility to avoid tying themselves for 10 years that could be financially or otherwise detrimental to the district. That could be true for a 5 year agreement as well. Yes, there is the chance of that, but from our board's perspective we would do the best to not do something that would be detrimental to the district in the long term.

**Sandy Clark, Farm Bureau,** testified in support of the bill. **(Testimony attached.)**

**Art Mitzell, superintendent of the Hope/Page Cooperative District,** testified in support of the bill. Though they entered into a cooperative agreement, they are still two districts.

Consolidation is something in our future. As we talk about plans two districts may make to become one, people ask how long these plans will last, how long can we count on that. To a number of people that raises uncertainty and a fear factor making it much more difficult to get a "yes" vote on consolidation. It gives the opportunity to write certain things in certain areas that would be there for 10 years, like grade configurations. People like what they have and it would be nice to be able to say you're not going to change that. I don't see this bill as something against things happening. I think it can do that, it allows more time for full deliberation.

**Rep. Haas:** Is the main sticking point have to do with geographic representation on the board and the number of board members?

**Mitzell:** Right, if you consolidate you're going to have, let's say, five members. Chances are two will be from each of the former districts and one at-large. One district will have 3 representatives on the board and the other two. The one that two fears that things may pass or happen without full explanation or opportunity from their efforts.

**Rep. Haas:** Would it be appropriate for us to amend this bill that would allow a reorganization plan to contain provisions that would allow two or more school districts to come together and specify "up to 10 years" for geographical representation and leave other matters up to the board and not tie their hands on other issues identified in the reorganization plan?

**Mitzell:** That would be appropriate.

**Dean Bard, representing Small Organized Schools,** testified in support of the bill. This appears to be good legislation and would free the process and we ask your favorable support.

**Tom Decker, DPI,** appeared in opposition of the bill. Since 1989 part of my job is to work with school district reorganizations, dissolution, and adaptations and been deeply involved with every organization that has taken place since that time. Reorganizations are about change and they are always somewhat difficult, sometimes extremely difficult and they require a good deal of patience and hard work on the part of the communities who are working through the issues to reach a reorganization solution. In my estimation most districts wait as long as they possibly can to move into a reorganization mode. We're in a period of rapidly changing demographics and there are other issues that schools are facing in planning their futures. When you look recent reorganization plans, there is not much evidence that there are long-range plans for the new district. Their plan itself relates to the transition and there is not much in that outlines a plan going forward. One of the issues that I counsel districts about all the time is not to make too

many detailed commitments in their plan. What we find very often is those detailed commitments become burdensome very quickly. It doesn't take five years in many cases. The biggest potential problem is the issue of keeping schools open. If these districts did not need to be considering reconfiguring grade level services and/or closing some buildings they wouldn't be having discussions about reorganization. Committing to those specific plans does tie the hands of the new school board. The new school board needs to be in a position to make decisions to keep their district solid and provide the best education they can for their students. Having to go to voters to change plans brings back many of the hard feelings and issues that were part of the reorganization discussion that may have caused division in the community. That's not productive. We recommend districts going through reorganization that is going to be difficult employ a facilitator, have thorough discussions and come to a plan that provides a general outline of where the new district is going to go and provides for a new board to take it forward and provide fiscal responsibility and quality education without being hindered by the detailed plans for ten years certainly.

**Doug Johnson, ND Council of Educational Leaders**, testified in opposition to the measure.

We believe one of the toughest things a school district is going to go through is a reorganization with possible consolidation. Once they make that commitment, we think they need to get on with what they decided to do and the five years currently provided in laws allows opportunity to make that transition. The bill gives 10 years for school boards to be a full active school board. I think Rep. Haas' recommendation of amendment could be a possible solution. If we have it as it now, we feel five years is ample time to make that transition.

**Bev Nielson, ND School Board Association**, testified in opposition to the bill. Once a consolidation occurs and you have a new governing board having a different set of powers for that board than for every other board in the state kind of sets them apart and we see a need for that. The five years that are in the rule is half way through a generation of schooling seems to be sufficient time. Grade configurations are changing dramatically in ND in one, two and three years. Ten years is nearly a generation of school children and dramatic things can happen and, if this passes, the new board's powers are limited to do things that may need to be done in the district. We think it is restrictive. Ten years is a long time demographically in ND.

**Rep. Herbel:** Do you think going from 5 to 10 years will assist consolidation?

**Nielson:** If they think they can get more votes for it by saying your building and your community won't be closed for ten years, they need to be prepared to keep that building regardless if there any kids there or not. If that were in their plan, it might help. I think when you talk about buildings in communities, they are near and dear to all of our helps so it could help. I think that in ten years even those consolidated schools are going to have to look at their neighbors as well because their combined declining enrollments begins to be another problem in 5- 7 years.

**Chairman Kelsch closed the meeting on HB 1261.**

**Chairman Kelsch reopened HB 1265 in the afternoon of 18 Jan 05.**

**Rep. Herbel:** I have a concern about the time frame being changed from 5 to 10 years, I thought it would have come in and said 5 to 3 years. With demographics changing as fast as they are, I think we are looking issues down the road and we're tying the hands of schools boards because they need by that time to work with another school district. I think in the big picture it would be beneficial to move the other way instead of going longer.

**Rep. Herbel:** I move we do not pass.

**Rep. Haas:** I second.

**Rep. Mueller:** I will tell you this was a constituent's bill. I do believe it would add potential for increased interest for consolidation. I understand what Rep. Herbel is saying in regard to tying school boards' hands after the five year period up until the 10 year period. I don't think that's the intent of the bill. It also requires that those reorganized schools sit down and talk about those things that are the table for that 5 or 10 year period. They can change things by a vote, but I won't cry if it doesn't pass.

**Rep. Herbel:** In my district now we have school districts combining now. In four years one district will be down to an average of 6 kids per grade, so they should have some flexibility in being able to work out issues that wouldn't bind either of those schools.

**Rep. Sitte:** I like this bill. It says "may" and the old school board can still get together and say this isn't workable and revisit the issue. All we're doing is extending the flexibility for local control and I think in doing this we are encouraging consolidation. It's not binding, but gives those school districts one more input. I think it's very good.

**Rep. Horter:** I think that might be part of the problem in that they can drag their feet.

**Rep. Hunsakor:** Do we need input from some of these reorganized school districts to hear what's happening out there. We have our opinions here, but we haven't heard from any of those folks who are in the middle of this situation.

**Chairman Kelsch:** Probably not. If they had a concern I think we would have heard from them. Typically when we have some of these reorganization type bills if they are a hot topic, we definitely hear from those school districts.



**Rep. Haas:** I can give you three examples in Western ND where five years might even be too long. Elgin and New Leipzig consolidated several years ago. As of this fall they took in Carson. When I was visiting with a school board member from Elgin this summer, he said in three years, four years maximum, they're going to be down to the same enrollment that they will be down to the same enrollment before they took in Carson and they're going to have to start talking to another district. The same thing is happening with Mott and Regent. You remember when the school board president from Mott was here last session and testified about their consolidation. They are now in a continuing decline in enrollment and probably be faced with talking to New England and doing something else. The same think is true in the district I live in. It's been less 5 years ago that Richardton and Taylor finally consolidated after 20 years of cooperative agreements and now are sitting down and having conversation with the school board in Hebron. Things are happening very fast out there and we can't hamstring a board beyond the five years. It doesn't make sense and it's not going to good for kids if we do that.

**Chairman Kelsch called for a vote on the "Do Not Pass" motion**

**Yes:   9      No:   5      Absent:   0      Motion Passed.**

**Rep. Herbel will carry the bill.**

Date: *17 Jan 05*  
Roll Call Vote #:

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. *1261***

**House Education Committee**

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Alg not pass*

Motion Made By

*Herbel*

Seconded By

*Haas*

**Representatives**  
**Chairman Kelsch**  
**Vice Chairman Johnson**  
**Rep. Haas**  
**Rep. Hawken**  
**Rep. Herbel**  
**Rep. Horter**  
**Rep. Meier**  
**Rep. Norland**  
**Rep. Sitte**  
**Rep. Wall**

**Yes** **No**  
✓  
✓  
✓  
✓  
✓  
✓  
✓  
✓  
✓  
✓  
✓

**Representatives**  
**Rep. Hanson**  
**Rep. Hunskor**  
**Rep. Mueller**  
**Rep. Solberg**

**Yes** **No**  
✓  
✓  
✓  
✓

Total (Yes)

*9*

No

*5*

Absent

*0*

Floor Assignment

*Herbel*

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

**REPORT OF STANDING COMMITTEE (410)**  
January 18, 2005 5:00 p.m.

**Module No: HR-11-0674**  
**Carrier: Herbel**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1261: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS**  
(9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1261 was placed on the  
Eleventh order on the calendar.

2005 TESTIMONY

HB 1261



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HB 1261  
18 Jan 05

## **North Dakota Farm Bureau**

[www.ndfb.org](http://www.ndfb.org)

### **House Education Committee**

*January 18, 2005*

#### **HB 1261 Testimony presented by North Dakota Farm Bureau**

*Presented by Sandy Clark, public policy director*

Good morning, Madam Chair and members of the committee. For the record my name is Sandy Clark and I represent the 27,500 family members of North Dakota Farm Bureau.

HB 1261 was requested by one of our members. School consolidations and reorganizations can be very emotional and traumatic for small schools.

NDFB policy supports efforts to extend the five-year period. This bill simply allows the communities and school boards more time to adjust. It extends the time that the smaller school can maintain representation on the school board and has input into the future plans of the consolidated school district.

Therefore, NDFB encourages a "Do Pass" recommendation on HB 1261.

Thank you for your consideration. If you have any questions, I would be happy to try to answer them.

*One future. One voice.*