

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2052

2005 SENATE EDUCATION

SB 2052

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2052

Senate Education Committee

Conference Committee

Hearing Date January 11, 2005

Tape Number	Side A	Side B	Meter #
1		x	25 - 3535
Committee Clerk Signature <i>Patty Wilkins</i>			

Minutes:

Chairman Freborg opened the hearing on SB 2052, relating to the establishment of and levies for kindergarten programs. All members were present.

Senator Every, District 23, introduced the bill. (written testimony) (meter 25 - 326)

Senator Freborg asked if subsection 3 on page 1, regarding levy of tax, can they now fund full day kindergarten under that section.

Senator Every said he would defer that question to Steve Swiontek.

Senator Erbele asked if full day kindergarten is full days, five days per week.

Senator Every said yes.

Senator Flakoll asked about the sunset after 15 years.

Senator Every said that is another good question for Mr. Swiontek.

Senator Flakoll asked with respect to the amount of money it would generate, it comes to about \$1300 per student per year which is less than it would take to educate them for the other half year. Would there be a shortfall.

Senator Every said he is assuming it would be sufficient but it will be another good question for Mr. Swiontek.

Senator Flakoll asked with respect to the equity lawsuit, would this drive us further away from equity where some are providing full day kindergarten and some are not.

Senator Every said he would assume that since it is in the hands of the local districts, it would get us off the hook.

Senator Flakoll asked with respect to page 2 subsection 1 the vote of the board, 2/3 required, would that override the provision in some districts that the residents of the district have to vote to increase their mill levy. Would this take away their authority to do so.

Senator Every said Mr. Swiontek could answer that.

Senator Freborg asked Tom Decker his question regarding whether the levy in 57.15 that allows a levy in sufficient amount to cover general expenses, is that levy restricted to the cap or is that above and beyond.

Tom Decker said he can find out in a matter of minutes.

Senator Freborg said that is the only thing he can see that would prevent them from using subsection P to fund full day kindergarten. (meter 797)

Steve Swiontek, Superintendent of Devils Lake Public Schools, testified in favor of the bill.
(written testimony)

Senator Freborg asked if districts can already levy for full day kindergarten under current law.

Mr. Swiontek said he believes it applies to the cap. The pattern he used for this bill was the alternative high school statute. (meter 1212)

Senator Freborg said like the rest of us, you are assuming that 57.15 is only if you are not up to the cap.

Mr. Swiontek said yes.

Senator Flakoll asked that although this is early in experience with full day kindergarten, do you know of any savings in remedial programs with full day kindergarten.

Mr. Swiontek said they do not have specific data but they are seeing less referrals for special education for the past three years in that building.

Senator Flakoll asked with respect to page 2 line 6 there is a 15 year sunset. What is the reason for it.

Mr. Swiontek said it is because he believes North Dakota is a progressive state and there will be no need for it in 15 years.

Senator Flakoll said now it would require only 2/3 vote of the board, will that circumvent the requirement for the residents to approve mill increases. (meter 1357)

Mr. Swiontek said not in his opinion.

Senator Taylor asked for background of the Reading First Grant.

Mr. Swiontek said it is federal dollars received by the state and each school district could apply for those dollars. The state awards those dollars based on their grant applications. They chose to write their grant for full day kindergarten.

Senator Taylor asked if the money has dried up because of budget cuts or shift in emphasis.

Mr. Swiontek said he thinks they may have an opportunity to reapply for the grant funds but there is no guarantee they would get them. They are trying to find a way to keep funding full day kindergarten because it is a popular program in Devils Lake.

Senator Flakoll asked if full/half day kindergarten where some districts have it and some don't, does that drive us further away from equity. (meter 1566)

Mr. Swiontek said it is a local decision, not an equity issue. Right now kindergarten is not a requirement, it is optional for the districts and this is giving them one more choice.

Senator Freborg said is it because we are funding it, the state pays and not every child has the opportunity.

Mr. Swiontek said that is possible. If full day kindergarten is paid for, some schools can't provide it due to space problems.

Mary Wahl, North Dakota Council of Educational Leaders, testified in favor of the bill. She said the council supports the levy up to 15 mills for full time kindergarten specifically and by a simple majority vote. The information in Mr. Swiontek's testimony regarding student achievement with full day kindergarten is very significant. This provision will allow other districts to go ahead with full day kindergarten if they believe in it. (meter 1886)

Nancy Sand, NDEA testified in favor of the bill. They believe full day kindergarten is important for a good sound education. There is a federal mandate now that all children should achieve at a certain level and a district would have the flexibility to fund it. Their preference is for the state to fund it. (meter 1900)

Barb Arnold Tengesdal, Voices of North Dakota Children, testified in favor of the bill.. There are long term benefits of early, high quality education. It has been proven to reduce need for

remedial education and increase graduation rates, especially in low income families. This additional time in kindergarten shouldn't be filled with testing and assessment. It should be devoted to educational experiences.

Senator Flakoll asked if we all go to full day kindergarten, what would the additional requirement be for teachers. Would 300 be a correct estimate.

Ms. Tengesdal said she doesn't have that answer. There are many teachers who are currently doing child care because there are no opportunities for teaching.

Senator Flakoll asked if she feels comfortable we would have enough teachers to fill the need.

Ms. Tengesdal said yes and she is involved in teacher training for early childhood education.

She hopes it becomes mandatory at some point. (meter 2431)

There was no opposition to SB 2052.

Tom Decker, Department of Public Instruction, read from the Century Code 57 15 14.2 regarding the cap. It is subject to the cap.

Chairman Freborg closed the hearing on SB 2052.

Senator Erbele asked if kindergarten is not mandatory in the state but the districts can offer it, is it then still optional for parents. (meter 2645)

Senator Freborg said he does not believe it is mandatory for parents to send their child.

Senator Flakoll said there was a bill a couple of sessions ago where you can decide if your child isn't ready for kindergarten after they start, you can take them out.

Senator Freborg asked how many more bills are in regarding kindergarten, one for sure, that would mandate half day kindergarten.

Senator Flakoll said there is one on mandatory half day and one for full day with additional funding by the state. (meter 2847)

Senator Erbele asked about foundation payment for half day, is it .6?

Tom Decker said the foundation formula, the .6 factor, is based on the five year average cost.

Senator Erbele asked if the schools are doing full day, every other day, does that constitute half day kindergarten?

Tom Decker said yes.

Senator Taylor asked if .6 payment covers the expenses.

Tom Decker said yes.

Senator Taylor asked what, on the average, would be raised with the 15 mills.

Tom Decker said statewide, \$21 million would be raised, as stated in the fiscal note. There is a huge variation from district to district. (meter 3107)

Senator Seymour asked about the definition of full day kindergarten.

Anita Deckert said it would be a 5 1/2 hour day.

Senator Flakoll asked if there would be transportation savings associated with full day kindergarten.

Tom Decker said many districts have gone to the 3/2 system so they can more efficiently use their transportation.

Senator Flakoll asked if there is a way to get those numbers.

Tom Decker said it would be difficult to sort out.

Chairman Freborg said the committee may do well this week to take a look at the other bills regarding kindergarten.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2052

Senate Education Committee

Conference Committee

Hearing Date January 18, 2005

Tape Number	Side A	Side B	Meter #
1		x	3828 - 5527
Committee Clerk Signature <i>Patty Wilkins</i>			

Minutes:

Senator G. Lee asked if the committee was holding 2052 to see what happens with the other bills.

Senator Freborg said he wants to see what happens with the house bill because we need a vehicle for a kindergarten bill. We pay now up to a half day of kindergarten and it is strictly up to the district. There are 25 or 30 districts who do not offer kindergarten. He will have to be opposed to anything that does not offer every child the opportunity to attend kindergarten or we are going to get in a deeper hole. It depends on what we can afford. He would favor mandating half day kindergarten, where every district has to offer it, give every child the opportunity.

Senator Flakoll said we would also have to look at a ramp up provision. Those who do not offer it now may have to make some adjustments to provide space.

Senator Freborg said this could even prompt some consolidations.

Senator Erbele said of the 30 districts without it, are they typically small rural schools.

Senator Freborg said typically.

Senator Erbele said a mandate, what if they can't find a qualified teacher for a half time position, it is not an attractive position.

Senator Freborg said the half day language is a little misleading. It can be a semester of full days, its half time. In smaller district we need to give them time to secure their facility and find a teacher or get a teacher qualified.

Senator Taylor said it might be interesting to compare reading assessments between no kindergarten, half day and full day kindergarten.

Senator Freborg said there is some research. It would be great to mandate full day kindergarten but there is no use going for something if its not going to fly. There is no use to go for full day and be told there is not enough money. Half day kindergarten would cost \$5 - 6 million. It would not be that much for the coming biennium if we give them a couple of years to gear up to it.

Senator Flakoll said that figure seems high. A full half across the state is \$21 million.

Senator Freborg said that may be.

Senator Seymour said there is lots of money if you look around.

Senator Freborg said there is a lot of money around. Trying to get it is the problem. It is kind of being hinted already if we want to do something in elementary, we will have to shift funds to pay for it.

Senator Flakoll asked if its possible to think of a scenario where you would mandate half day kindergarten and mandate full day kindergarten for at risk students. (meter 4955)

Senator Freborg asked how would we test the four year olds.

Senator Flakoll said he believes there is a process.

Senator Taylor said those schools who do not make adequate yearly progress could be a target group.

Senator Flakoll said there is a school in Fargo where there is a large refuge population and they don't speak English and they are routinely identified as at risk.

Senator Freborg said maybe we should require that children speak English before they start school.

Senator Flakoll said there also is a problem with students coming in and going out, the population changes frequently.

Chairman Freborg adjourned the meeting of the committee.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2052

Senate Education Committee

Conference Committee

Hearing Date January 19, 2005

Tape Number	Side A	Side B	Meter #
1		x	5510 - end
2	x		0 - 405
Committee Clerk Signature <i>Patty Wilkins</i>			

Minutes:

Chairman Freborg opened the discussion on SB 2052. The bill deals with the establishment of and levies for kindergarten programs. There are at least three more bills that are still alive.

Senator Every is on one or two of those so its not like he is out of luck on a kindergarten bill.

Senator Flakoll said he is on a kindergarten bill with Senator Every that will be heard in the near future. They have withdrawn 1045, thinking the other bill is the preferred bill in the house, as far as full day kindergarten is concerned. There is still a half day kindergarten bill.

Senator G. Lee said Senator Every has another bill as well, and he withdrew one.

Senator Flakoll said the bill Senator Every withdrew is virtually identical to the bill in the house.

Senator Seymour said 2052 would be more local funding, a way to get money to education without state aid.

Senator Freborg said that is correct, the districts would apply 15 mils and have full time kindergarten.

Senator Erbele said that would still be permissible, it is up to the districts.

Senator Freborg said it certainly would. After watching mil levies move for different reasons in most of the districts over the years, even districts who are now having kindergarten and are taking money out of the general fund, if we allow 15 mils above the cap, they are going to use it. They will save the money they are spending on kindergarten and spend it in other areas.

Especially if we mandate kindergarten and allow the 15 mils we will hear about raising local property taxes. You almost have to favor a tax increase if you are going to vote to allow 15 more mils above the cap. A lot of districts are maxed out and if they are allowed 15 more mils, they will jump at it. This is not to be disrespectful, they think they need the money. He would rather they fund half time kindergarten and pay for it and not increase anyone's mil levy.

Senator Flakoll said from an equity standpoint, 2052 will just drive us further away from equity.

Senator Freborg said absolutely.

Senator Flakoll said it strengthens the lawsuit against the state if this were to pass.

Senator Freborg said if you don't mandate kindergarten, you are in trouble. (meter 5, tape 2, side B)

Senator Flakoll said Fargo right now is at 320 mils. He would not be too popular if he gave them 15 more mils.

Senator Erbele said he doesn't see 2052 as the vehicle for the direction we want to go.

Senator Freborg said even if all the bills in for kindergarten should die, there is a vehicle in foundation aid, there is always a way.

Page 3

Senate Education Committee

Bill/Resolution Number SB 2052

Hearing Date January 19, 2005

Senator Flakoll said we all appreciate what full day kindergarten can do, he thinks there is a better vehicle in the other chamber.

Senator G. Lee moved a do not pass on SB 2052.

Senator Erbele seconded the motion.

The motion passed on a roll call vote 4-2-0.

Senator Freborg will carry the bill.

FISCAL NOTE
 Requested by Legislative Council
 12/20/2004

Bill/Resolution No.: SB 2052

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.

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 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.

2003-2005 Biennium			2005-2007 Biennium			2007-2009 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.

The bill provides for up to a 15 mill increase in school district levies, which is exempt from current levy restrictions. This levy would raise a maximum of \$21,000,000 statewide with property value at 1.4 billion.

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.

No impact.

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.

No impact.

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.

No impact.

Name:	Tom Decker	Agency:	Public Instruction
Phone Number:	328-2267	Date Prepared:	12/22/2004

Date: 1/19/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2052

Senate SENATE EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Sen G. Lee Seconded By Sen Erbele

Senators	Yes	No	Senators	Yes	No
CH- SENATOR FREBORG	✓		SENATOR SEYMOUR		✓
V-CH- SENATOR G. LEE	✓		SENATOR TAYLOR		✓
SENATOR ERBELE	✓				
SENATOR FLAKOLL	✓				

Total (Yes) 4 No 2

Absent 0

Floor Assignment Sen Freborg

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

REPORT OF STANDING COMMITTEE (410)
January 19, 2005 1:37 p.m.

Module No: SR-12-0714
Carrier: Freborg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2052: Education Committee (Sen. Freborg, Chairman) recommends DO NOT PASS
(4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2052 was placed on the
Eleventh order on the calendar.

2005 TESTIMONY

SB 2052

Senate Education Committee

Tuesday, January 11, 2005

SB 2052

Mr. Chairman, members of the Committee. My main purpose for bringing this bill before you is to promote the cause for full day kindergarten. SB 2052, is a tool for school districts that will enable them to fund full day kindergarten.

Researchers have found many benefits related to children's attendance in a full day kindergarten setting. In a summary of research on full day kindergarten, Martinez and Snider (2001) of the Kansas State Department of Education found that "... full-day kindergarten programs that are appropriate for kindergarten age children provide cognitive, social, physical, and emotional benefits for children." Although length of day plays a crucial role in the attainment of these benefits, professionals also seem to agree that providing children with instruction that is developmentally and individually appropriate is equally as important.

Practitioners find that the positive effects of full-day kindergarten are best seen in settings where students learn through a combination of teacher and child initiated activities, explore topics in depth and are provided the opportunities to work in both small and large groups. Some additional benefits include:

Benefits for students

- More "time and opportunity to play with language" as well as to explore subjects in depth
- A more flexible, individualized learning environment
- More individual and small-group interaction with the teacher than is possible in most half-day classrooms

Benefits for parents

- Lowered childcare costs possible
- The opportunity for lower-income families to enroll children in a higher quality early education program that might otherwise be affordable in the private market
- Less difficulty scheduling childcare and transportation, especially when more than one child is enrolled in the same school
- Increased opportunities to get involved in their children's classroom, as well as to communicate with the teacher

Benefits for teachers

- Reduced ratio of transition time to learning time
- More time to spend with students individually and in small groups
- More time to get to know and communicate with parents
- More time to assess students and individualize instruction to their needs and interests
- Fewer total students-20 to 25 per year as compared to 40 to 50-than in two half-day classrooms

Mr. Chairman and members of the committee. The proposal before you is just one option that would give school districts a mechanism to fund full day kindergarten. The bill is one that has been endorsed by school superintendents in our area. I have asked one, Superintendent Steve Swiontek of the Devils Lake School District to be here today to help explain te details of the proposal and to give you his thoughts and comments on the importance of full day kindergarten to our children in North Dakota. I would encourage your favorable considration on this matter. Thank you.

Currently the following (27) states do have Child Care and Dependent Care Tax Credits:

Arkansas	Minnesota
California	Missouri
Colorado	Nebraska
Delaware	New Mexico
District of Columbia	New York
Hawaii	North Carolina
Idaho	Ohio
Iowa	Oklahoma
Kansas	Oregon
Kentucky	Rhode Island
Louisiana	South Carolina
Maine	Vermont
Maryland	Virginia
Massachusetts	

TESTIMONY ON SB 2052
SENATE EDUCATION COMMITTEE
January 11, 2004

By Steve Swiontek, Superintendent, Devils Lake Public Schools
662-7640

Chairman Freborg and Committee Members:

My name is Steve Swiontek, Superintendent of Devils Lake Public Schools. Thank you for this opportunity to address this committee in regards to Senate Bill 2052.

I am here to testify in favor of SB 2052, which would allow school districts to levy up to 15 mills with school board majority, for the purpose of adding full day/full week kindergarten. As you know, school districts currently receive 0.6 of a foundation payment for kindergarten students. Basically this bill would provide back-up to HB 1045 if it is not approved, or, there is no appropriation set aside for adding full day kindergarten in the state of North Dakota.

Devils Lake Public Schools believes in full day kindergarten for the following reasons:

- Full-day kindergarten is necessary for the children of the 21st century and will help students and schools reach, maintain, and exceed the standards as prescribed by the No Child Left Behind legislation.
- North Dakota schools have always been thought of as leading the nation in academic performance. As indicated by the National Assessment of Educational Progress (NAEP), the state is slipping. Full-day kindergarten can help put us back on top.
- Full-day kindergarten is economic development. It demonstrates to potential businesses considering North Dakota as a location that the state places a high priority on education. Additionally, it will provide for a better work force because North Dakota's citizens will be better educated.
- Full-day kindergarten will assist young working families in North Dakota through reduced child care costs. This, too, is economic development. Full-day kindergarten will most likely not have a negative impact on child care facilities in North Dakota because there is such a high demand.
- And, most importantly, full day kindergarten has made a difference in student achievement in our school district. The following is data that we have collected at Minnie H elementary in answering the question: *"How many kindergarten students are at grade level in reading skills at the end of kindergarten?"*

1999-2000	16%	½ day kindergarten
2000-2001	33%	½ day kindergarten
2001-2002	55%	½ day kindergarten
2002-2003	94%	full day kindergarten
2003-2004	100%	full day kindergarten

As you can clearly see, full day kindergarten has made a significant difference in student achievement in the Devils Lake Public School District.

Devils Lake Public Schools is now in its third year of providing full day kindergarten. Our first two years we offered full day kindergarten as an experimental program in one of our elementary schools, and funded the program through Title V and school improvement funds. This year, we have provided full day kindergarten district wide. We have accomplished this addition through additional "Reading First" grant dollars. We have found the program to be very successful and it has made a considerable difference in reading achievement and 1st grade readiness. However, as I have explained, we are funding this program through grant dollars and those grant dollars will dry up during the spring of 2007.

To close, we believe that the time is now for North Dakota to fund full day kindergarten at a minimum foundation factor of 1.0, because of the reasons previously stated. However, if the legislature does not fund kindergarten at a 1.0 foundation level during this session, I would ask you to give SB 2052 a do-pass, so that school districts that believe in this type of educational program can fund it with local dollars.