

# NORTH DAKOTA LEGISLATIVE MANAGEMENT

## Minutes of the

### EDUCATION SERVICES COMMITTEE

February 23-24, 1998  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Senator Ray Holmberg, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Senators Ray Holmberg, Pete Naaden, David O'Connell, Vern Thompson, Terry M. Wanzek; Representatives Ole Aarsvold, Thomas T. Brusegaard, David Drovdal, Howard Grumbo, Lyle L. Hanson, RaeAnn Kelsch, David Monson, Dennis J. Renner, Laurel Thoreson

**Members absent:** Senators Randy A. Schobinger, Dan Wogsland; Representatives Linda Christenson, John Mahoney

**Others present:** See attached appendix

It was moved by Senator Naaden, seconded by Representative Kelsch, and carried on a voice vote that the minutes of the previous meeting be approved as mailed.

At the request of Chairman Holmberg, committee counsel presented a bill draft that maintains the position of county superintendent and allows counties to assign the duties of county superintendents to other persons. Committee counsel said Version I contains proposed redrafts of Chapters 15-21, 15-21.1, and 15-21.2.

In response to a question from Senator Thompson, Mr. Tom Decker, Department of Public Instruction, said the Superintendent of Public Instruction has the ability to enact or amend rules in response to federal program changes. He said this section is problematic because it is designed to accommodate a program that is no longer federally funded. He said if federal funds are made available for a similar program, the statutory requirements for rules in this bill draft will probably not be applicable and in the end will hamper the Superintendent's ability to carry forth his powers and duties under the federal legislation.

It was moved by Senator Thompson and seconded by Senator O'Connell that the committee recommend that North Dakota Century Code Chapter 15-21.1 be repealed. Representative Kelsch said she believes that the chapter should be maintained with the amendments suggested in the Version I bill draft.

The previous motion by Senator Thompson **failed to pass**. Senators O'Connell and Thompson and Representatives Aarsvold and Grumbo voted "aye." Senators Holmberg, Naaden, and Wanzek and Representatives Brusegaard, Drovdal, Kelsch, Monson, Renner, and Thoreson voted "nay."

Committee counsel said Version I requires that each board of county commissioners employ a county superintendent of schools on a full-time or a part-time

basis. She said an individual employed under this section must hold a baccalaureate degree from a regional or nationally accredited institution of higher education approved for teacher education, hold a North Dakota teacher's certificate, have experience teaching at an approved elementary or secondary school, and be approved by a majority of the school board presidents representing school districts having their administrative headquarters in the county. She said the bill draft also allows a board of county commissioners to assign the duties of a county superintendent rather than employ a county superintendent. She said this option may be exercised if the board of county commissioners obtains from the Superintendent of Public Instruction a form that lists the statutory duties to be otherwise performed by a county superintendent and provides for the assignment of the duties to one or more individuals, if the board of county commissioners obtains the written consent of a majority of the school board presidents representing school districts having their administrative headquarters in the county, and if the board of county commissioners submits the completed form to the Superintendent of Public Instruction and obtains written approval of the assignments from the Superintendent.

Chairman Holmberg said Version I allows counties the flexibility of employing a county superintendent or choosing not to employ a county superintendent. He said the bill draft is a significant departure from current law in that it requires a county not only to notify the Superintendent of Public Instruction regarding who will perform the statutory duties of a county superintendent but it also requires the counties to obtain the permission of the Superintendent of Public Instruction in order to forego the hiring of a county superintendent.

At the request of Chairman Holmberg, committee counsel presented a bill draft that removes all statutory references to county superintendents of schools. Committee counsel said this bill draft proposes a statutory reassignment of all duties currently required to be performed by county superintendents. She said in considering the merits of each of the three bill drafts prepared at the request of the committee, it would be advisable not to focus solely on whether the statutory assignment ought to be to one county official or another, but rather to consider whether or not the duties could be appropriately performed by persons other than county

superintendents. She said if the Version II bill draft is accepted by the committee, it would be appropriate at that point to carefully review the persons to whom county superintendent duties have been assigned and to determine whether those assignments are appropriately made.

At the request of Chairman Holmberg, committee counsel presented a bill draft that removes statutory references to county superintendents of schools and replaces the concept of county superintendents with regional service agencies. She said in this bill draft, the Superintendent of Public Instruction is directed to divide the counties of the state into eight regions. She said these regions parallel the Governor's planning regions. She said each region is to be represented by a regional reorganization committee appointed by the board of county commissioners from each county in the region. She said the terms of committee members are three years and that the terms of initial board members must be staggered by lot.

Committee counsel said this bill draft directs the Superintendent of Public Instruction to employ and assign a coordinator to each region. She said the Superintendent is to provide each regional coordinator with suitable office space, furnishings, and equipment. She said this bill draft provides that a regional coordinator will serve as an administrative assistant to a regional reorganization committee and will perform such other duties as directed by the Superintendent of Public Instruction. She said regional coordinators must hold baccalaureate degrees from an accredited college or university approved for teacher education, must hold a valid North Dakota teacher's certificate, and must have teaching experience at the elementary or secondary school level.

In response to a question from Senator Holmberg, Mr. Decker said the concept of regional service agencies headed by regional coordinators makes the most sense for schools, school districts, and counties. In 1947, he said, the state had approximately 2,200 school districts. He said each county committee was responsible for roughly 40 school districts. He said if we accept the concept of eight regions, as presented in the Version III bill draft, each region would be responsible for only 30 school districts. He said even this number will decline substantially and quickly. He said we have county committees in this state which have not met for many years. He said since open enrollment was enacted by the Legislative Assembly, the number of annexation requests has dropped tremendously.

Mr. Decker said that in the next 10 to 12 years, public school enrollments in North Dakota will decline by 17,000 to 20,000 students. He said the reality is that some school districts, like Fargo, will grow. That means, he said, that the reductions will be even more severe in rural North Dakota. He said the other thing to remember is that these projections are a best case scenario. He said they are based on the assumption that there will be absolutely no outmigration in the coming years.

**It was moved by Representative Kelsch, seconded by Senator Naaden, and carried on a roll call vote that the bill draft maintaining the position of the county superintendent of schools and allowing for the assignment of duties by the board of county commissioners be accepted by the committee as the basis for redrafting the K-12 concepts of Title 15 of the North Dakota Century Code.** Senators Holmberg, Naaden, O'Connell, Thompson, and Wanzek and Representatives Aarsvold, Brusegaard, Drovdal, Grumbo, Hanson, Kelsch, Monson, Renner, and Thoreson voted "aye." No negative votes were cast.

## **REVIEW OF TITLE 15 PROVISIONS**

Chairman Holmberg said North Dakota Century Code Chapter 15-40.1 deals with education finance. He said because the interim Education Finance Committee is conducting a study of topics contained in this chapter, the Education Services Committee will limit itself to nonsubstantive changes.

### **SECTION 15-40.2-01**

Chairman Holmberg said this section deals with school boards sending students to other districts. As a policy matter, he said, school boards may send students to other districts if it is in the best interest of the school district to do so. He said perhaps we should also factor in the best interests of the children. He said perhaps the Legislative Council staff could be directed to use more flexible language, thereby requiring that school boards take into account the effects felt by all interested parties.

### **SECTIONS 15-40.2-02 TO 15-40.2-07**

Chairman Holmberg said these provisions deal with the payment of tuition in cases where students are transferred or choose to attend school in another district. He said the Legislative Council staff should update the language and reorganize the provisions as necessary.

### **SECTION 15-40.2-08**

Chairman Holmberg said this section describes which school district is a child's school district of residence when a child is placed in an alternate school district for purposes other than education.

In response to a question from Senator Holmberg, Ms. Trisha McCarthy, Special Education Director, Napoleon, said when the placement of a child is made through court adjudication, special education units are generally notified. She said this is not being done when the children are relocated by placement agencies. She said there are no consequences to placement agencies that elect not to notify special education units. She said it is very difficult for school districts and special education units to budget accurately, especially if their first notice of the placement comes with the bill.

Chairman Holmberg said perhaps Legislative Council staff could include language requiring the placement agencies to pay any bills incurred by the students if the placement agency fails to notify the school district or special education unit within a specific number of days.

### **SECTION 15-40.2-09**

Chairman Holmberg said this section defines the circumstances under which a student may attend school in a bordering state. He said the substantive provisions of the section still appear to be valid.

In response to a question from Senator Naaden, Mr. Decker said if a school district does not provide the grade level required by a student, the student's school district of residence must pay the full tuition amount. He said if the necessary grades are offered, the districts may negotiate the amount to be paid. He said if another state did not enter into a reciprocal agreement with North Dakota, a North Dakota school district can negotiate a tuition amount with the other state. He said this was applicable only in South Dakota. He said Montana and Minnesota have entered into reciprocal agreements with North Dakota.

In response to a question from Representative Aarsvold, Mr. Decker said the state of Minnesota believes it is appropriate for the state of North Dakota to pay the Minnesotan cost of education per student. He said it is the position of North Dakota that placing a few additional students in Minnesota school districts cannot possibly equal the full Minnesotan cost of education per student. He said North Dakota would prefer to have Minnesota accept North Dakota students at a rate equivalent to North Dakota's cost of education.

In response to a question from Senator Naaden, Mr. Decker said the number of South Dakota students attending school in North Dakota is roughly equivalent to the number of North Dakota students attending school in South Dakota. He said Montana school districts are allowed to claim North Dakota students for purposes of obtaining Montana foundation aid.

### **SECTION 15-40.2-10**

Chairman Holmberg said this section directs the Superintendent of Public Instruction to enter into a reciprocal agreement for the attendance of North Dakota students in other states. He said it appears to provide that North Dakota school districts may then honor the agreement or make their own agreement. He said perhaps the Legislative Council staff should work with personnel from the Department of Public Instruction to determine whether or not this section accurately reflects current practice.

### **SECTION 15-40.2-11**

Chairman Holmberg said this section provides that a school board may contract for the education of students in a federal school. He said the remainder of the section makes no sense and should be deleted.

### **SECTION 15-40.2-12**

Chairman Holmberg said this section provides that a school board may levy amounts sufficient to pay tuition charges for students attending school out of state. He said the problem is that North Dakota Century Code Section 57-15-14.2 provides exactly the same thing. He said the Legislative Council staff should be directed to reconcile the sections and if necessary to eliminate this one.

### **SECTION 15-40.2-13**

Chairman Holmberg said this section provides that if a school district agrees to pay tuition charges for students attending school in another district and does not make the payments in a timely manner, interest at the rate of six percent per annum may be charged.

In response to a question from Senator Holmberg, Mr. Decker said transactions involving the payment of tuition, as contemplated in this section, are conducted between school districts. He said the Department of Public Instruction would not have any information regarding such transfers of funds.

### **CHAPTER 15-40.3**

Chairman Holmberg said North Dakota Century Code Chapter 15-40.3 relates to open enrollment. He said this chapter was enacted in 1993 and substantially amended in 1995 and 1997. He asked the Legislative Council staff to make the necessary stylistic and organizational changes.

In response to a question from Senator Holmberg, Mr. Decker said there are approximately 1,600 students participating in open enrollment. He said most districts allow for open enrollment. However, he said, a few districts do not. He said it may be time to require that all districts participate in open enrollment. He said there is no difficulty with districts declining open enrollment students if they are at a level of maximum enrollment. However, he said, if districts have room there is no reason that they should decline open enrollment students.

Representative Kelsch said the issue of accepting open enrollment students should be addressed by the department in a separate bill draft.

### **SECTION 15-41-01**

Chairman Holmberg said this section articulates the classes into which high schools must be divided. He said it was enacted in 1931 and appears to be archaic. He said the Legislative Council staff should work with personnel from the Department of Public Instruction to determine if the section is still needed.

### **SECTION 15-41-02**

Chairman Holmberg said this section provides that the Superintendent of Public Instruction has general supervision over secondary education in the state. He said the rewrite of Title 15 contemplates giving the Superintendent of Public Instruction general

supervision over all K-12 education in the state. Therefore, he said, this section can be repealed.

### **SECTION 15-41-03**

Chairman Holmberg said this section provides that the Superintendent of Public Instruction must appoint a director of secondary education and it requires that the State Board of Higher Education approve the appointment.

In response to a question from Senator Holmberg, Dr. Wayne Sanstead, Superintendent of Public Instruction, said this section is antiquated given today's hiring practices and needs to be repealed.

### **SECTION 15-41-04**

Chairman Holmberg said this section sets forth the duties of the director of secondary education.

In response to a question from Senator Holmberg, Dr. Sanstead said this section is also antiquated and needs to be repealed.

### **SECTION 15-41-05**

Chairman Holmberg said this section requires that the State Board of Public School Education enact rules implementing various federal vocational education Acts. Chairman Holmberg said the Legislative Council staff should contact personnel from the Department of Vocational and Technical Education. He said if the section is important to them, it should be transferred into the statutes relating to that department and if it is not important to them it should be repealed.

### **SECTION 15-41-06**

Chairman Holmberg said this section relates to alternative high school curriculum plans and GED requirements. He asked the Legislative Council staff to contact personnel from the Department of Public Instruction to determine if this section has any remaining purpose.

### **SECTION 15-41-07**

Chairman Holmberg said this section requires high schools to provide elective courses in cooperative marketing and consumers' cooperatives.

In response to a question from Senator Holmberg, Dr. Sanstead said both of these courses fall within the purview of the vocational and technical education curriculum. He suggested the Legislative Council staff confer with representatives of vocational and technical education. He said unless there is a need to maintain the language within the vocational and technical education sections, it should be repealed.

### **SECTION 15-41-08**

Chairman Holmberg said this section requires each high school student to select a course of study. He said it also prohibits a student from changing the

course of study except with the permission of the district superintendent.

In response to a question from Senator Holmberg, Dr. Sanstead said this section should be repealed.

### **SECTION 15-41-24**

Chairman Holmberg said this section sets forth the units of study that must be made available to all high school students at least once during each four-year period.

In response to a question from Senator Holmberg, Dr. Sanstead said "consumer science" is the modern terminology for "home economics." He said the personnel from the Department of Vocational and Technical Education should be contacted to determine if some of the course references should be changed to reflect modern terminology. He said unless the Legislative Council staff can determine what a "strong" geography component is, the phraseology should be changed there as well.

Representative Monson said the state of Minnesota now requires that students attending its postsecondary institutions have a high school course in geography.

### **SECTION 15-41-25**

Chairman Holmberg said this section sets forth qualifications for high school teachers. He said it should be grouped with other sections regarding teacher qualifications.

### **SECTION 15-41-27**

Chairman Holmberg said this section sets forth the approval criteria for nonpublic high schools. He asked the Legislative Council staff to establish a section clearly outlining approval and accreditation concepts.

### **SECTION 15-41-28**

Chairman Holmberg said this section allows American sign language to be offered as an elective at the high school level.

Chairman Holmberg said the Legislative Council staff should place the section in a more appropriate location.

### **CHAPTER 15-41.1**

Chairman Holmberg said North Dakota Century Code Chapter 15-41.1 relates to postsecondary enrollment options. He said this was the subject of an extensive study during the 1995-96 interim. He asked the Legislative Council staff to make stylistic changes as necessary but should not alter any of the substantive provisions.

### **CHAPTER 15-43**

Chairman Holmberg said North Dakota Century Code Chapter 15-43 relates to textbooks and fees.

In response to a question from Senator Holmberg, Dr. Sanstead said individual school districts determine

which books they are going to use. He said Department of Public Instruction personnel do not direct districts to utilize specific books or to buy specific books. He said sections in this chapter should therefore be examined to determine whether they serve any useful purpose. He suggested the Legislative Council staff contact Dr. Anne Clapper at the Division of Independent Study to determine if the sections as worded reflect the manner in which textbooks are acquired and used.

#### **SECTION 15-44-01**

Chairman Holmberg said this section provides that the net proceeds from all fines for violation of state laws must be deposited into the permanent school trust fund. He asked the Legislative Council staff to determine whether or not the phrase "net proceeds" can be replaced so that the concept is merely one of having all fines deposited into the state school trust fund.

#### **SECTION 15-44-02**

Chairman Holmberg said this section requires the county treasurer to forward a statement regarding the fine moneys collected to the State Treasurer. He said this section also uses the phrase "the net proceeds of."

#### **SECTION 15-44-03**

Chairman Holmberg said this section addresses tuition apportionment.

In response to a question from Senator Holmberg, Mr. Decker said the North Dakota Century Code requires that school districts conduct the school census. However, he said, the Century Code does not spell out how that census is to be conducted. He said some larger school districts use hospital birth numbers. He said this does not take into account either outmigration or immigration. He said tuition apportionment is paid out according to the number of children between the ages of 6 and 17 residing in a school district. He said Social Security numbers could be used to verify school census data.

Chairman Holmberg said perhaps the Legislative Council staff could examine whether there is an appropriate way of ensuring an accurate census.

#### **SECTION 15-44-06**

Chairman Holmberg said this section addresses the taking of a census in a newly formed school district. He said the language needs to be updated.

#### **SECTION 15-44-09**

Chairman Holmberg said this section requires the school district business manager to keep accurate books.

In response to a question from Senator Holmberg, Representative Drovdal said in a one-room rural district a business manager is employed.

#### **SECTION 15-44-10**

Chairman Holmberg said this section governs a transfer of dollars from a school district's general fund to its sinking fund. He said the reference to "outstanding" bonds should be altered. He said bonds by their very nature are "outstanding."

#### **SECTION 15-44-11**

Chairman Holmberg said this section essentially provides that a school district may not pad its sinking fund. He said the language needs to be updated.

#### **SECTION 15-45-01**

Chairman Holmberg said this section allows for the establishment of kindergartens.

In response to a question from Senator Holmberg, Mr. Decker said there are still a few school districts that do not have kindergartens.

In response to a question from Senator Thompson, Mr. Decker said Section 15-45-01 provides that a school board must submit the question of establishing a kindergarten program to electors at the next annual or special school district election if it receives a petition signed by at least five percent of the number of persons enumerated in the school census for the district. He said the section also provides that in no case may this number be fewer than 25 qualified electors. He said some school districts do not have 25 qualified electors.

Representative Drovdal said if there are fewer than 25 qualified electors residing in a district, they probably do not have more than one or two kindergarten students.

Chairman Holmberg asked the Legislative Council staff to coordinate petition signature numbers throughout the title.

#### **SECTION 15-45-02**

Chairman Holmberg said this section deals with the required kindergarten curriculum and with kindergarten approval. He said the section needs to be updated.

#### **SECTION 15-45-03**

Chairman Holmberg said this section provides that the Superintendent of Public Instruction may adopt rules for the accreditation of all kindergartens. He said the Legislative Council staff has been requested to coordinate and consolidate miscellaneous references to school district approval and accreditation.

#### **SECTION 15-45-04**

Chairman Holmberg said this section allows school boards to discontinue their kindergartens. He said perhaps it should be positioned somewhat closer to the section that allows the creation of kindergartens.

### **CHAPTER 15-46**

Chairman Holmberg said North Dakota Century Code Chapter 15-46 pertains to adult education programs. He said there are other references to adult education scattered throughout the title. He said the Legislative Council staff has been requested to consolidate and coordinate these provisions.

### **SECTION 15-47-00.1**

Chairman Holmberg said this section relates to the 1993 name change of Vocational Education to "Vocational and Technical Education." He said the respective changes should be made throughout the title and the section should be repealed.

### **SECTION 15-47-01**

Chairman Holmberg said this section sets the minimum age at which a child is eligible to enter kindergarten or grade 1.

In response to a question from Senator Holmberg, Dr. Sanstead said decisions regarding the age at which students may enter kindergarten or grade 1 has pretty much been left up to the individual districts. He said the developmental and readiness screening tests referenced in this section are not uniform among the districts.

### **SECTION 15-47-01.1**

Chairman Holmberg said this section defines a "homeless child" and provides that such children are entitled to a free public school education. He said the section requires a general cleanup.

### **SECTION 15-47-02.1**

Chairman Holmberg said this section allows school boards to close elementary or high schools. He said it is in direct conflict with other sections that require elementary schools to be kept open under certain circumstances such as reorganizations.

In response to a question from Senator Holmberg, Mr. Decker said school boards, under their general powers and duties provisions, have the authority to open and close schools. He suggested the Legislative Council staff review this section and if it is addressed elsewhere, the section could be removed.

### **SECTION 15-47-04**

Chairman Holmberg said this section defines a "school year."

In response to a question from Senator Holmberg, Dr. Sanstead said although the comment is not applicable to this section, he does not support stylistic changes that remove references to the phrase "on or before." He said in numerous places in the statute, we require actions be taken by wording such as "on or before February 15." He said when there are statutory references to actions that must be taken "before February 16," it creates significant confusion.

Chairman Holmberg said it appears to be the consent of the committee that the phrase "on or before" be maintained in Title 15.

### **SECTION 15-47-05**

Chairman Holmberg said this section defines a qualified voter. He said military bases have their own school boards and they contract with the Grand Forks and Minot School Districts for the provision of education. He said, therefore, the final sentence in this section regarding military personnel is no longer applicable and should be removed.

### **SECTION 15-47-06**

Chairman Holmberg said this section outlines the process to be followed in school district elections. He said it could benefit from reorganization.

### **SECTION 15-47-07**

Chairman Holmberg said this section references the certification of elections. He said the language needs to be updated.

In response to a question from Senator Holmberg, Dr. Sanstead said Section 15-47-07 requires that the business manager of a school district certify the persons elected and their terms to the county superintendent of schools. He said because the committee has adopted the Version I bill draft, which maintains county superintendents of schools and allows for the assignment of their duties, perhaps this section should require that the business manager certify the elections to both the county superintendents of schools and to their assignees.

Chairman Holmberg asked the Legislative Council staff to review the terminology. He said it is very likely a definition will be inserted providing that wherever the phrase "county superintendent of schools" is used, it also means the person to whom those duties have been assigned.

### **SECTION 15-47-08**

Chairman Holmberg said this section requires all school board members and school district business managers to take an oath of office. He said perhaps we should also reference affirmations.

### **SECTION 15-47-09**

Chairman Holmberg said this section provides that school district officers may administer oaths or affirmations. He said the section should be updated.

### **SECTION 15-47-10**

Chairman Holmberg said this section requires that the Ten Commandments of the Christian religion be displayed in a conspicuous place in every schoolroom, classroom, or other place where classes convene for instruction. He said this section has been declared unconstitutional as a violation of the establishment clause and the free exercise clause in contravention of the First and 14th Amendments of the United States Constitution.

Representative Hanson said he is unaware of any public school that displays the Ten Commandments

as originally required by this section. He said the Legislative Council staff should determine how other unconstitutional sections have been handled and to take appropriate action.

#### **SECTION 15-47-11**

Chairman Holmberg said this section requires that the United States flag be displayed on each schoolhouse or on the school grounds during the school hours. He said the language in this section needs to be updated.

#### **SECTION 15-47-12**

Chairman Holmberg said this section requires that any legislation relating to education be submitted on or before November 15 preceding each regular session of the Legislative Assembly to the State Board of Higher Education or to the Superintendent of Public Instruction. He said since this section was enacted in 1913 and has not been followed for many years, it should be repealed.

#### **SECTION 15-47-13**

Chairman Holmberg said this section requires each school board to conduct a census of all persons under age 18 residing in the district. He said the section gives poor guidance as to how a census should be taken. He said if a census is inaccurate, so too is the tuition apportionment payment.

In response to a question from Senator Naaden, Mr. Decker said small school districts can generally do a very accurate census because the census takers are aware of who lives in the district. He said large districts find it very expensive to conduct an accurate census.

In response to a question from Representative Aarsvold, Mr. Decker said if we went to an average daily membership system of distributing tuition apportionment, we would have very little remaining need for the school census. He said vital statistics could keep a record of births by school district.

Chairman Holmberg asked the Legislative Council staff to redraft the section with a requirement that the Superintendent implement rules to standardize the taking of the census.

#### **SECTION 15-47-14**

Chairman Holmberg said this section authorizes various school employees to attend meetings of the North Dakota Education Association and other educational associations held in the state while schools are in session.

In response to a question from Senator Holmberg, Mr. Joe Westby, North Dakota Education Association, said the first sentence of this section could be placed in the chapter relating to school boards and the second sentence could be removed because it is duplicative.

#### **SECTION 15-47-15**

Chairman Holmberg said this section addresses school contracts and bidding requirements. He said there is still a provision that contracts involving expenditures greater than \$8,000 must be let by sealed bid.

Representative Aarsvold said the Legislative Assembly has raised the \$8,000 figure much higher for other levels of government.

In response to a question from Senator Holmberg, Dr. Sanstead said the Legislative Council staff should be requested to work with personnel from the Department of Public Instruction to determine an appropriate level beyond which bids must be sought.

#### **SECTION 15-47-16**

Chairman Holmberg said this section provides that when a school district within an Indian reservation is taken over by the United States government, the Superintendent of Public Instruction must make per student payments and tuition apportionment payments to the United States.

In response to a question from Senator Holmberg, Dr. Sanstead said North Dakota does not make payments to federal schools. He said it is an ongoing and disputed issue whether or not we should. He said if a public school district has an elected board, the district will receive per student and tuition apportionment payments. He said if the district does not have an elected board, it does not receive the payments. He said personnel from the Department of Public Instruction will review this section. However, he said, it appears that it could and should be repealed.

#### **SECTION 15-47-21**

Chairman Holmberg said this section deals with the equalization of levies in cases of annexation and dissolution. He said it should be moved to the chapter dealing with annexations and dissolutions.

#### **SECTION 15-47-22**

Chairman Holmberg said this section provides that if a school board petitions the board of county commissioners, the board of county commissioners may employ a doctor or a graduate nurse to "inspect the pupils." He said it then provides that if petitioned by parents, the school board may employ a doctor or a graduate nurse.

In response to a question from Senator Holmberg, Dr. Sanstead said this section appears to have questionable relevance and should be removed. He said this section should be redrafted to ensure that school boards are able to contract with or otherwise obtain the services of health care personnel for purposes such as head lice inspections.

#### **SECTION 15-47-24**

Chairman Holmberg said this section requires that the conservation of natural resources be taught in the public schools of this state. He said there are a number of other sections in the title which also direct

the teaching of various subjects and concepts. He said the Legislative Council staff should review these sections, determine how they should be grouped together or whether they should be included at all, and redraft the title accordingly.

### **SECTION 15-47-25**

Chairman Holmberg said this section allows a school board to pay a reward of up to \$3,000 for the apprehension and conviction of any person appropriating or destroying school property or equipment.

In response to a question from Senator Holmberg, Dr. Sanstead said the concept embodied in the section needs to be included somewhere, because it deals with the use of public funds for purposes other than education. He said perhaps it could be included in the general powers and duties of a school board. He said the \$3,000 limit should be removed. He said local school districts are quite able to determine an appropriate reward given their own circumstances.

### **SECTION 15-47-26**

Chairman Holmberg said this section defines the term teacher as it is used in a number of upcoming sections. He said the Legislative Council staff should be requested to review this section and other similar sections throughout the title and reconcile references to teachers, administrators, or individuals licensed to teach and employed by a school district in the state.

### **SECTION 15-47-27**

Chairman Holmberg said this section relates to the renewal of teachers' contracts. He said Mr. Westby has some date changes that should be incorporated as this section is being reorganized and rewritten. He said the committee will review the changes at its next meeting.

### **SECTION 15-47-27.2**

Chairman Holmberg said this section references teachers employed by the Youth Correctional Center, the School for the Deaf, and the School for the Blind. He said the section was addressed by the Legislative Assembly both in 1995 and 1997 and changes to the section should be limited to stylistic ones.

### **SECTION 15-47-28**

Chairman Holmberg said this section provides that the Education Standards and Practices Board shall suspend a teacher's certificate for up to one year if the teacher or administrator breaches a contract. He said the language needs to be clarified. He said the section could be read to require a mandatory one-year suspension.

### **SECTION 15-47-29**

Chairman Holmberg said this section provides that the wearing of religious garb by teachers in public schools is prohibited.

Representative Kelsch said the section has some significant First Amendment freedom of expression issues.

Chairman Holmberg said the section could be interpreted to include not only clothing per se, but also jewelry or headgear indicating that the teacher is a member or adherent of a religious order, sect, or denomination.

Senator Naaden said this section, together with the following section, could lead to significant legal entanglements if pursued.

### **SECTION 15-47-30**

Chairman Holmberg said this section requires the suspension and revocation of teachers' certificates for the wearing of religious garb as prohibited by the previous section. He said it is the consensus of the committee that these two sections be removed from the Code.

### **SECTION 15-47-30.1**

Chairman Holmberg said this section provides that a teacher may allow for a period of silence not to exceed one minute, which must be observed for meditation or prayer. He said this section does not appear to be problematic.

### **SECTION 15-47-31**

Chairman Holmberg said this section was enacted in the 1950s and provides that school districts, through the North Dakota High School League, may secure protection for students injured on the premises or during participation in school athletic or physical education activities.

In response to a question from Senator Holmberg, Dr. Sanstead said the section is antiquated and should be removed from the Code.

### **SECTION 15-47-32**

Chairman Holmberg said this section allows school districts to contract with each other for a variety of purposes.

In response to a question from Senator Holmberg, Dr. Sanstead said school districts clearly have the right to contract. He said this section is therefore redundant and should be removed from the Code.

### **SECTION 15-47-33**

Chairman Holmberg said this section deals with the length of the elementary and secondary school year. He said it was the subject of much consideration by the 1997 Legislative Assembly and aside from stylistic changes, should not be altered.

### **SECTION 15-47-33.1**

Chairman Holmberg said this section allows for the modification of the school calendar. He said it allows a school district to apply to the Superintendent of Public Instruction for permission to shorten its school year.

In response to a question from Senator Holmberg, Dr. Sanstead said the section is needed and aside from stylistic changes should not be altered.

### **SECTION 15-47-34**

Chairman Holmberg said this section addresses the placement of certain disabled students in North Dakota institutions or in institutions outside of this state. He said because the language needs to be reconciled with federal special education law, the Legislative Council staff should work with personnel from the Department of Public Instruction, determine the intent of this section, and draft the intent appropriately.

### **SECTION 15-47-35**

Chairman Holmberg said this section, in a convoluted manner, addresses mandatory sick leave for teachers.

In response to a question from Senator Holmberg, Mr. Westby said it is the intent of the section to require that school boards allow at least 30 days of sick leave, once earned, to be carried over from year to year if not used. He said it is also the intent of the section to provide that school districts may allow a teacher to carry over more than 30 days.

Chairman Holmberg asked the Legislative Council staff to reword this section to reflect its intent.

### **SECTION 15-47-36**

Chairman Holmberg said this section authorizes the Superintendent of Public Instruction to contract for various educational telecommunication programs and system.

In response to a question from Senator Holmberg, Dr. Sanstead said this authorization should be placed in the general powers and duties of the Superintendent of Public Instruction.

### **SECTION 15-47-37**

Chairman Holmberg said this section contains specific requirements for the teaching of the United States Constitution, the recitation of the Pledge of Allegiance, and instruction regarding the words and music of the National Anthem. He asked the Legislative Council staff to determine whether this and other similar sections need to be in the education title and, if so, to suggest appropriate alternatives in the rewrite of the title.

### **SECTION 15-47-38**

Chairman Holmberg said this section relates to the discharge of teachers. He said the North Dakota School Boards Association has suggested that the section also reference procedures with respect to the suspension of teachers. He said the Legislative

Council staff should be requested to organize the section, remove legislative intent language from the section, and include provisions regarding teacher suspension. He said the committee, when it reviews the draft of the section, can determine whether the language regarding suspensions should be included.

### **SECTION 15-47-38.2**

Chairman Holmberg said this section deals with the discharge of school superintendents. He said it needs to be reorganized and potentially placed in multiple sections rather than in 14 subsections.

### **SECTION 15-47-39**

Chairman Holmberg said this section allows school districts in North Dakota to provide for the joint operation and maintenance of school facilities with school districts in other states.

In response to a question from Senator Holmberg, Mr. Decker said the language of the section needs to be updated and the specific ballot question should be simplified. He said this section is likely to be used more as populations decline and, therefore, the section must be maintained.

### **SECTION 15-47-40**

Chairman Holmberg said this section authorizes school boards to contract with schools of higher education regarding student teaching and supervised field experience. He asked the Legislative Council staff to contact officials of the University System to determine if this section is still necessary.

### **SECTION 15-47-40.1**

Chairman Holmberg said this section authorizes school districts to enter into interdistrict cooperative agreements and to share levied taxes.

In response to a question from Senator Holmberg, Mr. Decker said this section should be updated and perhaps placed in a more appropriate location.

### **SECTION 15-47-41**

Chairman Holmberg said this section authorizes the Board of Higher Education to pay public schools for training student teachers. He asked the Legislative Council staff to consult with representatives of the University System to determine if this section is still needed.

### **SECTION 15-47-42**

Chairman Holmberg said this section addresses the status and authority of student teachers and eminence-credentialed teachers. He said this section was addressed by the 1995 Legislative Assembly and is not now in need of substantive changes.

### **SECTION 15-47-43**

Chairman Holmberg said this section relates to the legal authority of school districts and to school district

name changes. He said the concepts should be divided among two sections.

In response to a question from Representative Drovdal, Chairman Holmberg said the section requires that school district names be substantially as follows: "\_\_\_\_\_ Public School District Number \_\_\_\_\_." He said when a word such as "substantially" is used, there is an inherent lack of clarity in the requirement. He said perhaps the Legislative Council staff should attempt to draft this section in a manner which leaves greater flexibility in the naming of school districts.

#### **SECTION 15-47-44.1**

Chairman Holmberg said this section relates to school safety patrols. He said it was addressed by the 1995 Legislative Assembly and aside from stylistic changes should not be altered.

#### **SECTION 15-47-44.2**

Chairman Holmberg said this section also deals with school safety patrols' immunity from liability. He said like the previous section, this language should be updated but should not be substantively changed.

#### **SECTION 15-47-46**

Chairman Holmberg said this section relates to the qualification of teachers assigned to teach K-8. He said perhaps it could be placed in a more appropriate area of the Code.

In response to a question from Senator Holmberg, Dr. Sanstead said all endorsements are made by the Education Standards and Practices Board.

#### **SECTION 15-47-47**

Chairman Holmberg said this section prohibits the corporal punishment of students. He said the language needs to be updated.

#### **SECTION 15-47-48**

Chairman Holmberg said this section relates to the use of students' legal surnames. He said the section needs to be updated.

#### **SECTION 15-47-49**

Chairman Holmberg said this section prohibits school employees from referring students for the purpose of obtaining an abortion. He said no substantive changes should be made to this section.

#### **SECTION 15-47-50**

Chairman Holmberg said this section provides that no school district employee may distribute birth control devices to a student. He said no substantive changes should be made to this section.

#### **SECTION 15-47-51**

Chairman Holmberg said this section provides that the Governor may convene an ad hoc committee to review school reports. He said if the provision is in fact

voluntary, it is questionable whether the section is needed at all.

In response to a question from Senator Holmberg, Mr. Decker said as conceived, this language was to require that the ad hoc committee accomplish a profile of education in North Dakota. He said this has been done.

In response to a question from Senator Holmberg, Dr. Sanstead said the Governor would like to see this section continue.

Chairman Holmberg said perhaps the Legislative Council staff can reword the intent of this section in a fashion that does not appear to be a mere suggestion.

#### **SECTION 15-47-52**

Chairman Holmberg said this section relates to increases in school district indebtedness. He said the concept appears to be acceptable. However, he said, the section is filled with archaic language and should be modernized.

#### **SECTION 15-48-02**

Chairman Holmberg said this section requires that the notice of a school district election must state clearly the question to be voted upon. He said this is a standard that could vary considerably depending on the recipient. He said the section also requires publication of the notice in a newspaper of general circulation in the school district. He said in other sections, we have referred to publication of notice in the official newspaper of the county. He said perhaps the Legislative Council staff could either reconcile the language or perhaps ensure somewhat more flexibility than is currently available under this section.

#### **SECTION 15-48-03**

Chairman Holmberg said this section sets forth the form to be used on ballots regarding debt limitation. Chairman Holmberg said he wondered if we still referred to printed or typewritten ballots. He said since the committee did not appear to be certain regarding its recommendations for this section, perhaps the Legislative Council staff could examine other election laws and reconcile their language.

#### **SECTION 15-48-04**

Chairman Holmberg said this section refers to the outcome of a vote increasing the limit of a school district's indebtedness. He said the section needs to be updated.

#### **SECTION 15-48-05**

Chairman Holmberg said this section requires that the county auditor be told of the election results. He said the language can probably be simplified.

#### **SECTION 15-49-01**

Chairman Holmberg said this section provides that judges, clerks of election, business managers of

school districts, and county auditors may not violate any statutory provisions related to elections. He said rather than listing four or five individuals who should obey the law, we could use more generic phraseology and require that everyone obey the law.

### **SECTION 15-49-02**

Chairman Holmberg said this section prohibits school board members or school officers from being personally interested, whether directly or indirectly, in contracts requiring the expenditure of school funds. Chairman Holmberg said there is a lack of clarity regarding what constitutes personal interest.

Senator Thompson said in a rural school district requiring a lack of personal interest, whether direct or indirect, could be a real problem.

Representative Kelsch said perhaps we could require a conflict of interest statement.

Chairman Holmberg asked the Legislative Council staff to work with representatives of the North Dakota School Boards Association to determine the intent of this section and to draft the section appropriately.

### **SECTION 15-49-03**

Chairman Holmberg said this section prohibits various school districts' employees from buying or trafficking in school warrants, orders, or script. He said there probably is not large concern remaining about the act of trafficking in script. He said the Legislative Council staff should determine whether these actions are covered under other provisions of the criminal law. He said if they are not covered, these sections should be modernized. He said if the acts are covered, the sections should be removed.

### **SECTION 15-49-04**

Chairman Holmberg said this section provides a penalty for the unlawful withdrawal of school money. He said his comments regarding the previous section are also applicable here.

### **SECTION 15-49-05**

Chairman Holmberg said this section relates to a person's failure to pay over school funds to a successor in office. He said according to information presented by Department of Public Instruction staff, this section is no longer necessary.

### **SECTION 15-49-06**

Chairman Holmberg said this section relates to the endorsement and payment of warrants. He said other statutory provisions governing insufficient funds cover this matter and, therefore, this section can be eliminated.

### **SECTION 15-49-08**

Chairman Holmberg said this section provides a penalty for any person who willfully molests or

disturbs a public school when in session. He said the language needs to be updated.

### **SECTION 15-49-09**

Chairman Holmberg said this section provides a penalty for any person who accepts a commission for the purchase of any schoolbooks, furniture, or other supplies. He said this section needs to be updated.

### **SECTION 15-49-10.1**

Chairman Holmberg said this section prohibits any person from selling, soliciting for sale, or advertising the sale of any merchandise, product, or service, on school premises without first obtaining the permission of the school board, the superintendent, or the school principal.

Senator Thompson said this section would appear to provide that a teacher could not have a "for sale" sign on his or her car without first obtaining the permission of at least the building principal. Chairman Holmberg said the section should be updated.

### **SECTION 15-49-11**

Chairman Holmberg said this section is similar to Section 15-49-09, except it provides the penalty for any person who offers a commission to a school official for the purchase of schoolbooks, furniture, or other supplies. He said the penalty set by this section is a Class A misdemeanor. He asked the Legislative Council staff to determine whether the punishment should be a felony if the amount in question is fairly large.

### **SECTIONS 15-49-12 AND 15-49-13**

Chairman Holmberg said these sections relate to school district weapons policies. He said policies were enacted in response to federal law and while some of the sections might require some stylistic changes, they should not be in need of substantive changes.

### **SECTION 15-51-01**

Chairman Holmberg said this section requires that there be a nine-member school board in Fargo. He said this section can be eliminated because Section 15-28-01(1)(c) addresses board sizes.

### **SECTION 15-51-02**

Chairman Holmberg said this section addresses the election of the Fargo Board of Education members. He said this section can be eliminated because the notice of elections is covered under Section 15-28-06, references to polling places are covered under Section 15-28-04, references to election officials are covered under Section 15-28-10, and references to poll times are covered under Section 15-28-08.

### **SECTION 15-51-03**

Chairman Holmberg said this section requires the Fargo city auditor to notify elected Fargo Board of Education members of their election in writing and within five days. He said the Legislative Council staff could not find a provision exactly paralleling this one. However, he said, Section 15-47-06 requires that school district elections be conducted in a fashion similar to those for county officers. He said it also requires school boards to declare the results within three days. He said given this scenario, the committee should be able to eliminate this section as well.

#### **SECTION 15-51-04**

Chairman Holmberg said this section covers the election of a school board president. He said similar material can be found in Section 15-29-03 and, therefore, this language can also be eliminated.

#### **SECTION 15-51-05**

Chairman Holmberg said this section relates to the filling of Fargo Board of Education vacancies. He said this is paralleled in Section 15-29-06 and, therefore, can also be eliminated.

#### **SECTION 15-51-06**

Chairman Holmberg said this section provides that if a Fargo Board of Education member is absent from all board meetings for four consecutive months, his seat may be declared vacant. He said Section 15-29-06 provides that a vacancy may occur by death, resignation, removal from the school district, "or otherwise." He said it does not specifically provide for an attendance requirement. He said unless representatives of the Fargo Board of Education are intent in keeping their specific reference to an attendance requirement, the section should be deleted.

#### **SECTION 15-51-07**

Chairman Holmberg said this section declares the Fargo Board of Education to be a body corporate and grants the power to sue and be sued as well as to contract. Chairman Holmberg said Section 15-29-08 is the general powers and duties section for school boards and the content of Section 15-51-07 is covered in that section.

Chairman Holmberg said this section also provides that a majority of the members of the board constitutes a quorum for the transaction of business. He said this same material is already covered in Section 15-29-01 and, therefore, Section 15-51-07 should be deleted.

#### **SECTION 15-51-08**

Chairman Holmberg said this section provides that the Fargo board members receive no compensation. He said under Section 15-29-05, board members may receive up to \$1,000 annually, plus expenses. He asked the Legislative Council staff to determine which provision members of the Fargo Board of Education

should fit under. Chairman Holmberg said this section also provides that Fargo Board of Education members may not be interested directly or indirectly in any contract for building or making any improvement or repairs or furnishing any supplies. He said direct and indirect interest to school board members is covered by Section 15-49-02. He said, however, this section appears to be stronger and, therefore, he asked the Legislative Council staff to confer with Fargo Board of Education officials on this issue as well.

#### **SECTION 15-51-09**

Chairman Holmberg said this section pertains to regular and special meetings of the Fargo Board of Education. He said Section 15-29-02 covers this topic for all other boards. He said under the generic provisions, only two members of a school board are required to call a special meeting, whereas under this provision, three members of the Fargo board are needed to call a special meeting. Similarly, he said, the generic provision in Section 15-29-02 requires only that "written or printed material . . . be given to each board member." He said under this section, notice must be given personally or left in written or printed form at the school board member's last place of residence at least 48 hours before a special meeting. As with earlier provisions, he said, the Legislative Council staff should confer with officials of the Fargo Board of Education to determine whether or not they wish to maintain these differences.

#### **SECTION 15-51-10**

Chairman Holmberg said this section provides for the election of a school board secretary. He said generic statutes do not appear to provide for such a position. He said while it does not appear to be statutorily necessary to reference the election of a Fargo Board of Education secretary, he asked the Legislative Council staff to confer with officials from the Fargo board to determine whether or not they wish to maintain this section.

#### **SECTION 15-51-11**

Chairman Holmberg said this section grants the Fargo Board of Education the power to levy taxes. He said that authority is substantially covered in Section 57-15-14. He said in Fargo there is a requirement that 20 percent of the qualified electors sign a petition calling for the authorization or discontinuance of the unlimited taxing authority. He said Section 57-15-14 allows this with only 15 percent of the qualified electors signing the petition.

#### **SECTION 15-51-12**

Chairman Holmberg said this section provides that if the Fargo City Council fails to levy any tax for city purposes or fails to cause an assessment roll or tax list to be made, the Fargo Board of Education may cause an assessment roll and tax list to be made and may cause the taxes to be collected. Chairman

Holmberg asked the Legislative Council staff to confer with a taxation specialist to determine whether this section should be maintained and, if so, in what form.

### **SECTION 15-51-13**

Chairman Holmberg said this section limits building funds in the Fargo School District to 14 mills. However, he said, Section 57-15-16 allows 20 mills for building funds if approved by 60 percent of the qualified voters. He asked the Legislative Council staff to confer with representatives of the Fargo Board of Education to determine whether these sections should be reconciled.

### **SECTION 15-51-14**

Chairman Holmberg said this section provides that all school moneys appropriated to or provided for the city of Fargo must be paid over to the treasurer of the Board of Education and it further provides that the county treasurer of Cass County, at least once each month, shall pay to the treasurer "the proportion thereof belonging to the city, the same as though the city constituted one school district." Chairman Holmberg said this section is quite archaic and unless representatives of the Fargo Board of Education have an excellent reason for maintaining it, it should be repealed.

### **SECTION 15-51-15**

Chairman Holmberg said this section requires the Fargo Board of Education to appoint a treasurer. He said school districts now have business managers rather than treasurers. He said business managers are covered under Section 15-29-09 and are required to provide bonds under Section 15-29-11. Again, he said, unless representatives of the Fargo Board of Education have substantial reasons for maintaining this section, it should be repealed.

### **SECTION 15-51-16**

Chairman Holmberg said this section provides that all moneys required to be raised must be paid in cash or in the warrants drawn on the school funds. He said it further provides that all moneys raised by the Fargo School District must be deposited with the treasurer of the Board of Education.

Chairman Holmberg said this section appears to be covered by Section 15-29-13. He said Section 15-29-13 addresses when and how moneys are to be paid out. He said, therefore, this section should be repealed.

### **SECTION 15-51-17**

Chairman Holmberg said this section establishes the powers and the duties of the Fargo Board of Education. He said there are two subsections that do not parallel the generic law. He said one subsection allows the Fargo Board of Education to license teachers. However, he said, all teacher licensing is

now done through the Education Standards and Practices Board.

Chairman Holmberg said another subsection directs the Fargo Board of Education to prepare and report to the mayor and the city council such ordinances and regulations as may be necessary and proper for the protection and safekeeping and care of schoolhouses, lots, sites, and appurtenances, etc. He said Section 15-29-08, which addresses the general powers and duties of school boards, does not require school board involvement in local ordinances.

### **SECTION 15-51-18**

Chairman Holmberg said this provision sets forth the requirement that each member of the Fargo Board of Education visit each school in the city at least twice each year. Chairman Holmberg said he feels quite confident that the Fargo Board of Education can address this requirement without having to have it required by statute. He said this section should be repealed.

### **SECTION 15-51-19**

Chairman Holmberg said this section provides that the Fargo Board of Education may allow nonresident students to attend its district upon the payment of tuition. He said the attendance of nonresident children is covered by Chapter 15-40.2 and Chapter 15-40.3. Therefore, he said, this section should be deleted.

### **SECTION 15-51-20**

Chairman Holmberg said this section appears to vest title to various real and personal properties in the city of Fargo. He said Section 15-29-08 appears to designate school boards as the masters of their own destiny and vest title to various real and personal property in the school boards. He said the Legislative Council staff should consult representatives of the Fargo Board of Education to determine whether or not they wish to maintain this section.

### **SECTION 15-51-21**

Chairman Holmberg said this section also relates to the conveyance of real property. He said his comments under the previous section are also applicable here.

### **SECTION 15-51-22**

Chairman Holmberg said this section requires the Fargo Board of Education to report to the Fargo City Council. He said this section makes sense if the city of Fargo maintains ownership over school district land and property, but not otherwise. He said the Legislative Council staff should confer with representatives of the Fargo Board of Education to determine whether this section should be maintained or repealed.

## **CHAPTER 15-54**

Chairman Holmberg said Chapter 15-54 relates to child nutrition and food distribution programs. He said the Legislative Council staff should include a provision under the duties of the Superintendent directing the Superintendent to participate in such programs and should then eliminate this chapter.

### **CHAPTER 15-59**

Chairman Holmberg said Chapter 15-59 relates to the special education of children. He said this particular chapter poses numerous difficulties in that the statutory language appears in many instances not to accurately reflect the intent of this section. He said rather than devote considerable time at this point to the chapter, it would be preferable to request that the Legislative Council staff meet with personnel from the Department of Public Instruction to determine what the intent of each section should be and to redraft the chapter for the committee's review.

Chairman Holmberg said since Chapter 15-59.2 governs multidistrict special education programs, the same directive should be applied as well.

Chairman Holmberg said since Chapter 15-59.3 deals with boarding home care for students with disabilities, the same directive should be applied to this chapter.

### **CHAPTER 15-60**

Chairman Holmberg said Chapter 15-60 governs the state's school construction fund. He said this chapter is being examined closely by the interim Education Finance Committee and, therefore, this committee will limit its changes to stylistic ones only.

### **CHAPTER 15-64**

Chairman Holmberg said Chapter 15-64 is a compact for education. He said it creates the Education Commission of the States and sets forth the powers and duties of the commission. He said because this chapter was "entered into and enacted into law with all jurisdictions legally joining therein," the committee should make no alterations to it.

### **CHAPTER 15-65**

Chairman Holmberg said Chapter 15-65 deals with the Educational Telecommunications Council. He said the council was the subject of considerable attention during the 1997 session. Therefore, he said, the interim Education Services Committee should limit itself to stylistic or nonsubstantive changes only.

### **OTHER MATTERS**

With the permission of Chairman Holmberg, Dr. Sanstead asked that the committee revisit Chapter 15-21.1. Dr. Sanstead said this chapter relates to chemical abuse and prevention programs. He said even though the committee voted to maintain the chapter, he would like the committee to reconsider its position. He said this is one of the chapters cited in the Department of Public Instruction's audit report. He

said that report recommended that the Department of Public Instruction identify additional funds for chemical abuse and prevention programs and if they cannot identify additional funds, the chapter should be repealed or substantially amended. He said it is virtually impossible for the Department of Public Instruction to operate under the law as it currently is or as proposed in the rewrite of Version I. Dr. Sanstead said it is his recommendation that the chapter be repealed.

Chairman Holmberg said the lateness of the hour does not allow for adequate discussion of this issue. He said that the Legislative Council staff should include the chapter in the form that the committee had approved. However, he said, the committee will take additional testimony and review the chapter at its next meeting.

Chairman Holmberg adjourned the meeting at 12:00 noon.

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L. Anita Thomas  
Committee Counsel

ATTACH:1