

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2106

2001 SENATE EDUCATION

SB 2106

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2106

Senate Education Committee

Conference Committee

Hearing Date 01-17-01

Tape Number	Side A	Side B	Meter #
1	x		0 - 31.2
2 (01-30-01)		x	9.8 - 23.8
1 (01-31-01)		x	50.1 - 59.8
2 (01-31-01)	x		13.7 - 45.7
Committee Clerk Signature <i>Sandra Johnson</i>			

Minutes: CHAIRMAN FREBORG called the committee to order.

Roll was taken with all members present.

CHAIRMAN FREBORG called the hearing on SB 2106 relating to open enrollment between school districts.

**Testimony in support of SB 2106.**

TOM DECKER, Department of Public Instruction, testified in support of the bill. (see attached).

SENATOR COOK questioned the changes on the bottom of Page 2, lines 28 - 31). MR.

DECKER replied part of it is dated language. By crossing out "for purposes of student activities" broadens the effect of the language in the earlier part of the sentence. By deleting the language in lines 28 - 31, and page 3, lines 1 & 2, it is a substantive change.

BEV NIELSON, ND School Board Assn., does not oppose nonresident open enrollment.

However, they have people on both sides of the issue on the changes on the bottom of Page 2. In

the past, you could not recruit or use incentives for athletic purposes, and by deleting the

Page 2

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language on the bottom of page 2, it makes it clear you can not advertise for academic purposes or any purposes. There are some districts that have advertised in other districts the benefits of their school and both districts seem to feel it is okay to do this. Discussion followed. They are not opposed to open enrollment for opportunity without enticement, but are opposed to open enrollment for competition. SENATOR WANZEK asked how broad this language is. She stated that a clarification needs to be made by the Legislature, as to what "influence" (page 2, line 27) means so that schools know if they are being fair. SENATOR FREBORG feels the state ought to be promoting cooperation between school districts, not competition, for the students.

LEA ANN SCHNEIDER, Attorney General's office, clarified the bill for the committee. She was involved in the drafting process. She feels that a school board member, in talking with a friend, gave reference to a student attending his school rather than another one, it would be okay. However, if a school board met and discussed who the members should call to ask a student to attend their school, this would be wrong and against the rules. She also stated that a coach could not actively recruit, because he is an employee of the school district. SENATOR O'CONNELL asked what this bill allows that current law does not. She stated that it allows a student to move into ND from another state to immediately use open enrollment. It is more limiting on what kind of things can be advertised, basically all things. When there is reorganization of two school districts, the students can immediately decide where they want to go to school and not have to deal with open enrollment.

LARRY KLUNDT, ND Council of Educational Leaders, stated he has members on both sides of the recruiting issue. He stated he feels this bill came to be because of the situation at Jamestown, where smaller area schools recruited students from the large school. SENATOR FREBORG stated that open enrollment was enacted to benefit the student, now it seems to be to benefit the

district. SENATOR FLAKOLL stated this bill does not change the competition between public and private schools. SENATOR KELSH stated that the original purpose of open enrollment was to allow students to go to a school, other than their district, for convenience sake, such as a parent's employment, etc. More discussion followed. As to the question of how many students are open enrolled, MR. DECKER stated that 2236 students are open enrolled. The pattern is to move from smaller schools to larger schools and this number is growing. This computes to about 2% of the total students.

**There was no testimony in opposition to SB 2106.**

**The hearing was closed on SB 2106.**

**01-30-01, TAPE 2, SIDE B, 9.8 - 23.8**

SENATOR O'CONNELL moved to adopt the Decker amendment dated 1-30-01. Seconded by SENATOR FLAKOLL.

**Roll call vote: 7 YES. 0 NO. 0 Absent. Amendment adopted.**

Discussion on the recruiting issue. Under current law a district is not breaking the law if they are recruiting for reasons other than athletics. However, if this legislation passes they would be breaking the law.

SENATOR COOK moved amendment to remove the overstrike on pg. 2, lines 28 and 29, "for the purpose of having the student participate in varsity athletic activities." and remove the overstrike on pg. 5, lines 8 and 9, "for the purpose of having the student participate in varsity athletic activities.". Seconded by SENATOR FLAKOLL.

**Roll Call Vote: 6 YES. 1 NO. 0 Absent. Amendment adopted.**

1-30-01

**SENATOR COOK moved a DO PASS AS AMENDED. Seconded by SENATOR KELSH.**

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

**Carrier: SENATOR WANZEK**

**Committee Adjourned.**

**01-31-01** Tape 1, Side B, 50.1 - 59.8, Tape 2, Side A, 13.7 - 45.7

**SENATOR COOK moved to reconsider SB 2106. Seconded by SENATOR FLAKOLL.**

SENATOR FREBORG talked to Tom Decker who has a concern with the language that was deleted from the bill. Mr. Decker feel it would lead to hard core recruiting by certain districts. His concern is with promises that would be made and then not followed through over a period of time. The committee discussed what the language actually does say about recruiting.

**Roll Call Vote: 7 YES. 0 NO. 0 Absent.**

TOM DECKER appeared to explain his amendments. He feels the decisions on policy should be focused on the best interests of the students in North Dakota and the best use of our resources. He feels the intent of open enrollment is to allow the parents and the students the choice of which public school they want to attend. He feels the focus has to be to leave open enrollment as it is, for the parents and the students to make choices, not to put school districts in the business of recruiting. He presented an amendment to the committee. (see attached). Mr. Decker stated there is no penalty in law if the districts don't abide by the law, but he sees this as a starting point to have parents free to choose their child's school with the districts responding to information when there is a request. He stated, if this is not strong enough or clear enough, in two years the Legislature can put a penalty on. He is willing to wait the two years. Further discussion.

1-23-01

SENATOR O'CONNELL moved to adopt the Decker amendment. Seconded by SENATOR KELSH. Discussion continued. Motion withdrawn.

SENATOR COOK moved to reconsider the adoption of the amendments 18158.0101. Seconded by SENATOR FLAKOLL.

Roll Call Vote: 5 YES. 2 NO. 0 Absent. Motion Carried. This puts the bill in its original form.  
More Discussion.

SENATOR O'CONNELL moved to adopt the Decker amendment (see attached 1-31-01) and also the Decker amendment (see attached 1-30-01). Seconded by SENATOR KELSH.

Roll Call Vote: 4 YES. 3 NO. 0 Absent. Motion Carried.

SENATOR WANZEK moved a DO PASS as Amended. Seconded by SENATOR CHRISTENSON.

Roll Call Vote: 7 YES. 0 NO. 0 Absent. Motion Carried.

Carrier: SENATOR WANZEK

*AWB*  
1-31-1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2106

Amendments to SB 2106 EDUC 1/31/01  
Page 1, line 2, remove the comma

Page 1, line 3, remove "15.1-31.06,"

Amendments to SB 2106 EDUC 1/31/01

Page 2, line 28, remove the overstrike over "~~for the purpose of having the~~"

Page 2, line 29, remove the overstrike over "~~student participate in varsity athletic activities~~"

Amendments to SB 2106 EDUC 1/31/01

Page 3, line 9, after "district" insert "if that district participates in open enrollment"

Amendments to SB 2106 EDUC 1/31/01  
Page 4, remove lines 23 through 30

Amendments to SB 2106 EDUC 1/31/01  
Page 5, remove lines 1 through 9

Renumber accordingly









**REPORT OF STANDING COMMITTEE**

**SB 2106: Education Committee (Sen. Freborg, Chairrnan) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the comma

Page 1, line 3, remove "15.1-31.06,"

Page 2, line 28, remove the overstrike over "~~for the purpose of having the~~"

Page 2, line 29, remove the overstrike over "~~student partielpate in varoity athletic activities~~"

Page 3, line 9, after "district" insert "if that district participates in open enrollment"

Page 4, remove lines 23 through 30

Page 5, remove lines 1 through 9

Renumber accordingly

