

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2202

2001 SENATE EDUCATION

SB 2202

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2202

Senate Education Committee

Conference Committee

Hearing Date 01-23-01

Tape Number	Side A	Side B	Meter #
1	x		40.7 - end
1		x	0 - 18.6
2(1-24-01)	x		47.8 - end
2(1-24-01)		x	0 - 36.0
2 (01-29-01)	x		0 - 2.4
2 (01-30-01)	x		9.5 - 18.3
Committee Clerk Signature <i>Andrea Johnson</i>			

Minutes: CHAIRMAN FREBORG called the hearing on SB 2202 relating to compulsory attendance of students.

**Testimony in support of SB 2202.**

SENATOR COOK , District 34, testified in support of the bill and explained the bill. He stated the bill makes attendance in school compulsory for children between seven and sixteen years of age and also mandates attendance for special service children for any school year in which they start school, even if it is before they turn seven. This bill does not change the compulsory age of attendance. There are no rules in place to require parents to have their children, under seven, continue to attend school once they start.

Written testimony was presented from SENATOR TRAYNOR, District 15. (see attached).

TOM CONLON, representing North Dakota Association of Elementary Principals, presented testimony.(see attached). He proposed amending the bill to state compulsory attendance for

children attending school is age six. Discussion ensued on starting dates for school, ages for starting school, laws dealing with compulsory attendance, children attending kindergarten, and individualized education programs. SENATOR COOK asked if the committee was to amend the age from seven to six, would that eliminate the need for subsection 2 of the bill. This bill would be all inclusive of six year olds if amended. SENATOR WANZEK asked if there are any good reasons for parents to not send their child/children to school. MR. CONLON responded that some people keep their children home for various reasons, a day here and a day there, which adds up to many days by years end.

SENATOR CHRISTENSON asked if/when this bill goes into effect, would it fall under the definition of truancy, if the child does not attend, or is that a term applied to older children. He answered Yes, it would fall under truancy, because the current law does not make it mandatory to be in school until age seven. He feels the threat of social service intervention has been effective for lower grades.

Written testimony was presented from JULIE SCHULER, President of the ND Assoc. of Elementary Principals. (see attached). SENATOR WANZEK read Ms. Schuler's testimony and stated it looked like it would be mandatory for even three year olds to stay in school, once they start. MR. CONLON stated that was not the intent of the bill.

GARY GRONBERG, Department of Public Instruction, explained a potential consequence of the bill as he sees it. It looks as if a child enters any kind of a program, in terms of enrollment, and a pre-school child with a disability can enter and enroll at age three, eligible for foundation aid, the parent would now be able to be reported or prosecuted to the Dept. of Human Services for educational neglect if the child did not attend the programs all the way through, even at age three. More discussion by the committee on the age of starting school (six or seven), age of

special service children (age 3 - 5), and when the child should start school, (law now states the child must start school in the school year following their seventh birthday). MR. CONLON explained the intent of changing the age from seven to six was because of children in IEP (individual education plan).

CHAIRMAN FREBORG stated the bill actually broadens the scope of this to all children.

**There was no opposition to the bill.**

**The hearing was closed on SB 2202.**

**01-24-01, Tape 2, Side A, 47.9 -end, Side B, 0 - 36.0**

SENATOR COOK presented amendments to SB 2202. (10395.0101). He stated the intent of the amendment is to change seven to six. It offers clarification stating if a child is enrolled in kindergarten in a public school, the child must be in attendance for the duration of the kindergarten calendar established by the board of the school district. Discussion by the committee on the cost of IEP and the compulsory attendance for a six year old. Is this mandating attendance for kindergarten. If the age is changed to six, can a child go to first grade without kindergarten. Are we able to accomplish what we intend with just changing six to seven.

SENATOR COOK moved to adopt the amendments excluding (pg 1, line 14 after "year" insert "If the child....." And page 2, line 3 after the period insert "If the child...". SENATOR CHRISTENSON seconded. This amendment simply changes the age from seven to six.

**Roll call vote: 7 YES. 0 NO. 0 Absent. The amendment was adopted.**

More discussion. GARY GRONBERG stated that as the bill is written with the amendment, a child must be in first grade by age six.

SENATOR COOK moved a DO PASS AS AMENDED. Seconded by SENATOR WANZEK.

The motion was withdrawn.

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Senate Education Committee  
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SENATOR WANZEK moved an amendment "on page 1, line 14, after "public school" insert "or enrolled in a kindergarten program" and "on page 2, line 2, after "public school" insert "or enrolled in a kindergarten program". Seconded by SENATOR FLAKOLL.

**Roll call vote: 7 YES. 0 NO. 0 Absent. The amendment is adopted.**

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

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

**CHAIRMAN FREBORG STATED THE BILL WILL BE HELD UNTIL THE COMMITTEE CAN LOOK OVER THIS BILL AND APPLY THE AMENDMENTS.**

**Carrier: SENATOR WANZEK**

**01-29-01, Tape 2, Side A, 0 - 2.4**

SENATOR COOK moved to reconsider the action on SB 2202. Seconded by SENATOR FLAKOLL. SENATOR COOK is working on amendments to the bill and presented them to the committee to study.

**Roll Call Vote to Reconsider. 7 Yes. 0 No. 0 Absent. Motion Carried.**

**01-30-01, Tape 2, Side A, 9-5 - 18.3**

SB 2202 was reconsidered.

SENATOR COOK moved to remove the amendments on SB 2202 and bring back the original bill. Seconded by SENATOR FLAKOLL.

**Roll call vote: 7 YES. 0 NO. 0 Absent. Motion carried.**

SENATOR COOK moved the amendments 10395.0102. Seconded by SENATOR FLAKOLL.

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The amendment changes compulsory education from 7 - 16 years old to 6 - 16 years old. This still allows parents to use their judgment as to when to send their child to school.

**Roll call vote: 7 YES. 0 NO. 0 Absent. Motion Carried.**

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

SENATOR COOK asked the intern to find out how many states require compulsory education for six year olds.

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

**Carrier: SENATOR COOK**

January 24, 2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2202

Page 1, line 8, remove "1."

Page 1, line 10, overstrike "seven"

Page 1, line 11, after "~~to~~" insert "six"

Page 1, line 14, after "year" insert ". ~~If the child is enrolled in kindergarten at a public school, the child must be in attendance for the duration of the kindergarten calendar established by the board of the school district.~~"

Page 1, remove lines 15 through 20

Page 2, line 1, remove "1." and overstrike "seven" and insert immediately thereafter "six"

Page 2, line 3, after the period insert "If the child is enrolled in kindergarten at a public school, the child must be in attendance for the duration of the kindergarten calendar established by the board of the school district.", remove the overstrike over "~~section~~", and remove "subsection"

Page 2, remove lines 5 through 10

Renumber accordingly



Date: ~~0000~~ 01-24-01  
 Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2202

Senate Education Committee

- Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

Legislative Council Amendment Number 10395.0101

Action Taken Do Pass on amendment

Motion Made By Sen. Cook Seconded By Sen. Christenson

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

Total (Yes) 7 No 0

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent: Changes mandatory age from age seven to age six. Removes line 15-20 pg 1 and lines 5-10 pg 2.

Date: 1-24-01  
 Roll Call Vote #: ~~3~~

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2202**

Senate Education Committee

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

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

Action Taken Do Pass as Amended

Motion Made By Sen. Cook Seconded By Sen. Wanzek

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

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment motion withdrawn

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

Date: 1-24-01  
 Roll Call Vote #: 2

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

Senate Education Committee

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

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

Action Taken Do Pass on amendment

Motion Made By Sen. Wanzek Seconded By Sen. Flakoll

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

Total (Yes) 7 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent: line 14 after "public school insert" or enrolled in a kindergarten program" also on pg 2, line 2, insert "or enrolled in a kindergarten program".

Date: 1-24-01  
Roll Call Vote #: 3

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

Senate Education Committee

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

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

Action Taken Do Pass as amended

Motion Made By Sen Cook Seconded By Sen Wanzek

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

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Wanzek

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

