

1999 SENATE EDUCATION

SB 2344

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2344

Senate Education Committee

Conference Committee

Hearing Date February 1, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-2190
Defective Tape			
1		X	3015-4809
Committee Clerk Signature <i>Jenda Christman</i>			

Minutes:

Hearing on SB2344 opened. All senators were present.

Testimony In Favor:

SENATOR FREBORG, testified in favor. No written testimony. Intent of bill subsection 3 is to allow schools to build lost hours into a day, clarifies time. The day then can be forgiven by the Governor. Will get clarification for the language.

Testimony In Favor.

Roger Rieger, Director of Approval and Accreditation, DPI. Testimony attached.

SENATOR COOK : How does this apply to a school that has longer than 6 hour days.

Roger: Interpretation is mentioned in Attorney General's letter. Banking time is not allowed as makeup.

SENATOR COOK : Cannot bank time.

SENATOR WANZEK: Original intent that 170 days @ 6 hours, 1038 hours which can be broken to 6 hour days. If they do more why can't they count it.

Roger: Presently it is 1073 hours for secondary and 1,053 for elementary.

SENATOR WANZEK : Never bank hours before the fact. Call early so they could use the hours.

Roger: Interpretation is at a local level, it amounts to bookkeeping rather than makeup time.

SENATOR FREBORG : Schools on a schedule of 6 ½ to 7 hours. They don't lose time, not allowed to use extra time as makeup time. Do you need this clarified.

Roger: I believe it does not need clarity.

SENATOR FREBORG : Clarification in weather related school time, 6 hour days. Can you take the two storm days off your regular schedule.

Roger: Does not give blanket forgiveness. Applies to districts individually.

SENATOR FREBORG : Let's say you lose time and he forgives one day.

Roger: Each school needs to fill out a request for forgiveness for a specific day.

SENATOR COOK : Any other questions, any testimony in opposition.

Testimony In Opposition:

Beth Baumstark, representing the Attorney General's office. No written testimony but urged an amendment to clarify language.

Testimony in Opposition:

Dan Huffman, Assistant Superintendent of Fargo Public Schools. No written testimony. Stated

the Governor says for every two days he forgives one. If you have 3 two hour delays it equals a 6 hour scheduled day. If the 3rd day is a 3 two hour blocks , is that then the 3rd storm day. That is our interpretation. Needs clarification.

SENATOR FREBORG : My interpretation is build lost hours due to weather.

Close hearing on SB2344.

Discussion:

SENATOR FREBORG : Are we interested in drafting an amendment?

February 9, 1999

SENATOR FREBORG : Now open discussion of SB2344. Anita from Legislative council is here to explain the amendments.

Anita, Legislative council explained the amendments for SB2344.

Tom Decker, DPI was called to the podium to answer questions.

SENATOR KELSH : Any policing of this.

Tom: Schools are required to submit calendars. There is a check with DPI and the Governor's office.

SENATOR FREBORG : Do they have to miss a specific number of days now before the Governor will consider forgiving any days.

Tom: Governor now requires that two storm days be built into the calendar. Miss two days and you make them up. One day for every two days you miss.

SENATOR COOK : I move a DO PASS on amendment.

SENATOR WANZEK : 2nd

Vote: 7 Yes 0 No

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Senate Education Committee
Bill/Resolution Number Sb2344
Hearing Date February 1, 1999

SENATOR COOK : I move a DO PASS as amended on SB2344.

SENATOR WANZEK : 2nd

Vote: 7 Yes 0 No

CARRIER: SENATOR O'CONNELL

PROPOSED AMENDMENTS TO SENATE BILL NO. 2344

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to the closure of schools in weather emergencies; to"

Page 1, line 3, after "year" insert "; and to repeal section 15-40.1-09.1 of the North Dakota Century Code, relating to the closure of schools due to emergencies"

Page 1, after line 4, insert:

"**SECTION 1.** A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Weather or other emergency conditions - Closure of schools - Foundation aid. If because of severe weather or other emergency conditions a school or school district remains closed or provides less than a full day of instruction, the school or school district shall make every effort to reschedule classes so that students receive at least one hundred seventy-three full days of instruction. Any school or school district for which the rescheduling of classes would create undue hardship may request that, for purposes of foundation aid, the governor waive the rescheduling in whole or in part. In requesting a waiver under this section, the school or school district may aggregate hours during which classes were not provided, but the governor may not grant a waiver for less than a full day of instruction."

Page 2, after line 25, insert:

"**SECTION 4. REPEAL.** Section 15-40.1-09.1 of the North Dakota Century Code is repealed."

Renumber accordingly

Date: 2/9/99
 Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB2344

Senate EDUCATION Committee

- Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Move to adopt amendment 90722.0102 on SB 2344

Motion Made By Cook Seconded By Wanzek

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	✓				
Senator Cook, Vice Chairman	✓				
Senator Flakoll	✓				
Senator Wanzek	✓				
Senator Kelsh	✓				
Senator O'Connell	✓				
Senator Redlin	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

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

Date: 2/9/99
 Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB2344

Senate EDUCATION Committee

- Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Move a Do Pass as amended on SB 2344

Motion Made By Cook Seconded By Wanzek

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	✓				
Senator Cook, Vice Chairman	✓				
Senator Flakoll	✓				
Senator Wanzek	✓				
Senator Kelsh	✓				
Senator O'Connell	✓				
Senator Redlin	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment O'Connell

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

REPORT OF STANDING COMMITTEE

SB 2344: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2344 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to the closure of schools in weather emergencies; to"

Page 1, line 3, after "year" insert "; and to repeal section 15-40.1-09.1 of the North Dakota Century Code, relating to the closure of schools due to emergencies"

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Page 2, after line 25, insert:

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Renumber accordingly

1999 HOUSE EDUCATION

SB 2344

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2344

House Education Committee

Conference Committee

Hearing Date 3-9-99

Tape Number	Side A	Side B	Meter #
Tape # 1		x	7.1 to 26.4
Committee Clerk Signature <i>Joan Diers</i>			

Minutes:

Chairman R Kelsch , Vice Chair Drovdal , Rep Brandenburg , Rep Brusegaard , Rep Haas , Rep Johnson , Rep Nelson , Rep Nottestad , Rep L Thoreson . Rep Grumbo , Rep. Hanson , Rep. Lundgren , Rep. Mueller , Rep. Nowatzki , Rep. Solberg .

Chairman R Kelsch : We will open the hearing on SB 2344 and ask the clerk to read the title.

Senator Freborg: District 8 sponsor of the bill and introduced the bill. This bill allows what hours can be figured in the aggregate and become days and you can request those days to be forgiven by the governor on the same schedule that are forgiven now.

Vice Chair Drovdal : Would this bill allow school district to bank one day?

Sen Freborg: This bill does not allow you to bank hours.

Vice Chair Drovdal : In reviewing the other bill, which bill would you be favorable to.

Freborg: I would not favor banking time ten minutes a day.

Rep Grumbo : Governor already has his emergency plans, when you look at him granting this day, in law, don't we have the governor's forgiveness?

Freborg: The difference is you can accumulate hours to make a day, if this should pass.

Rep Nelson : The Attorney General says banking is not constitutional. Do you share that feeling that, banking was included in 2173?

Freborg: I never was in favor of banking. I spoke in favor of making up hours so it totaled a six hour day.

Rep L Thoreson : Governor only forgives full days, part days have to be made up.

Freborg: Yes. He may not grant a waiver for less than a full day of instruction.

Rep. Nowatzki : Under the engrossed bill, a school district can request a waiver from the governor by adding up part days to make a full day.

Freborg: Yes, that is correct.

Roger Rieger: Director of the Approval and Accreditation Unit. (See attached testimony) .

Had an amendment that he wished to be considered. see attached to his testimony.

Vice Chair Drovdal : Do you favor both of the bills to pass, or do you favor one over the other?

Rieger: Bill HB 1490, that was amended and I believe we can support that as well.

Rep Nelson : Going back to my notes, you opposed both 1489 and 1490, why did you do that?

Rieger: They would have shortened the term from 173 days to less.

Bev Nielson: North Dakota School Board Associations. We are neutral on the bill. On line of 18 on page 1 where it says that the governor may not grant a waiver for less than a full day of instruction, I need to understand what that means.

Rep L Thoreson : I think it is depending on the weather.

Nielson: If you have a questionable day, coming back to make up five hours some day, I guess my question is, why not allow them to ask for a waiver of whatever part of the day they need.

Rep Grumbo : We already have a plan in force, I would assume that 95 per cent of the time the governor would not grant a waiver.

Nielson: Historically they have been granted in really severe winter.

Chairman R Kelsch : Anyone wishing to speak in opposition to SB 2344.

Max Laird: President of NDEA. Our original concern was the length of a school day and how many hours are made up.

Rep Nelson : I would like to hear Mr Rieger's answer to that question.

Rieger: One hour a day or two hours in one day.

Vice Chair Drovdal : Is it policy that if the 7th period is lost is the 7th period made up.

Rieger: We have not put in place any policy, we leave it up to the local school district.

Rep Nottestad : Have you ever done a survey if the time is actually made up the time.

Rieger: When we do our review of the spring calendar, we look at how they made up their 173 days. We do collect the data.

Chairman R Kelsch : Anyone else wishing to appear in opposition of SB 2344. Seeing none we will close the hearing on SB 2344.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2344-3-23-99

House Education Committee

Conference Committee

Hearing Date 3-23-99

Tape Number	Side A	Side B	Meter #
Tape # 1	x		0.1 to 7.0
Committee Clerk Signature <i>Joan Diers</i>			

Minutes:

Chairman R Kelsch , Vice Chair Drovdal , Rep Brandenburg , Rep Brusegaard , Rep Haas , Rep Johnson , Rep Nelson , Rep Nottestad , Rep L Thoreson , Rep Grumbo , Rep. Hanson , Rep. Lundgren , Rep. Mueller , Rep. Nowatzki , Rep. Solberg .

Chairman R Kelsch : We will have the clerk take the roll. Note that a quorum is present. We will take up SB 2344. Rep Johnson has some amendments.

Rep Johnson : What I would like to do is SB 2344 after a bill, just incorporate 1490 with amendments of Sen Wanzek's. I have crossed out 4. I want Sen Wanzek's amendments incorporated in 1490 excluding 4. Move the amendments.

Rep Nelson : seconded the motion.

Chairman R Kelsch : Just so you understand, we have 1490 which we passed out of our committee, so what will happen is after a bill for an act the rest of the bill will become HB 1490

Page 2
House Education Committee
Bill/Resolution Number SB 2344-3-23-99
Hearing Date 3-23-99

and then be further amended with the proposed amendments by Sen Wanzek that are 90694.0203. Committee discussion. Have a voice vote on the amendments. Motion carries. We now have the amended bill before us. What are the wishes of the committee?

Rep Johnson : Move a DO PASS as amended.

Rep. Nowatzki : seconded the motion. .

Chairman R Kelsch : Committee discussion. The committee then held discussion on the bill as amended. We will have the clerk call the roll on a DO PASS as amended. The motion passes 14 YES 1 NO 0 Absent Floor assignment Rep Johnson .

VR
3/24/99
1062

HOUSE / AMENDMENTS TO ENGROSSED SENATE BILL NO. 2344 **Edu 3-25-99**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to length of school year.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. If House Bill No. 1034 does not become effective, Section 15-47-33 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-47-33. Length of elementary and secondary school year term.

1. All elementary and secondary schools in this state shall provide for a school term of at least one hundred eighty days apportioned as follows:
 - a. One hundred seventy-three full days of instruction;
 - b. Three holidays listed in subsections 2 through 10 of section 15-38-04.1 selected by the school board in consultation with district teachers;
 - c. Two days for the attendance of teachers at the North Dakota education association instructional conference; and
 - d. Up to two full days during which parent-teacher conferences are held, or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside normal school hours.
2. A full day of instruction:
 - a. Consists of at least five and one-half hours of instruction time for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
 - b. Consists of at least six hours of instruction time for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.
3. Daily instruction time in excess of five hours and thirty minutes for elementary students and six hours for high school students may be aggregated, after a weather-related closure, to make up for up to six hours of instruction time lost during a school year because of a weather-related school closure, if the school's calendar provides for instruction time that exceeds the minimum required hours of instruction by at least fifteen minutes during each of the one hundred seventy-three full days of instruction.

SECTION 2. AMENDMENT. Section 15.1-06-04 of the North Dakota Century Code as created by House Bill No. 1034, as approved by the fifty-sixth legislative assembly, is amended and reenacted as follows:

15.1-06-04. School calendar - Length.

1. During each school year, a school district shall provide for a school calendar of at least one hundred eighty days, apportioned as follows:
 - a. One hundred seventy-three full days of instruction;
 - b. Three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;
 - c. Two days for the attendance of teachers at the North Dakota education association instructional conference; and
 - d. Up to two full days during which parent-teacher conferences are held or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside regular school hours.

2. A full day of instruction consists of:
 - a. At least five and one-half hours ~~of instruction time~~ for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
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Date: 3-23-99

Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2344

House Education Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number 90722.0201 title.0300

Action Taken Do Pass as amended

Motion Made By Johnson Seconded By Nowatzki

Representatives	Yes	No	Representatives	Yes	No
Rep. ReaAnn Kelsch-Chairperson	✓		Rep. Dorvan Solberg	✓	
Rep. David Drovdal-Vice Chair	✓				
Rep. Michael D. Brandenburg	✓				
Rep. Thomas T. Brusegaard	✓				
Rep. C. B. Haas	✓				
Rep. Dennis E. Johnson	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				
Rep. Howard Grumbo	✓				
Rep. Lyle Hanson	✓				
Rep. Deb Lundgren		✓			
Rep. Phillip Mueller	✓				
Rep. Robert E. Nowatzki	✓				

Total (Yes) 14 No 1

Absent 0

Floor Assignment Johnson

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

REPORT OF STANDING COMMITTEE

SB 2344, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2344 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to length of school year.

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 - a. One hundred seventy-three full days of instruction;
 - b. Three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;
 - c. Two days for the attendance of teachers at the North Dakota education association instructional conference; and
 - d. Up to two full days during which parent-teacher conferences are held or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside regular school hours.
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3. Daily instruction time in excess of five hours and thirty minutes for elementary students and six hours for high school students may be aggregated, after a weather-related closure, to make up for up to six hours of instruction time lost during a school year because of a weather-related school closure, if the school's calendar provides for instruction time that exceeds the minimum required hours of instruction by at least fifteen minutes during each of the one hundred seventy-three full days of instruction."

1999 SENATE EDUCATION

SB 2344

CONFERENCE COMMITTEE

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2344CC

Senate Education Committee

Conference Committee

Hearing Date April 8, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-4.8
Committee Clerk Signature <i>Jenda Christman</i>			

Minutes:

CONFERENCE COMMITTEE

SENATOR COOK REP. H.D. JOHNSON

SENATOR FREBORG REP. DROVDAL

SENATOR O'CONNELL REP. SOLBERG

SENATOR COOK opened the Conference Committee on SB2344. All members were present.

SENATOR COOK : Would someone tell me what these amendments are all about.

REP. JOHNSON: The bill is basically 1490 without any of the Senate amendment on it.

SENATOR FREBORG : In looking back at the original bill we really are suppose to be spending our time on the bill as it came out of the House, but I'm looking at one amendment here that, at least it is time they drafted this bill they thought was necessary to clarify some language I guess.

Subsection 3 in section 3, page 3 because of weather school must be dismissed before completing a full day of instruction, school will be responsible for making up only those hours and portions of an hour between the time of early dismissal and the conclusion of a full day of classroom instruction. Now for some reason and again I don't remember exactly what it was but that wasn't a legislators recommendation. The recommendation came from Council that it would clarify language in the original bill in 1997, 2073, was that the year and the bill. Evidently they are not quite comfortable with the language. What we should have done is put this language on 1490.

SENATOR COOK : If that language is important enough to introduce the bill and is still important today maybe all we have to do is strip it of all the amendments that were added to it and pass the bill.

SENATOR FREBORG : All we would do is pass section 3. We don't want to pass the bill anymore. It is section 3, subsection 3, that is the only language we need. But the bill would have to be cleaned up then to change title.

SENATOR COOK : What are your wishes.

SENATOR FREBORG : I only brought it up for discussion to see if we think it is important to get that in or not.

SENATOR COOK : SENATOR FREBORG you introduced the bill do you remember why it was important.

SENATOR FREBORG : I'm sorry I do not. I believe again this was a recommendation of either in fact I think it was DPI, Tom Decker made the recommendation but Anita kind of agreed with it and she drafted the amendment.

REP. DROVDAL: Are you familiar with the current law if a school has to dismiss at 2:00 after 4 hours of instruction, under current law are we saying that they have to make up that whole day or just the remaining two hours. This would say that they would only have to make up the two hours but this isn't passed. Under current law how do they determine that now.

BETH BAUMSTARK, ASSISTANT ATTORNEY GENERAL took the podium to answer questions.

BETH: I believe the reason that this was put in is to put into the statute what we said in our AG's opinion that if you have a day that is longer than the minimum day you only need to make up the minimum day. Without that it might be expected that you make up your curriculum day. In some cases it would be more.

SENATOR FREBORG : If we were to adopt just section 3, subsection 3 on page 3 and simply say that we'll take everything else out of the bill and we'll leave that in and whatever proper language we need in the title. That should be all right. So that we don't have to go back to 1490.

BETH: That won't conflict with what you've just done in 1490 I think. You are amending the same statutes but really you are just putting in a 3rd subsection.

SENATOR FREBORG : So if we adopted section 3 and nothing else we would be just fine.

BETH: Now I not sure what has been done with 1034 to know if you need it both places under subsection 1.

SENATOR FREBORG : I would guess we do.

SENATOR COOK : SENATOR FREBORG I have had a long session with you. If we were to have a motion that the House recede from their amendments and that we further amend to delete section 1 of the engrossed Senate bill would that not leave exactly what you want.

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Senate Education Committee
Bill/Resolution Number SB2344CC
Hearing Date April 8, 1999

SENATOR FREBORG : That is exactly right and clean up the title.

REP. JOHNSON: I move that the House recede from the House amendments and further amend to withdraw section 1 and section 4.

SENATOR FREBORG : 2nd

VOTE: 6 Yes 0 No

CARRIER: SENATOR O'CONNELL

SENATOR FREBORG : I move we dissolve the Conference Committee on SB2344.

REP. SOLBERG : 2nd

Voice Vote: 6 Yes 0 No

(Bill Number) SB 2344 (, as (re)engrossed):

Your Conference Committee

For the Senate:

Sen. Cook ✓ yes
Sen. Threlberg ✓ yes
Sen. O'Connell ✓ yes

For the House:

Rep. N.D. Johnson ✓ yes
Rep. Drowdall ✓ yes
Rep. Solberg ✓ yes 6-0

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
723/724 725/726 5724/B726 8723/B725

the (Senate/House) amendments on (SJ/HJ) page(s) 904 - 905

and place _____ on the Seventh order.
727

adopt (further) amendments as follows, and place

SB 2344 on the Seventh order:

having been unable to agree, recommends that the committee be discharged and a new committee be appointed. 690/515

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: 4 / 8 / 99

CARRIER: O'Connell

LC NO. 90722 . 0202 of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

(1) LC (2) LC (3) DESK (4) COMM.

REPORT OF CONFERENCE COMMITTEE

SB 2344, as engrossed: Your conference committee (Sens. Cook, Freborg, O'Connell and Reps. D. Johnson, Drovdal, Solberg) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 904-905, adopt amendments as follows, and place SB 2344 on the Seventh order:

That the House recede from its amendments as printed on pages 904 and 905 of the Senate Journal and pages 981 and 982 of the House Journal and that Engrossed Senate Bill No. 2344 be amended as follows:

Page 1, line 1, remove "to create and enact a new section to chapter 15-40.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to the closure of schools in weather emergencies;"

Page 1, line 4, replace "; and" with a period

Page 1, remove lines 5 and 6

Page 1, remove lines 8 through 18

Page 3, remove lines 9 and 10

Renumber accordingly

Engrossed SB 2344 was placed on the Seventh order of business on the calendar.

1999 TESTIMONY

SB 2344

determination of the county superintendent of schools on or before September fifteenth in the year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district warrants a modification. The judgment of the superintendent of public instruction shall be final.

Source: S.L. 1971, ch. 158, § 7; 1975, ch. 131, § 6; 1975, ch. 149, § 2; 1979, ch. 220, § 7; 1981, ch. 198, § 8; 1983, ch. 225, § 1; 1985, ch. 2, § 7; 1985, ch. 225, § 3; 1993, ch. 3, § 22.

15-40.1-09.1. Emergency resulting from acts of God — Foundation program payment eligibility. The existence of a state of emergency may be proclaimed by the governor if he finds that an act of God has occurred and that the safety and welfare of the inhabitants of the state or of any portion thereof require the closing of schools or any particular school. Any such emergency terminates upon the proclamation of the termination thereof by the governor. Any school district which is located within the boundaries of the territory included within the governor's proclamation of a state of emergency or designated by it may include days actually lost, not to exceed five days, during which school was not held because of such state of emergency for purposes of the foundation program as provided in this chapter. Any school district in which schools are closed for in excess of five days in any school year because of such a state of emergency shall receive two days of credit for foundation program purposes for each additional day school is held to make up for such lost days.

Source: S.L. 1973, ch. 154, § 1.

15-40.1-10. Payments of county equalization funds to schools and school districts. Repealed by S.L. 1981, ch. 198, § 18.

15-40.1-11. Fractional payments. Should the moneys in the state general fund be insufficient to make all payments, the payments to the various school districts or schools must be prorated by the superintendent of public instruction on a fractional basis. When fractional payments are made, additional payments may be made from time to time as sufficient moneys come into each fund, so as to make full payments under this chapter. If the appropriation made by the legislative assembly is inadequate to meet all claims against such appropriation and is thus the cause of the insufficiency, such prorated fractional payments made pursuant to this section constitute payment in full.

Source: S.L. 1971, ch. 158, § 7; 1979, ch. 220, § 9; 1981, ch. 198, § 9.

**TESTIMONY ON SB # 2344
SENATE EDUCATION COMMITTEE
February 1, 1999**

**by Roger F. Rieger, Director of the Approval and Accreditation Unit
701 328-2389
Department of Public Instruction**

Mr. Chairperson and members of the committee:

My name is Roger F. Rieger and I am the Director of the Approval and Accreditation Unit for the Department of Public Instruction. I am here to speak in favor of Senate Bill # 2344 regarding length of school day.

This bill would add clarity to North Dakota Century Code 15-47-33 or the new section 15.1-06-04 concerning the making up of time lost to weather related early dismissal. We support maintaining the integrity of at least the minimum hours specified for a 173 school day term.

We urge the passage of this amendment and will stand ready to answer questions from the committee.

**TESTIMONY ON SB # 2344
HOUSE EDUCATION COMMITTEE**

March 8, 1999

**by Roger F. Rieger, Director of the Approval and Accreditation Unit
701 328-2389
Department of Public Instruction**

Madam Chairperson and members of the committee:

My name is Roger F. Rieger and I am the Director of the Approval and Accreditation Unit for the Department of Public Instruction. I am here to speak in favor of Senate Bill # 2344 regarding length of school day.

I would like to voice a concern I have with the language on page 2, lines 13 through 16, and page 3, lines 5-8. Although we have no disagreement with the intent of this language, we believe it may be limited to cover only for an early dismissal. We do think that it was meant to also take care of late starts. I have an amendment that will be inclusive of late starts or early dismissals and should not alter the intent of this bill.

This bill would add clarity to North Dakota Century Code 15-47-33 or the new section 15.1-06-04 concerning the making up of time lost to weather related late starts and early dismissals. We support maintaining the integrity of at least the minimum hours specified for a 173 school day term.

We urge the passage of this engrossed bill as an amendment and the adoption of the amendment I have offered on the department's behalf. I stand ready to answer questions from the committee.

PROPOSED AMENDMENT TO ENGROSSED SENATE BILL #2344

Page 2, remove lines 13-16, and

Page 3, remove lines 5-8, insert:

3. If because of weather a school or school district provides less than a full day of instruction, the school is responsible for making up only those hours and portions of an hour needed to complete a full day of classroom instruction.