

**HOUSE BILL NO. 1432**

Introduced by

Representatives B. Koppelman, Bellew, Johnston, Kasper, Olson, Rohr, D. Ruby, Weisz

Senators Burckhard, Kannianen, Klein, O. Larsen

1 A BILL for an Act to create and enact a new section to chapter 15.1-02, two new sections to  
2 chapter 15.1-21, and a new section to chapter 54-06 of the North Dakota Century Code, relating  
3 to the authority of the superintendent of public instruction and other state officials and agencies,  
4 and to standards and assessments; to amend and reenact sections 15.1-02-04 and 15.1-21-12  
5 of the North Dakota Century Code, relating to the duties of the superintendent of public  
6 instruction and professional development; to repeal sections 15.1-21-08, 15.1-21-09,  
7 15.1-21-10, 15.1-21-11, and 15.1-21-14 of the North Dakota Century Code, relating to state  
8 assessments; to provide an effective date; and to declare an emergency.

9 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

10 **SECTION 1. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **15.1-02-04. Superintendent of public instruction - Duties.**

13 The superintendent of public instruction:

- 14 1. Shall supervise the provision of elementary and secondary education to the students  
15 of this state-;
- 16 2. Shall supervise the establishment and maintenance of schools and provide advice and  
17 counsel regarding the welfare of the schools-;
- 18 3. Shall ~~supervise~~participate in the development of course content standards-;
- 19 4. Shall supervise the assessment of students-;
- 20 5. Shall serve as an ex officio member of the board of university and school lands-;
- 21 6. Shall keep a complete record of all official acts and appeals-;
- 22 7. As appropriate, shall determine the outcome of appeals regarding education matters-;
- 23 and

1           8.    Shall direct school district annexation, reorganization, and dissolution and employ and  
2            compensate personnel necessary to enable the state board of public school education  
3            to carry out its powers and duties regarding school district annexation, reorganization,  
4            and dissolution.

5           **SECTION 2.** A new section to chapter 15.1-02 of the North Dakota Century Code is created  
6 and enacted as follows:

7           **Superintendent of public instruction - Authority - Limitation.**

- 8           1.    Without statutory authorization by the legislative assembly, the superintendent of  
9           public instruction may not adopt, align to, implement, or be a signatory to any  
10           document that adopts, aligns, implements, or commits this state or any school district  
11           to participate, at any level, in any national or multistate consortium course content  
12           standards from any source or require the use of any assessments aligned with any  
13           national or multistate consortium course content standards from any source that cedes  
14           to the national or multistate consortium control of North Dakota educational course  
15           content standards in any manner, including course content standards in mathematics,  
16           English language arts, science, history, social studies, or health and sex education.  
17           2.    Without statutory authority by the legislative assembly, the superintendent of public  
18           instruction may not implement new statewide course content standards. If the  
19           superintendent of public instruction adopts or revises course content standards under  
20           this section, the course content standards must be developed independent of any  
21           national or multistate consortium.

22           **SECTION 3. AMENDMENT.** Section 15.1-21-12 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24           **15.1-21-12. Professional development - Use of available funds.**

- 25           1.    On or before October first of each year, each school district shall file a report with the  
26            superintendent of public instruction indicating:  
27            a.    The amount and source of funds that were made available to the district for  
28            professional development during the preceding school year;  
29            b.    The amount and source of funds that were expended by the district for  
30            professional development during the preceding school year; and

1           c. A separate list of the professional development activities in which the district  
2           participated during the preceding school year and the amount of time committed  
3           to the activities.

4           2. The superintendent of public instruction shall compile the information submitted under  
5           this section to determine how much of the available funding for professional  
6           development was used by school districts in this state and, ~~beginning with the reports~~  
7           ~~due on or before October 1, 2002, whether the expenditure correlated with increased~~  
8           ~~student achievement on the reading and mathematics tests required by section~~  
9           ~~15.1-21-08.~~

10          **SECTION 4.** A new section to chapter 15.1-21 of the North Dakota Century Code is created  
11 and enacted as follows:

12          **Withdrawal from assessment consortiums.**

13          On the effective date of this Act, the state shall retain sole control over the development,  
14 establishment, and revision of course content standards for grades kindergarten through twelve.  
15 The state shall terminate all plans, programs, activities, efforts, and expenditures relating to the  
16 implementation of the educational initiative commonly referred to as the common core course  
17 content standards, or any derivative or permutation of that educational initiative including, any  
18 assessments, data collection, or instructions based on or involving that educational initiative. As  
19 part of the process of conversion from the common core course content standards, the  
20 superintendent of public instruction and any other state agency or employee shall takes steps  
21 necessary to terminate areas of federal control over the North Dakota educational process.

22          **SECTION 5.** A new section to chapter 15.1-21 of the North Dakota Century Code is created  
23 and enacted as follows:

24          **Interim standards and assessments.**

25          1. The superintendent of public instruction shall:  
26           a. Respect and support the right of a parent to opt a child of the parent out of public  
27 school and any activity, practice, or testing, with no interference from the state,  
28 which the parent finds unacceptable or to which the parent has a philosophical,  
29 moral, or religious objection. This subdivision does not prohibit the state from  
30 funding public education of a per-pupil basis.

- 1           b. Adopt and implement state course content standards in English language arts,  
2           mathematics, science, and social studies from kindergarten through twelfth  
3           grade. The superintendent of public instruction shall implement the course  
4           content standards in effect in the state of Massachusetts during the 2008-09  
5           school year and the course content standards must be used for the 2017-18  
6           school year, except any reference in those course content standards to  
7           Massachusetts must be changed in reference to North Dakota, and the use of  
8           those course content standards must extend until such time as state course  
9           content standards for the areas of English language arts, mathematics, science,  
10           and social studies have been developed, approved by the legislative assembly,  
11           and fully implemented. Any state history or government course content standards  
12           must be changed to reflect the history and government of this state. Within ten  
13           days after the state course content standards are adopted, the department shall  
14           distribute the course content standards to all public schools in the state and make  
15           the course content standards available to the public on the department website.  
16           c. Emphasize coherence, focus, and essential knowledge in the new statewide  
17           course content standards.  
18           d. Adopt valid state assessments of student achievement based on the assessment  
19           used in Massachusetts during the 2008-09 school year and aligned to the course  
20           content standards in effect in Massachusetts during the 2008-09 school year. The  
21           assessments must be ready for use by the first spring after the new statewide  
22           course content standards are adopted under this section. The department may  
23           not implement an assessment developed under this section unless the  
24           assessment is given statutory authority by the legislative assembly. The new  
25           assessments adopted under this section must:  
26           (1) Allow, but not require, the use of computer technology;  
27           (2) Be available on the department website for public record within thirty days  
28           after the assessment is administered; and  
29           (3) May not collect data regarding the values, attitudes, beliefs, or personality  
30           traits of a student or the family of the student; or the medical, behavioral,

1                   mental, biometric, or psychometric data of a student of the family of a  
2                   student.

3       2. A school district meeting the requirements of this section shall:

4           a. Establish a fundamental academic curriculum for students at the elementary,  
5           middle, and secondary education level. The fundamental academic curriculum  
6           must define academic objectives to be achieved by all pupils and must be based  
7           on the school district's educational mission, long-term student educational goals,  
8           and student performance objectives.

9           b. Determine the aligned instructional program for delivering the school district's  
10          fundamental academic curriculum and identify the courses and programs in  
11          which the fundamental academic curriculum will be taught, after consulting with  
12          teachers and school district administrators.

13          c. Provide adequate time and transparency, of no less than thirty days, for public  
14          review and comment on the aligned instructional programs by all interested  
15          members of the community before final review.

16       3. This section may not be construed to promote any religious or nonreligious doctrine,  
17       promote discrimination for or against a particular set of religious beliefs or nonbeliefs,  
18       or promote discrimination for or against religion or nonreligion.

19       4. The superintendent of public instruction may not adopt or implement new course  
20       content standards that are distinct from the course content standards adopted in  
21       subsection 1 for at least five years after the effective date of this Act.

22       **SECTION 6.** A new section to chapter 54-06 of the North Dakota Century Code is created  
23 and enacted as follows:

24       **Use of state resources - Prohibition.**

25       Starting with the 2017-18 school year, no state official or agency may directly or indirectly  
26 utilize state resources in support of or in advancement of:

27       1. The common core course content standards;

28       2. State course content standards that are aligned to the common core course content  
29       standards;

30       3. Assessments that are aligned to the common core course content standards; or

1       4. Assessments that are aligned to the state course content standards referenced in  
2       subsection 2.

3       **SECTION 7. REPEAL.** Sections 15.1-21-08, 15.1-21-09, 15.1-21-10, 15.1-21-11, and  
4       15.1-21-14 of the North Dakota Century Code are repealed.

5       **SECTION 8. EFFECTIVE DATE.** This Act becomes effective on July 1, 2017.

6       **SECTION 9. EMERGENCY.** This Act is declared to be an emergency measure.