

**Sixty-sixth Legislative Assembly of North Dakota  
In Regular Session Commencing Thursday, January 3, 2019**

SENATE BILL NO. 2215  
(Senator Schaible)  
(Representative Owens)

AN ACT to create and enact a new section to chapter 15.1-01 of the North Dakota Century Code, relating to the creation of the kindergarten through grade twelve education coordination council; to amend and reenact subsection 2 of section 28-32-01, and subsection 1 of section 54-59-33 of the North Dakota Century Code, relating to the definition of administrative agency, and the statewide longitudinal data system committee; and to repeal sections 54-59-17 and 54-59-18 of the North Dakota Century Code, relating to the educational technology council.

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

**SECTION 1.** A new section to chapter 15.1-01 of the North Dakota Century Code is created and enacted as follows:

**Kindergarten through grade twelve education coordination council.**

1. The state board of public school education shall oversee the creation and ongoing operation of the kindergarten through grade twelve education coordination council.
2. The council consists of:
  - a. Three members of the legislative assembly, one member of the majority party from each chamber of the legislative assembly, selected by the respective majority leader of the chamber, and one member of the minority party selected through collaboration between the respective minority leaders of each chamber;
  - b. The governor or the governor's designee;
  - c. The superintendent of public instruction or the superintendent's designee;
  - d. The president of the state board for career and technical education or the president's designee;
  - e. The president of the board of the North Dakota council of educational leaders or the president's designee;
  - f. The president of the board of North Dakota united or the president's designee;
  - g. The president of the board of the North Dakota school boards association or the president's designee;
  - h. The president of the board of the North Dakota small organized schools or the president's designee;
  - i. The president of the board of the North Dakota school counselor association or the president's designee; and
  - j. The following gubernatorial appointees:
    - (1) An individual representing the statewide longitudinal data system committee;
    - (2) An individual representing a tribal school;

- (3) An individual employed as a public school administrator;
  - (4) An individual employed as a public school principal;
  - (5) An individual employed as a public school teacher;
  - (6) A director of a special education unit; and
  - (7) A director of a regional education association.
3. The term of office for a member appointed by the governor is four years. The governor may stagger the initial appointments to the council so no more than three members' terms expire in any year.
4. The council shall select a presiding officer annually from among its members.
5. A member of the council who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the council and to reimbursement for travel and expenses as provided by law, to be paid by the legislative council. A member of the council who is not a state employee is entitled to receive as compensation sixty-two dollars and fifty cents per day and to reimbursement of expenses as provided by law for state officers while attending meetings of the council, to be paid by the state board of public school education. A state employee who is a member of the council is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses, to be paid by the employing agency.
6. The council may hire an executive director.
7. The council shall:
- a. Assist in the implementation, dissemination, and communication of the statewide strategic vision and evaluate progress toward meeting the identified goals and strategies.
  - b. Perform a continuous review of the effectiveness and efficiency of access and delivery of education services and programs in the state.
  - c. Identify opportunities for increased collaboration among state education entities and stakeholders.
  - d. Identify gaps or duplications in education services and programs and provide recommendations for addressing those gaps or duplications.
  - e. Study and evaluate new and emerging educational initiatives and trends and provide recommendations for policy changes to state entities or the legislative assembly if necessary.
  - f. Support the implementation, dissemination, and communication of local or regional educational initiatives and practices, including innovative education programs, on a statewide level.
  - g. Establish a one-stop communication and information hub to provide the public and interested parties with seamless access to state entities that deliver education services and programs.
  - h. Develop and utilize subcommittees as needed.
  - i. Seek advice and input from interested parties not appointed to the council as needed.
8. The council shall meet at least four times per calendar year.

9. The council shall prepare and present an annual report of council activities to the state board of public school education and to the legislative management.

**SECTION 2. AMENDMENT.** Subsection 2 of section 28-32-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Administrative agency" or "agency" means each board, bureau, commission, department, or other administrative unit of the executive branch of state government, including one or more officers, employees, or other persons directly or indirectly purporting to act on behalf or under authority of the agency. An administrative unit located within or subordinate to an administrative agency must be treated as part of that agency to the extent it purports to exercise authority subject to this chapter. The term administrative agency does not include:
- a. The office of management and budget except with respect to rules made under section 32-12.2-14, rules relating to conduct on the capitol grounds and in buildings located on the capitol grounds under section 54-21-18, rules relating to the classified service as authorized under section 54-44.3-07, and rules relating to state purchasing practices as required under section 54-44.4-04.
  - b. The adjutant general with respect to the department of emergency services.
  - c. The council on the arts.
  - d. The state auditor.
  - e. The department of commerce with respect to the division of economic development and finance.
  - f. The dairy promotion commission.
  - g. The education factfinding commission.
  - h. The educational technology kindergarten through grade twelve education coordination council.
  - i. The board of equalization.
  - j. The board of higher education.
  - k. The Indian affairs commission.
  - l. The industrial commission with respect to the activities of the Bank of North Dakota, North Dakota housing finance agency, public finance authority, North Dakota mill and elevator association, North Dakota farm finance agency, the North Dakota transmission authority, and the North Dakota pipeline authority.
  - m. The department of corrections and rehabilitation except with respect to the activities of the division of adult services under chapter 54-23.4.
  - n. The pardon advisory board.
  - o. The parks and recreation department.
  - p. The parole board.
  - q. The state fair association.
  - r. The attorney general with respect to activities of the state toxicologist and the state crime laboratory.

- s. The administrative committee on veterans' affairs except with respect to rules relating to the supervision and government of the veterans' home and the implementation of programs or services provided by the veterans' home.
- t. The industrial commission with respect to the lignite research fund except as required under section 57-61-01.5.
- u. The attorney general with respect to guidelines adopted under section 12.1-32-15 for the risk assessment of sexual offenders, the risk level review process, and public disclosure of information under section 12.1-32-15.
- v. The commission on legal counsel for indigents.
- w. The attorney general with respect to twenty-four seven sobriety program guidelines and program fees.
- x. The industrial commission with respect to approving or setting water rates under chapter 61-40.

**SECTION 3. AMENDMENT.** Subsection 1 of section 54-59-33 of the North Dakota Century Code is amended and reenacted as follows:

1. The statewide longitudinal data system committee consists of:
  - a. The commissioner of the board of higher education or the commissioner's designee;
  - b. The superintendent of public instruction or the superintendent's designee;
  - c. The chief information officer or the officer's designee;
  - d. The director of the department of career and technical education or the director's designee;
  - e. The director of job service North Dakota or the director's designee;
  - f. The commissioner of commerce or the commissioner's designee;
  - g. The director of the department of human services or the director's designee;
  - h. ~~The director of the North Dakota educational technology council;~~
  - i. The executive director of the North Dakota council of educational leaders or the executive director's designee;
  - ~~j.~~ l. The director of the North Dakota workforce development council or the director's designee; and
  - ~~k.~~ j. Two members of the legislative assembly appointed by the chairman of the legislative management.

**SECTION 4. REPEAL.** Sections 54-59-17 and 54-59-18 of the North Dakota Century Code are repealed.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2215.

Senate Vote:    Yeas 47            Nays 0            Absent 0

House Vote:    Yeas 73            Nays 20           Absent 1

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2019,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State