

TESTIMONY ON AMENDMENT
67-19-01 Accreditation: Procedures, Standards, and Criteria
ADMINISTRATIVE RULES COMMITTEE
September 13, 2016
Bob Marthaller, Assistant Superintendent
701-328-2267
North Dakota Department of Public Instruction

Chairman Devlin and Members of the Committee:

My name is Bob Marthaller and I am an assistant superintendent with the North Dakota Department of Public Instruction (NDDPI). I am here to provide background information regarding the recommended amendments and repeal of certain sections of North Dakota Administrative Code 67-19-01 Accreditation: Procedures, Standards and Criteria.

Outlined below are answers to the several questions as requested by Legislative Council for review by the Administrative Rules Committee.

1. The rule changes are not mandated by federal law or related to any federal regulation.
2. Appropriate legal notice was published and the regulated community was provided email notice of intent to amend and/or repeal administrative rules.
3. A one-hour public hearing was held in the Peace Garden Room at the State Capitol on March 8, 2016, beginning at 10:00 a.m. One person was in attendance but provided no written or oral comments – she indicated she was in attendance only to observe the process.
4. The cost of publication was \$2,239.44.

5. No regulatory analysis was required as the proposed rules are not expected to have an impact on the regulated community in excess of \$50,000 and neither the Governor nor any member of the Legislative Assembly requested a regulatory analysis.
6. A small entity regulatory analysis and economic impact statement was conducted and is included on the attached document.
7. A fiscal note was prepared and is attached to this testimony.
8. No takings assessment was required because the rules and proposed amendments do not limit the use of real property.
9. These are not emergency rule amendments.
10. These rules do not implement legislation from the most recent legislative session.
11. The proposed rule changes are required in order to repeal certain sections of accreditation requirements which are obsolete and an amendment to include requirements for school approval. These changes are reviewed beginning on page three.

Mr. Chairman that concludes my testimony and I will try to answer any questions that you may have.

**Presented to Administrative Rules Committee
September 13, 2016**

This document, prepared by Robert V. Marthaller, Assistant Superintendent, North Dakota Department of Public Instruction (NDDPI), presents an explanation and clarifying information regarding the proposed rule amendment to Administrative Rule, 67-19-01 Accreditation: Procedures, Standards and Criteria. The proposed rule changes are required in order to repeal certain sections of accreditation requirements which are obsolete and an amendment to include requirements for school approval. The referenced page numbers correspond to your "Supplement 362" a document prepared for you for this meeting by Legislative Council

Article 67-19-01 Accreditation: Procedures, Standards and Criteria

<https://www.nd.gov/dpi/uploads/135/Article6719RepealApproval12016.pdf>

The following are sections proposed to be repealed:

1. 67-19-01-01 Definitions, page 194
2. 67-19-01-02 Accreditation Status, page 194
3. 67-19-01-03 Loss of Accreditation Status Penalties, page 195
4. 67-19-01-04 Nonclassified, page 195
5. 67-19-01-05 Identification of Accreditation Status, page 195
6. 67-19-01-07 Enrollment Categories, page 196
7. 67-19-01-08 Qualifications and Time Assignments for Administrators, Counselors, and Library Media Specialists, Page 197
8. 67-19-01-10 Review Cycle, Page 197
9. 67-19-01-13 Calculation Tables for Secondary, Middle Level, and Junior High Schools, page 197
10. 67-19-01-14 Calculation Tables for Elementary Schools, page 199
11. 67-19-01-15 Education Improvement Process, Page 202
12. 67-19-01-16 Administration Superintendent Qualifications and Time Assignments, Page 202
13. 67-19-01-17 Qualifications of an Administrative Assistant or Assistant Superintendent, Page 203
14. 67-19-01-18 Administration Secondary School Principal Qualifications and Time Assignments, Page 203
15. 67-19-01-19 Administration Middle Level and Junior High School Principal and Assistant Principal Qualifications and Time Assignments, Page 204
16. 67-19-01-20 Administration Elementary School Principal Qualifications and Time Assignments, Page 205
17. 67-19-01-21 Administration Shared Elementary School Principal Elementary School Principal Qualifications and Time Assignments, Page 206
18. 67-19-01-22 Administration Assistant Elementary School Principal Elementary School Principal Qualifications and Time Assignments, Page 207
19. 67-19-01-30 Professional Development Plan, Page 207
20. 67-19-01-32 Instructional Program Enrollments in Grades Nine Through Twelve, Page 207
21. 67-19-01-33 Middle Level or Junior High School Enrollment in Grade Nine, Page 208
22. 67-19-01-34 Instructional Program Enrollments in Grades Seven and Eight, Page 208
23. 67-19-01-35 Instructional Program Enrollments in Prekindergarten Through Grade Six, Page 209
24. 67-19-01-36 Class Size, Page 210
25. 67-19-01-37 Teacher Preparation Time Prekindergarten Through Grade Twelve, Page 211
26. 67-19-01-38 Student Evaluation, Page 211
27. 67-19-01-39 Pupil Personnel Services, Page 212
28. 67-19-01-40 Counseling and Guidance Services Prekindergarten Through Grade Six, Page 212
29. 67-19-01-40.1 Counseling and Guidance Services Grades Seven Through Twelve for the 2009-10 School Year, Page 213
30. 67-19-01-40.2 Counseling and Guidance Services Grades Seven Through Twelve after the 2009-10 School Year, Page 214

- 31. 67-19-01-41 Library Media Services, Page 214
- 32. 67-19-01-42 School Policies Handbooks, Page 216

The following is an amendment to add a new section to 67-19-01.

This proposed new rule implements NDCC 15.1-06-06-(1)(d) <http://www.legis.nd.gov/cencode/t15-1c06.pdf> which requires public schools, for approval, to participate and meet the requirements of a school improvement review process. To meet approval requirements, the review process must be designed to improve student achievement, must be designed as a continuous cycle of improvement and must be approved by the superintendent of public instruction. Accordingly, amendment to 67-19-01 is proposed to add a new section, 67-19-01-44, Approval of public schools – Review process, Page 216

The following sections were repealed by previous action.

- 67-19-01-09 Types of Standards and Criteria - Penalties
- 67-19-01-11 Appeals Procedure
- 67-19-01-12 Alternative Formats and Procedures
- 67-19-01-23 Instructional Personnel – Curriculum or Instructional Area Director
- 67-19-01-24 Instructional Personnel – Secondary School Teacher Qualifications
- 67-19-01-25 Instructional Personnel – Secondary School Teacher Qualifications, Specific Subject Area Preparation
- 67-19-01-26 Instructional Personnel – Middle Level or Junior High School Teacher Qualifications – General Preparation
- 67-19-01-27 Instructional Personnel – Middle Level or Junior High School Teacher Qualifications – Specific Subject Area Preparation
- 67-19-01-28 Instructional Personnel – Elementary School Teacher Qualifications – General Preparation
- 67-19-01-29 Instructional Personnel – Elementary School Teacher Qualifications – Specific Subject Preparation
- 67-19-01-31 Written Curriculum Plan for Kindergarten through Grade Twelve
- 67-19-01-43 Driver’s Education Program – Administrative Requirements

The following section is not amended.

- 67-19-01-29.1 Instructional personnel – Specialized credential preparation.

The following section is amended.

67-19-01-06, Classification by school grade description and authority, is amended by removing the reference to the use of accreditation standards and criteria and the application to the grade organization of the school, Page 195.

Kirsten Baesler
State Superintendent
Robert J. Christman
Deputy Superintendent



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March 8, 2016

Small Entity Regulatory Analysis and Economic Impact Statement

This analysis is prepared in satisfaction of NDCC 28-32-08.1 for proposed administrative rules under notice of proposed rulemaking dated February 1, 2016. The proposed rule amendments are made to administrative rules in 67-19-01 Accreditation: Procedures, Standards, and Criteria. The North Dakota Department of Public Instruction (NDDPI) proposes to amend this rule for the purpose of repealing certain obsolete rules and creating a new section relating to a school review process as required in NDCC 15.1-06-06(1)(d). The proposed amendment addresses the requirement for a public school to participate in a review process and repeals obsolete and unnecessary rules relating to school accreditation procedures, standards and criteria, specifically sections 67-19-01-01, 02, 03, 04, 05, 07, 08, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 40.1, 40.2, 41, and 42. The proposed rulemaking implements bill number 1029, enacted during the sixty-second legislative session, concerning school approval requirements. The proposed amendment and repeal is not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rule changes should have no negative impact on large or small school districts as the changes, in general, will provide to districts a school improvement review process and tool enabling them to better meet approval requirements and meet accreditation standards as they work to meet state approval requirements.

Small Entity Regulatory Analysis

Repeal of obsolete accreditation requirements will provide greater flexibility for schools and school districts as they conduct their continuous cycle of school improvement concentrating on student performance outcomes. Districts may still be accredited through the continuous review process as required for state approval.

Consideration to exempt small entities (small school districts) from the approval requirements would require change to statute, NDCC 15.1-06-06(1)(d) which requires districts (all districts) to meet state school approval guidelines therefore no exemptions were considered.

Small Entity Economic Impact Statement

Consumers and private persons will not be negatively impacted by any proposed changes.

The proposed rule amendments make changes which are generally cost neutral to school districts and provide a means for districts to be in compliance with North Dakota statute. The effect on state revenue is zero. A continuing appropriation provided within the NDDPI budget is required to continue to pay costs for districts to participate in the approval review cycle.



Kirsten Baesler
State Superintendent

Robert J. Christman
Deputy Superintendent

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North Dakota Department of Public Instruction
Administrative Rule 67-19-01 - Fiscal Note
March 1, 2016

Rule to be amended: 67-19-01 Accreditation: Procedures, Standards, and Criteria

State/Agency Effect

	2013-15		2015-17		2017-2019	
	General Fund	Other Funds	General Fund	Other Funds	General Funds	Other funds
Revenue	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$614,100	\$0	\$367,800	\$0		
Appropriations	\$606,250	\$0	\$799,750	\$0	\$799,750	\$0

School District, County, Cities, Townships

	2013-15		2015-17		2017-2019	
	General Fund	Other Funds	General Fund	Other Funds	General Funds	Other funds
School Districts	\$0	\$0	\$0	\$0	\$0	\$0
Counties	\$0	\$0	\$0	\$0	\$0	\$0
Cities	\$0	\$0	\$0	\$0	\$0	\$0
Townships	\$0	\$0	\$0	\$0	\$0	\$0

Fiscal Impact Summary

Funding necessary to support school districts participation in a review process was approved by the legislature as part of the NDDPI 2013-2015 biennium NDDPI Initiative Pool. Funding for the 2015-2017 biennium was approved by the legislature as part of the ongoing NDDPI operational budget. A similar appropriation will be necessary for the 2017-2019 biennium with no additional/increased funding required/anticipated at this time.



Wayne Stenehjem
ATTORNEY GENERAL

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OPINION

April 25, 2016



Mr. Robert V. Marthaller
Assistant Superintendent
North Dakota Department of Public Instruction
600 E Boulevard Ave Dept 201
Bismarck, ND 58505-0440

Dear Mr. Marthaller:

The Office of Attorney General has examined the proposed amendments to N.D.A.C. ch. 67-19-01 concerning accreditation procedures, standards, and criteria, along with the notice of the proposed rules, the publication of that notice, and the filing of that notice with the Legislative Council. This office has also determined that 1) a written record of the agency's consideration of any comments to the proposed rules was made, 2) a regulatory analysis was not issued nor requested, 3) a takings assessment was not prepared, 4) a small entity regulatory analysis and an economic impact statement were prepared, and 5) the proposed rules are within the agency's statutory authority.

These administrative rules are in compliance with N.D.C.C. ch. 28-32 and are hereby approved as to their legality. Upon final adoption, these rules may be filed with the Legislative Council.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas L. Trenbeath".

Thomas L. Trenbeath
Chief Deputy Attorney General

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cc: Vonette Richter, Legislative Council