

Introduced by

1 A BILL for an Act to create and enact three new sections to chapter 54-59 of the North Dakota
2 Century Code, relating to the establishment, powers, and duties of an educational technology
3 council; to amend and reenact sections 15-19-01, 15-19-03, 15-19-04, and 15-34.1-11.1,
4 subdivision b of subsection 11 of section 15-39.1-04, subsection 1 of section 15.1-02-07,
5 section 28-32-01, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code,
6 relating to the powers and duties of the division of independent study and the appointment of
7 members of the educational telecommunications council; to repeal sections 15-19-02 and
8 15-19-06 and chapter 15.1-05 of the North Dakota Century Code, relating to the division of
9 independent study and the educational telecommunications council; to provide for a transfer of
10 funds from the special operating fund for the division of independent study; and to provide a
11 continuing appropriation.

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

13 **SECTION 1. AMENDMENT.** Section 15-19-01 of the 1999 Supplement to the North
14 Dakota Century Code is amended and reenacted as follows:

15 **15-19-01. Correspondence courses - ~~Establishment~~ Enrollment of pupils -**
16 **Courses of instruction.** The state shall provide correspondence courses through the ~~division~~
17 ~~of independent study~~ educational technology council under the following provisions:

18 1. A complete curriculum by correspondence which has been specifically determined
19 by the state board of public school education as proper and suitable for instruction
20 under correspondence methods, ~~such~~. The state board of public school education
21 shall make the determination and approval to be made not less than once in each
22 school year, ~~must be maintained~~ and shall maintain the curriculum upon the
23 campus of one of the state institutions of higher education ~~by the state board of~~
24 ~~public school education.~~

- 1 2. Unless specifically excused in writing upon the course application forms by the
2 superintendent or an administrator of the school approving the enrollment
3 application, or as provided in subsection 6 all ~~pupils~~ students under the age of
4 sixteen taking advantage of ~~the provisions of~~ this chapter must be required to
5 attend their local district schools and to study their correspondence lessons under
6 the supervision of a local supervisor. If not required to attend their local schools,
7 their work may be done at a place designated by the state director in accordance
8 with the rules of the state board of public school education. If in attendance at a
9 local school, ~~pupils~~ students must be supplied with desk space in their respective
10 school without charge and shall attend school regularly and be under the same
11 disciplinary supervision of the teachers as the other school pupils.
- 12 3. The ~~division of independent study~~ educational technology council may provide
13 services to persons who are not North Dakota residents.
- 14 4. The correspondence work must be completed in accordance with the rules
15 ~~established~~ adopted by the state board of public school education.
- 16 5. Correspondence pupils shall pay for books and materials used by them, postage
17 required to mail reports to the ~~division~~ educational technology council, and other
18 fees as may be prescribed by the board of public school education.
- 19 6. ~~Pupils~~ Students exempt from the compulsory school attendance laws pursuant to
20 subsection 5 of section 15-34.1-03 may enroll in correspondence courses offered
21 through the ~~division of independent study~~ educational technology council. These
22 students may study their correspondence lessons in their learning environment
23 under the supervision of a parent. The tests for the correspondence study must be
24 administered by a licensed teacher employed either by the public school district in
25 which the parent resides or a state-approved private or parochial school.

26 **SECTION 2. AMENDMENT.** Section 15-19-03 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **15-19-03. Duties of superintendents of schools - Authorization of enrollments.** All
29 applications for enrollment of persons under the age of sixteen years must be approved by the
30 superintendent or an administrator of a school in the district ~~prior to~~ before acceptance of
31 enrollment by the ~~division of independent study~~ educational technology council. All applications

1 for enrollment of persons under the age of sixteen not residing in a high school district must be
2 approved by the county superintendent of schools ~~prior to~~ before the acceptance of such
3 enrollment.

4 **SECTION 3. AMENDMENT.** Section 15-19-04 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **15-19-04. Duty of teachers, county and state officers, and institutions.** The state
7 board of public school education and the superintendent or a member of the department of
8 public instruction designated by the superintendent shall approve the content of courses
9 offered, monitor compliance with sections 15-41-25 and 15-47-46, approve credits granted for
10 each course, and do all other things necessary to integrate the correspondence program into
11 other programs administered or supervised by the ~~department~~ superintendent of public
12 instruction. The ~~division of independent study~~ educational technology council may advertise its
13 correspondence program, however, the state board of public school education and the
14 superintendent of public instruction shall ensure that the program in no way competes with the
15 public schools of this state for the enrollment of students, encourages students to leave the
16 public schools, or duplicates the facilities of the public schools through offering correspondence
17 courses to students having access to such courses in the public schools.

18 **SECTION 4. AMENDMENT.** Section 15-34.1-11.1 of the 1999 Supplement to the
19 North Dakota Century Code is amended and reenacted as follows:

20 **15-34.1-11.1. High school diplomas - Issuance to home education students.**

- 21 1. A high school diploma may be issued to a student by the student's school district of
22 residence, a state-approved nonpublic high school, or the ~~North Dakota division of~~
23 ~~independent study~~ educational technology council if the student, through home
24 education, has met the issuing entity's requirements for high school graduation and
25 the student's parent or legal guardian provides the issuing entity with a description
26 of the course material covered in each high school subject, a description of the
27 course objectives and how the objectives were met, and a transcript of the
28 student's performance in grades nine through twelve.
- 29 2. In the alternative, a high school diploma may be issued to a student by the
30 student's school district of residence, a state-approved nonpublic high school, or
31 the ~~North Dakota division of independent study~~ educational technology council if

1 the student, through home education, has completed at least seventeen units of
2 high school coursework from the minimum required curriculum offerings
3 established for public and private schools in section 15-41-24 and the student's
4 parent or legal guardian provides the issuing entity with a description of the course
5 material covered in each high school subject, a description of the course objectives
6 and how the objectives were met, and a transcript of the student's performance in
7 grades nine through twelve. The issuing entity may indicate on a diploma issued
8 under this subsection that the student has received home education.

9 3. If for any reason the documentation required in subsection 1 or 2 is unavailable,
10 the entity issuing the diploma may accept any other reasonable proof that the
11 student has met the applicable requirements for high school graduation.

12 **SECTION 5. AMENDMENT.** Subdivision b of subsection 11 of section 15-39.1-04 of
13 the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

14 b. The superintendent of public instruction, assistant superintendents of public
15 instruction, county superintendents, assistant superintendents, supervisors of
16 instruction, the professional staff of the state board for vocational and
17 technical education, the professional staff of the ~~division of independent study~~
18 educational technology council, the executive director and professional staff
19 of the North Dakota education association who are members of the fund on
20 July 1, 1995, the professional staff of an interim school district, and the
21 professional staff of the North Dakota high school activities association who
22 are members of the fund on July 1, 1995.

23 **SECTION 6. AMENDMENT.** Subsection 1 of section 15.1-02-07 of the 1999
24 Supplement to the North Dakota Century Code is amended and reenacted as follows:

25 1. The superintendent of public instruction may lease surplus portions of real
26 property, including buildings and improvements, owned by the state and
27 administered by the superintendent of public instruction at the school for the blind;
28 and the school for the deaf, ~~and the division of independent study.~~

29 **SECTION 7. AMENDMENT.** Section 28-32-01 of the 1999 Supplement to the North
30 Dakota Century Code is amended and reenacted as follows:

1 **28-32-01. (Effective through December 31, 2002) Definitions.** In this chapter, unless
2 the context or subject matter otherwise provides:

- 3 1. "Adjudicative proceeding" means an administrative matter resulting in an agency
4 issuing an order after an opportunity for hearing is provided or required. An
5 adjudicative proceeding includes administrative matters involving a hearing on a
6 complaint against a specific-named respondent; a hearing on an application
7 seeking a right, privilege, or an authorization from an agency, such as a
8 ratemaking or licensing hearing; or a hearing on an appeal to an agency. An
9 adjudicative proceeding includes reconsideration, rehearing, or reopening. Once
10 an adjudicative proceeding has begun, the adjudicative proceeding includes any
11 informal disposition of the administrative matter under section 28-32-05.1 or
12 another specific statute or rule, unless the matter has been specifically converted
13 to another type or proceeding under section 28-32-05.1. An adjudicative
14 proceeding does not include a decision or order to file or not to file a complaint, or
15 to initiate an investigation, an adjudicative proceeding, or any other proceeding
16 before the agency, or another agency, or a court. An adjudicative proceeding does
17 not include a decision or order to issue, reconsider, or reopen an order that
18 precedes an opportunity for hearing or that under another section of this code is
19 not subject to review in an adjudicative proceeding. An adjudicative proceeding
20 does not include rulemaking under this chapter.
- 21 2. "Administrative agency" or "agency" means each board, bureau, commission,
22 department, or other administrative unit of the executive branch of state
23 government, including one or more officers, or employees, or other persons directly
24 or indirectly purporting to act on behalf or under authority of the agency. An
25 administrative unit located within or subordinate to an administrative agency shall
26 be treated as part of that agency to the extent it purports to exercise authority
27 subject to this chapter. The term administrative agency does not include:
- 28 a. The office of management and budget except with respect to rules made
29 under section 32-12.2-14, rules relating to conduct on the capitol grounds and
30 in buildings located on the capitol grounds under section 54-21-18, rules
31 relating to the state building code as authorized or required under section

- 1 54-21.3-03, rules relating to the Model Energy Code as required under section
2 54-21.2-03, rules relating to the central personnel system as authorized under
3 section 54-44.3-07, rules relating to state purchasing practices as required
4 under section 54-44.4-04, rules relating to records management as authorized
5 or required under chapter 54-46, and rules relating to the central microfilm unit
6 as authorized under chapter 54-46.1.
- 7 b. The adjutant general with respect to the division of emergency management.
8 c. The council on the arts.
9 d. The state auditor.
10 e. The department of economic development and finance.
11 f. The dairy promotion commission.
12 g. The education factfinding commission.
13 h. The educational ~~telecommunications~~ technology council.
14 i. The board of equalization.
15 j. The board of higher education.
16 k. The Indian affairs commission.
17 l. The industrial commission with respect to the activities of the Bank of North
18 Dakota, the North Dakota housing finance agency, the North Dakota
19 municipal bond bank, the North Dakota mill and elevator association, and the
20 North Dakota farm finance agency.
21 m. The department of corrections and rehabilitation except with respect to the
22 activities of the division of adult services under chapter 54-23.4.
23 n. The pardon advisory board.
24 o. The parks and recreation department.
25 p. The parole board.
26 q. The state fair association.
27 r. The state department of health with respect to the state toxicologist.
28 s. The board of university and school lands except with respect to activities
29 under chapter 47-30.1.

- 1 t. The administrative committee on veterans' affairs except with respect to rules
2 relating to the supervision and government of the veterans' home and the
3 implementation of programs or services provided by the veterans' home.
- 4 u. The industrial commission with respect to the lignite research fund except as
5 required under section 57-61-01.5.
- 6 v. The secretary of state with respect to rules adopted for the presidential
7 preference contest under section 16.1-11-02.2.
- 8 3. "Agency head" means an individual or body of individuals in whom the ultimate
9 legal authority of the agency is vested by law.
- 10 4. "Complainant" means any person who files a complaint before an administrative
11 agency pursuant to section 28-32-05; and any administrative agency which, when
12 authorized by law, files such a complaint before such agency or any other agency.
- 13 5. "Hearing officer" means any agency head or one or more members of the agency
14 head when presiding in an administrative proceeding, or, unless prohibited by law,
15 one or more other persons designated by the agency head to preside in an
16 administrative proceeding, an administrative law judge from the office of
17 administrative hearings, or any other person duly assigned, appointed, or
18 designated to preside in an administrative proceeding pursuant to statute or rule.
- 19 6. "License" means a franchise, permit, certification, approval, registration, charter, or
20 similar form of authorization required by law.
- 21 7. "Order" means any agency action of particular applicability that determines the
22 legal rights, duties, privileges, immunities, or other legal interests of one or more
23 specific persons, but does not mean an executive order issued by the governor.
- 24 8. "Party" means each person named or admitted as a party or properly seeking and
25 entitled as of right to be admitted as a party. An administrative agency may be a
26 party. In a hearing for the suspension, revocation, or disqualification of an
27 operator's license under title 39, the term may include each city and each county in
28 which the alleged conduct occurred, but the city or county may not appeal the
29 decision of the hearing officer.

- 1 9. "Person" includes an individual, association, partnership, corporation, limited
2 liability company, state governmental agency or governmental subdivision, or an
3 agency of such governmental subdivision.
- 4 10. "Relevant evidence" means evidence having any tendency to make the existence
5 of any fact that is of consequence to the determination of the administrative action
6 more probable or less probable than it would be without the evidence.
- 7 11. "Rule" means the whole or a part of an agency statement of general applicability
8 that implements or prescribes law or policy, or the organization, procedure, or
9 practice requirements of the agency. The term includes the adoption of new rules
10 and the amendment, repeal, or suspension of an existing rule. The term does not
11 include:
- 12 a. A rule concerning only the internal management of an agency which does not
13 directly or substantially affect the substantive or procedural rights or duties of
14 any segment of the public.
- 15 b. A rule that sets forth criteria or guidelines to be used by the staff of an agency
16 in the performance of audits, investigations, inspections, and settling
17 commercial disputes or negotiating commercial arrangements, or in the
18 defense, prosecution, or settlement of cases, if the disclosure of the statement
19 would:
- 20 (1) Enable law violators to avoid detection;
- 21 (2) Facilitate disregard of requirements imposed by law; or
- 22 (3) Give a clearly improper advantage to persons who are in an adverse
23 position to the state.
- 24 c. A rule establishing specific prices to be charged for particular goods or
25 services sold by an agency.
- 26 d. A rule concerning only the physical servicing, maintenance, or care of agency
27 owned or operated facilities or property.
- 28 e. A rule relating only to the use of a particular facility or property owned,
29 operated, or maintained by the state or any of its subdivisions, if the
30 substance of the rule is adequately indicated by means of signs or signals to
31 persons who use the facility or property.

- 1 f. A rule concerning only inmates of a correctional or detention facility, students
2 enrolled in an educational institution, or patients admitted to a hospital, if
3 adopted by that facility, institution, or hospital.
- 4 g. A form whose contents or substantive requirements are prescribed by rule or
5 statute or are instructions for the execution or use of the form.
- 6 h. An agency budget.
- 7 i. An opinion of the attorney general.
- 8 j. A rule adopted by an agency selection committee under section 54-44.7-03.
- 9 k. Any material, including a guideline, interpretive statement, statement of
10 general policy, manual, brochure, or pamphlet, that is explanatory and not
11 intended to have the force and effect of law.

12 **(Effective January 1, 2003) Definitions.** In this chapter, unless the context or subject
13 matter otherwise provides:

- 14 1. "Adjudicative proceeding" means an administrative matter resulting in an agency
15 issuing an order after an opportunity for hearing is provided or required. An
16 adjudicative proceeding includes administrative matters involving a hearing on a
17 complaint against a specific-named respondent; a hearing on an application
18 seeking a right, privilege, or an authorization from an agency, such as a
19 ratemaking or licensing hearing; or a hearing on an appeal to an agency. An
20 adjudicative proceeding includes reconsideration, rehearing, or reopening. Once
21 an adjudicative proceeding has begun, the adjudicative proceeding includes any
22 informal disposition of the administrative matter under section 28-32-05.1 or
23 another specific statute or rule, unless the matter has been specifically converted
24 to another type or proceeding under section 28-32-05.1. An adjudicative
25 proceeding does not include a decision or order to file or not to file a complaint, or
26 to initiate an investigation, an adjudicative proceeding, or any other proceeding
27 before the agency, or another agency, or a court. An adjudicative proceeding does
28 not include a decision or order to issue, reconsider, or reopen an order that
29 precedes an opportunity for hearing or that under another section of this code is
30 not subject to review in an adjudicative proceeding. An adjudicative proceeding
31 does not include rulemaking under this chapter.

- 1 2. "Administrative agency" or "agency" means each board, bureau, commission,
2 department, or other administrative unit of the executive branch of state
3 government, including one or more officers, or employees, or other persons directly
4 or indirectly purporting to act on behalf or under authority of the agency. An
5 administrative unit located within or subordinate to an administrative agency shall
6 be treated as part of that agency to the extent it purports to exercise authority
7 subject to this chapter. The term administrative agency does not include:
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9 under section 32-12.2-14, rules relating to conduct on the capitol grounds and
10 in buildings located on the capitol grounds under section 54-21-18, rules
11 relating to the state building code as authorized or required under section
12 54-21.3-03, rules relating to the Model Energy Code as required under section
13 54-21.2-03, rules relating to the central personnel system as authorized under
14 section 54-44.3-07, rules relating to state purchasing practices as required
15 under section 54-44.4-04, rules relating to records management as authorized
16 or required under chapter 54-46, and rules relating to the central microfilm unit
17 as authorized under chapter 54-46.1.
 - 18 b. The adjutant general with respect to the division of emergency management.
 - 19 c. The council on the arts.
 - 20 d. The state auditor.
 - 21 e. The department of economic development and finance.
 - 22 f. The dairy promotion commission.
 - 23 g. The education factfinding commission.
 - 24 h. The educational ~~telecommunications~~ technology council.
 - 25 i. The board of equalization.
 - 26 j. The board of higher education.
 - 27 k. The Indian affairs commission.
 - 28 l. The industrial commission with respect to the activities of the Bank of North
29 Dakota, the North Dakota housing finance agency, the North Dakota
30 municipal bond bank, the North Dakota mill and elevator association, and the
31 North Dakota farm finance agency.

- 1 m. The department of corrections and rehabilitation except with respect to the
2 activities of the division of adult services under chapter 54-23.4.
- 3 n. The pardon advisory board.
- 4 o. The parks and recreation department.
- 5 p. The parole board.
- 6 q. The state fair association.
- 7 r. The state department of health with respect to the state toxicologist.
- 8 s. The board of university and school lands except with respect to activities
9 under chapter 47-30.1.
- 10 t. The administrative committee on veterans' affairs except with respect to rules
11 relating to the supervision and government of the veterans' home and the
12 implementation of programs or services provided by the veterans' home.
- 13 u. The industrial commission with respect to the lignite research fund except as
14 required under section 57-61-01.5.
- 15 v. The secretary of state with respect to rules adopted for the presidential
16 preference contest under section 16.1-11-02.3.
- 17 3. "Agency head" means an individual or body of individuals in whom the ultimate
18 legal authority of the agency is vested by law.
- 19 4. "Complainant" means any person who files a complaint before an administrative
20 agency pursuant to section 28-32-05; and any administrative agency which, when
21 authorized by law, files such a complaint before such agency or any other agency.
- 22 5. "Hearing officer" means any agency head or one or more members of the agency
23 head when presiding in an administrative proceeding, or, unless prohibited by law,
24 one or more other persons designated by the agency head to preside in an
25 administrative proceeding, an administrative law judge from the office of
26 administrative hearings, or any other person duly assigned, appointed, or
27 designated to preside in an administrative proceeding pursuant to statute or rule.
- 28 6. "License" means a franchise, permit, certification, approval, registration, charter, or
29 similar form of authorization required by law.

- 1 7. "Order" means any agency action of particular applicability that determines the
2 legal rights, duties, privileges, immunities, or other legal interests of one or more
3 specific persons, but does not mean an executive order issued by the governor.
- 4 8. "Party" means each person named or admitted as a party or properly seeking and
5 entitled as of right to be admitted as a party. An administrative agency may be a
6 party. In a hearing for the suspension, revocation, or disqualification of an
7 operator's license under title 39, the term may include each city and each county in
8 which the alleged conduct occurred, but the city or county may not appeal the
9 decision of the hearing officer.
- 10 9. "Person" includes an individual, association, partnership, corporation, limited
11 liability company, state governmental agency or governmental subdivision, or an
12 agency of such governmental subdivision.
- 13 10. "Relevant evidence" means evidence having any tendency to make the existence
14 of any fact that is of consequence to the determination of the administrative action
15 more probable or less probable than it would be without the evidence.
- 16 11. "Rule" means the whole or a part of an agency statement of general applicability
17 that implements or prescribes law or policy, or the organization, procedure, or
18 practice requirements of the agency. The term includes the adoption of new rules
19 and the amendment, repeal, or suspension of an existing rule. The term does not
20 include:
- 21 a. A rule concerning only the internal management of an agency which does not
22 directly or substantially affect the substantive or procedural rights or duties of
23 any segment of the public.
- 24 b. A rule that sets forth criteria or guidelines to be used by the staff of an agency
25 in the performance of audits, investigations, inspections, and settling
26 commercial disputes or negotiating commercial arrangements, or in the
27 defense, prosecution, or settlement of cases, if the disclosure of the statement
28 would:
- 29 (1) Enable law violators to avoid detection;
- 30 (2) Facilitate disregard of requirements imposed by law; or

- 1 (3) Give a clearly improper advantage to persons who are in an adverse
2 position to the state.
- 3 c. A rule establishing specific prices to be charged for particular goods or
4 services sold by an agency.
- 5 d. A rule concerning only the physical servicing, maintenance, or care of agency
6 owned or operated facilities or property.
- 7 e. A rule relating only to the use of a particular facility or property owned,
8 operated, or maintained by the state or any of its subdivisions, if the
9 substance of the rule is adequately indicated by means of signs or signals to
10 persons who use the facility or property.
- 11 f. A rule concerning only inmates of a correctional or detention facility, students
12 enrolled in an educational institution, or patients admitted to a hospital, if
13 adopted by that facility, institution, or hospital.
- 14 g. A form whose contents or substantive requirements are prescribed by rule or
15 statute or are instructions for the execution or use of the form.
- 16 h. An agency budget.
- 17 i. An opinion of the attorney general.
- 18 j. A rule adopted by an agency selection committee under section 54-44.7-03.
- 19 k. Any material, including a guideline, interpretive statement, statement of
20 general policy, manual, brochure, or pamphlet, that is explanatory and not
21 intended to have the force and effect of law.

22 **SECTION 8. AMENDMENT.** Subsection 1 of section 54-07-01.2 of the 1999
23 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 24 1. Notwithstanding sections 2-05-01, 4-18.1-04, 4-27-04, 6-01-03, 6-09-02.1,
25 12-55.1-02, 12-59-01, 15-38-17, 15-39.1-05.1, 15.1-01-01, 15.1-05-02, 20.1-02-23,
26 23-01-02, 23-25-02, 36-01-01, 37-18.1-01, 50-06-05.6, 50-06.1-16, 54-34.3-10,
27 54-54-02, 55-01-01, 55-06-01, 61-02-04, and 61-28-03, all members of the
28 following boards and commissions must, subject to the limitations of this section,
29 be considered to have resigned from such boards and commissions effective
30 January first of the first year of each four-year term of the governor:
31 a. The aeronautics commission.

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- 1 b. The milk marketing board.
- 2 c. The dairy promotion commission.
- 3 d. The state banking board.
- 4 e. The state credit union board.
- 5 f. The advisory board of directors to the Bank of North Dakota.
- 6 g. The pardon advisory board.
- 7 h. The state parole board.
- 8 i. The state board of public school education.
- 9 j. The education standards and practices board and the administrator's
- 10 professional practices board.
- 11 k. The board of trustees for the teachers' fund for retirement.
- 12 l. ~~The educational telecommunications council.~~
- 13 ~~m.~~ The state game and fish advisory board.
- 14 ~~n.~~ m. The health council.
- 15 ~~o.~~ n. The air pollution control advisory council.
- 16 ~~p.~~ o. The board of animal health.
- 17 ~~q.~~ p. The administrative committee on veterans' affairs.
- 18 ~~r.~~ q. The committee on aging.
- 19 ~~s.~~ r. The committee on employment of people with disabilities.
- 20 ~~t.~~ s. The commission on the status of women.
- 21 ~~u.~~ t. The North Dakota council on the arts.
- 22 ~~v.~~ u. The state historical board.
- 23 ~~w.~~ v. The Yellowstone-Missouri-Fort Union commission.
- 24 ~~x.~~ w. The state water commission.
- 25 ~~y.~~ x. The state water pollution control board.

26 **SECTION 9.** A new section to chapter 54-59 of the North Dakota Century Code is
27 created and enacted as follows:

28 **Educational technology council - Meetings - Compensation.**

- 29 1. The educational technology council is responsible for coordinating educational
30 technology initiatives for elementary and secondary education.
- 31 2. The educational technology council consists of:

- 1 a. The chief information officer.
- 2 b. The superintendent of public instruction or the superintendent's designee.
- 3 c. The commissioner of higher education or the commissioner's designee.
- 4 d. A representative appointed by the North Dakota association of technology
5 leaders.
- 6 e. A representative appointed by the state board for vocational and technical
7 education.
- 8 f. A representative appointed by the North Dakota council of educational
9 leaders.
- 10 g. A representative appointed by the North Dakota school boards association.
- 11 h. A representative appointed by the North Dakota association of small
12 organized schools.
- 13 i. Two representatives of school districts, appointed by the governor.
- 14 3. The council shall select a chairman from among its members.
- 15 4. The term of office for the members appointed by the governor is four years.
- 16 5. The educational technology council shall appoint a technology director to serve at
17 the will of the council.
- 18 6. The members of the educational technology council appointed by the governor are
19 entitled to receive as compensation sixty-two dollars and fifty cents per day and to
20 reimbursement of expenses as provided by law for state officers while attending
21 meetings of the council.

22 **SECTION 10.** A new section to chapter 54-59 of the North Dakota Century Code is
23 created and enacted as follows:

24 **North Dakota educational technology council - Powers and duties.** The
25 educational technology council shall:

- 26 1. Coordinate the use of technology and the development of technology systems to
27 enhance educational opportunities for elementary and secondary education.
- 28 2. Cooperate with state agencies and other organizations to develop statewide
29 educational technology systems.
- 30 3. Adopt bylaws for the conduct of its affairs.
- 31 4. Publish the informational material it deems necessary.

1 5. Conduct a continuing study to assess the needs, resources, and facilities that are
2 available or which may be required to establish educational technology systems
3 throughout the state.

4 6. Solicit and receive moneys from public and private sources and expend the
5 moneys for educational technology.

6 **SECTION 11.** A new section to chapter 54-59 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Special funds - Deposit of collections - Transfers from general fund**
9 **appropriations - Continuing appropriation.**

10 1. A special operating fund for the educational technology council must be maintained
11 within the state treasury and all income and fees collected by the council from any
12 source must be remitted monthly to the state treasurer and credited to the special
13 operating fund. The state treasurer shall make periodic transfers upon order of the
14 director of the office of management and budget from the council's general fund
15 appropriation to the special operating fund whenever the fund balance falls so low
16 as to require supplementation.

17 2. The state board of public school education may establish a scholarship fund to
18 provide financial grants to students enrolled in courses offered through the
19 educational technology council. The scholarship fund may consist only of those
20 funds specifically appropriated by the legislative assembly and property received
21 by the board or the council as a gift, devise, or bequest. Any gift, devise, or
22 bequest of property received by the board or council which is designated by the
23 board and donor for the scholarship fund must be deposited in the scholarship fund
24 at the Bank of North Dakota. The council may draw only on the interest earned by
25 the scholarship fund for the award of scholarships within the limits and rules
26 adopted by the state board of public school education. The interest earned by the
27 scholarship fund is appropriated to the educational technology council.

28 **SECTION 12. REPEAL.** Sections 15-19-02 and 15-19-06 and chapter 15.1-05 of the
29 North Dakota Century Code are repealed.

1 **SECTION 13. TRANSFER OF FUNDS.** Any funds in the special operating fund for the
2 division of independent study must be transferred to the special operating fund for the
3 educational technology council on the effective date of this Act.