

**HOUSE BILL NO. 1461**

Introduced by

Representatives Kasper, Rick C. Becker, Belter, Dosch, Kempenich, Ruby, Streyle,  
Thoreson, Vigesaa

Senators Bowman, Dever, 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, and 15.1-21-11 of the North Dakota Century Code, relating to state assessments; to  
8 provide an appropriation; to provide for a legislative management study; to provide an effective  
9 date; and to declare an emergency.

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

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

13 **15.1-02-04. Superintendent of public instruction - Duties.**

14 The superintendent of public instruction:

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

- 1           7.    As appropriate, shall determine the outcome of appeals regarding education matters;\_
- 2               and
- 3           8.    Shall direct school district annexation, reorganization, and dissolution and employ and
- 4               compensate personnel necessary to enable the state board of public school education
- 5               to carry out its powers and duties regarding school district annexation, reorganization,
- 6               and dissolution.

7           **SECTION 2.** A new section to chapter 15.1-02 of the North Dakota Century Code is created

8 and enacted as follows:

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

- 10          1.    Without statutory authorization by the legislative assembly, the superintendent of
- 11               public instruction may not commit this state or any political subdivision of this state to
- 12               participate, at any level, in any organization, consortium, association, or like entity, if
- 13               the participation requires, will require, or potentially could require either an expenditure
- 14               of public funds or changes in the laws of this state.
- 15          2.    Without statutory authorization by the legislative assembly, the superintendent of
- 16               public instruction may not be a signatory to any document that commits this state or
- 17               any political subdivision of this state to participate, at any level, in any organization,
- 18               consortium, association, or like entity, if the participation requires, will require, or
- 19               potentially could require either an expenditure of public funds or changes in the laws of
- 20               this state.

21          **SECTION 3. AMENDMENT.** Section 15.1-21-12 of the North Dakota Century Code is

22 amended and reenacted as follows:

23          **15.1-21-12. Professional development - Use of available funds.**

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

13           On the effective date of this Act, the governor and the superintendent of public instruction  
14 shall provide written notification to the smarter balanced consortium indicating that this state is  
15 no longer a participant in the smarter balanced consortium.

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

18           **Interim standards and assessments.**

- 19           1. Beginning with the 2015-16 school year and extending until such time as North Dakota  
20 content standards for the areas of English language arts and mathematics have been  
21 developed, approved by the legislative assembly, and fully implemented, the board of  
22 each school district shall determine the English language arts and mathematics  
23 content standards that will be used in the schools of the district and shall determine  
24 the manner in which students will be assessed.
- 25           2. A school district may act independently, jointly with one or more school districts, or as  
26 a member of a regional education association, to meet the requirements of this  
27 section.

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

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

2        Beginning on the effective date of this Act, no state official or agency may directly or  
3 indirectly utilize state resources in support of or in advancement of:

4        1. The common core standards;

5        2. State standards that are aligned to the common core standards;

6        3. Assessments that are aligned to the common core standards; or

7        4. Assessments that are aligned to the state standards referenced in subsection 2.

8        **SECTION 7. LEGISLATIVE MANAGEMENT STUDY - NORTH DAKOTA CONTENT**

9        **STANDARDS.** The legislative management shall appoint an interim committee to study the  
10 development and implementation of North Dakota content standards in the areas of English  
11 language arts and mathematics.

12        1. a. The interim committee shall appoint a working group that includes legislators,  
13 school district administrators, higher education faculty members who are content  
14 experts in the areas of English language arts or mathematics, teachers, parents,  
15 representatives of business, state officials, and governmental staff, to review  
16 existing English language arts and mathematics content standards from a variety  
17 of states and sources, including the standards used in California and  
18 Massachusetts prior to the adoption of common core standards, and based on its  
19 findings, provide for the development of North Dakota content standards for each  
20 grade from kindergarten through twelve, in the referenced areas. The North  
21 Dakota content standards must be internationally benchmarked to ensure that  
22 North Dakota students are prepared to achieve and succeed in a knowledge-  
23 based globally competitive society and economy.

24        b. For purposes of this subsection, "internationally benchmarked" means highly  
25 correlated to standards used in high-performing countries, as defined in  
26 accordance with scholastic performance rankings published by the program for  
27 international student assessment and the trends in international mathematics and  
28 science study.

29        2. a. The interim committee may contract with individuals or organizations, in this state  
30 or outside of this state, to accomplish the study directives.

- 1           b. The interim committee shall contract with an individual to serve as an executive  
2           director for purposes of overseeing the managerial aspects of the standards  
3           development process.
- 4           c. The interim committee shall contract with necessary staff for purposes of  
5           addressing the clerical aspects of the standards development process.
- 6           d. The interim committee may provide for the creation of any necessary  
7           professional and citizen review panels prior to finalization of the content  
8           standards.
- 9           3. The interim committee shall receive regular progress reports from the working group  
10          referenced in subsection 1 and shall provide frequent opportunities for members of the  
11          public to provide input during the content standards development process.
- 12          4. a. Once the working group has completed its charge in accordance with this  
13             section, the interim committee shall formally review the content standards  
14             proposed by the group and modify the standards as it deems necessary.
- 15          b. The interim committee shall present the proposed North Dakota content  
16             standards to the legislative management at the biennial meeting of the legislative  
17             management in November 2016.
- 18          5. The legislative management shall report its findings and recommendations, together  
19             with the completed content standards, and any legislation required to implement the  
20             recommendations and the content standards to the sixty-fifth legislative assembly.

21          **SECTION 8. APPROPRIATION.** There is appropriated out of any moneys in the general  
22          fund in the state treasury, not otherwise appropriated, the sum of \$750,000, or so much of the  
23          sum as may be necessary, to the legislative council for the purpose of contracting with  
24          individuals and organizations necessary to complete the study directives set forth in section 7 of  
25          this Act, for the biennium beginning July 1, 2015, and ending June 30, 2017.

26          **SECTION 9. REPEAL.** Sections 15.1-21-08, 15.1-21-09, 15.1-21-10, and 15.1-21-11 of the  
27          North Dakota Century Code are repealed.

28          **SECTION 10. EFFECTIVE DATE.** This Act is effective on July 1, 2015.

29          **SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure.