

Sixty-fifth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2186

Introduced by

Senators Poolman, D. Larson, Oban

Representatives D. Johnson, Schreiber-Beck, Guggisberg

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota  
2 Century Code, relating to the creation of an innovative education program; and to amend and  
3 reenact section 15.1-06-08.1 of the North Dakota Century Code, relating to statutory waivers.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-06-08.1 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **15.1-06-08.1. Statutes - Waiver.**

8 1. ~~The superintendent of public instruction may not waive any statute, in whole or in part,~~  
9 ~~except as provided for in this section.~~

10 2. A school or school district may apply to the superintendent of public instruction for a  
11 waiver of section 15.1-21-03, ~~provided~~if the waiver:

12 a. Encourages innovation; and

13 b. Has the potential to result in improved educational opportunities or enhanced  
14 academic opportunities for the students.

15 ~~3-2.~~ The initial waiver must be for a specific period of time but may not exceed one year.  
16 The school district may apply for extensions of the waiver. The first extension may not  
17 exceed a period of one year. Additional extensions may not exceed periods of two  
18 years.

19 ~~4-3.~~ If the superintendent of public instruction, after receipt and consideration of an  
20 application for a waiver under this section, approves the waiver, the superintendent  
21 shall file a report with the legislative council. The report must provide a detailed  
22 account of the reasons for which the waiver was granted and the specific time period  
23 for the waiver. If the superintendent of public instruction denies an application for a  
24 waiver under this section, the superintendent shall file a notice of denial with the

1 legislative council. If requested, the superintendent shall appear and respond to  
2 questions regarding the approval or denial of any application for a waiver under this  
3 section.

4 5.4. The superintendent of public instruction shall adopt rules governing the submission  
5 and evaluation of applications and the monitoring of any school or school district that  
6 receives a waiver under this section.

7 **SECTION 2.** A new section to chapter 15.1-06 of the North Dakota Century Code is created  
8 and enacted as follows:

9 **Innovative education program - Participation - Reports to legislative management.**

- 10 1. The superintendent of public instruction shall adopt rules to administer this section and  
11 develop criteria for the submission, approval, and evaluation of the proposals and  
12 plans under this section.
- 13 2. The superintendent of public instruction may accept a proposal from any public or  
14 nonpublic school, upon approval by the local school board or governing board, for  
15 participation in an innovative education program. The proposal must specify the  
16 innovations to be pursued at the school or school district level and the manner in  
17 which the proposal will:
- 18 a. Improve the delivery of education;  
19 b. Improve the administration of education;  
20 c. Provide increased educational opportunities for students; or  
21 d. Improve the academic success of students.
- 22 3. The superintendent of public instruction may approve the proposal, reject the  
23 proposal, or work with the submitting school to modify the proposal.
- 24 4. During the school's initial year of participation in the innovative education program, the  
25 school shall develop a comprehensive implementation plan and work with the  
26 superintendent of public instruction to ensure the long-term viability of the proposal.
- 27 5. The superintendent of public instruction may approve the comprehensive  
28 implementation plan developed under subsection 4 for a period of up to five years. If,  
29 due to a change in circumstances, there is a determination by either the school or the  
30 superintendent of public instruction that modifications to the comprehensive

- 1           implementation plan are necessary, the school and the superintendent of public  
2           instruction shall work with each other to achieve the necessary modifications.
- 3        6. Beginning in the initial year of the implementation of the program, the superintendent  
4           of public instruction may provide the school with a waiver of any state statute or rule or  
5           provide authorization necessary for implementation of the plan.
- 6        7. The superintendent of public instruction may revoke any waiver or authorization  
7           granted under this section if the superintendent of public instruction determines the  
8           school has failed to perform in accordance with the agreed upon terms of the program  
9           or failed to meet the requirements of this section.
- 10       8. Any school participating in the program shall provide program evaluation data to the  
11           superintendent of public instruction at the time and in the manner requested by the  
12           superintendent of public instruction.
- 13       9. The superintendent of public instruction shall provide periodic reports to the legislative  
14           management regarding the innovative education program.