

**Sixty-fifth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2017**

SENATE BILL NO. 2186  
(Senators Poolman, D. Larson, Oban)  
(Representatives D. Johnson, Schreiber-Beck, Guggisberg)

AN ACT to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to the creation of an innovative education program; to amend and reenact section 15.1-06-08.1 of the North Dakota Century Code, relating to statutory waivers; and to provide for a report.

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

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

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

1. The superintendent of public instruction may not waive any statute, in whole or in part, except as provided for in this section.
2. A school or school district may apply to the superintendent of public instruction for a waiver of ~~section 15.1-21-03~~ chapters 15-20.1, 15.1-06, 15.1-18, 15.1-20, 15.1-21, 15.1-22, 15.1-25, 15.1-32, and 15.1-38, ~~provided or any associated rules, if~~ the waiver:
  - a. ~~Encourages innovation; and~~ Improves the delivery of education;
  - b. ~~Has the potential to result in improved educational opportunities or enhanced academic opportunities for the students~~ Improves the administration of education;
  - c. Provides increased educational opportunities for students; or
  - d. Improves the academic success of students.
3. The initial waiver must be for a specific period of time but may not exceed one year. The school district may apply for extensions of the waiver. The first extension may not exceed a period of one year. Additional extensions may not exceed periods of two years.
4. If the superintendent of public instruction, after receipt and consideration of an application for a waiver under this section, approves the waiver, the superintendent shall file a report with the legislative ~~council~~ management. The report must provide a detailed account of the reasons for which the waiver was granted and the specific time period for the waiver. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the legislative ~~council~~ management. If requested, the superintendent shall appear and respond to questions regarding the approval or denial of any application for a waiver under this section.
5. The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications and the monitoring of any school or school district that receives a waiver under this section.

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

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

1. The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section.
2. The superintendent of public instruction may accept a proposal from any public or nonpublic school, upon approval by the school board or governing board, for participation in an innovative education program. The proposal must include evaluation criteria and specify the innovations to be pursued at the school or school district level and the manner in which the proposal will:
  - a. Improve the delivery of education;
  - b. Improve the administration of education;
  - c. Provide increased educational opportunities for students; or
  - d. Improve the academic success of students.
3. The superintendent of public instruction may approve the proposal, reject the proposal, or work with the submitting school to modify the proposal.
4. During the school's initial year of participation in the innovative education program, the school shall develop a comprehensive implementation plan and work with the superintendent of public instruction to ensure the long-term viability of the proposal.
5. The superintendent of public instruction may approve the comprehensive implementation plan developed under subsection 4 for a period of up to five years. If, due to a change in circumstances, there is a determination by either the school or the superintendent of public instruction that modifications to the comprehensive implementation plan are necessary, the school and the superintendent of public instruction shall work with each other to achieve the necessary modifications.
6. The superintendent of public instruction may revoke any waiver granted under section 15.1-06-08.1 if the superintendent of public instruction determines the school has failed to perform in accordance with the agreed upon terms of the program or failed to meet the requirements of this section.
7. Any school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction.
8. The superintendent of public instruction shall provide annual reports to the legislative management regarding the innovative education program, including:
  - a. The status of the implementation plan;
  - b. A summary of any waived statutes or rules; and
  - c. A review of evaluation data results.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2186.

Senate Vote:    Yeas 43            Nays 1            Absent 3

House Vote:    Yeas 75            Nays 17           Absent 2

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2017.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2017,

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

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Secretary of State