

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2215

Introduced by

Senator Schaible

Representative Owens

1 A BILL for an Act to create and enact a new section to chapter 15.1-01 of the North Dakota
2 Century Code, relating to the creation of the kindergarten through grade twelve education
3 coordination council; to amend and reenact ~~sections 15-19-02 and 15-19-06,~~
4 ~~subsection 1~~subsections 1 and 2 of section 15.1-07-33, subsection 2 of section 28-32-01, and
5 subsection 1 of section 54-59-33 of the North Dakota Century Code, relating to ~~the center for~~
6 ~~distance education,~~ the student information system, the definition of administrative agency, and
7 the statewide longitudinal data system committee; and to repeal sections 54-59-17 and
8 54-59-18 of the North Dakota Century Code, relating to the educational technology council.

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

10 ~~— **SECTION 1. AMENDMENT.** Section 15-19-02 of the North Dakota Century Code is~~
11 ~~amended and reenacted as follows:~~
12 ~~— **15-19-02. Administration - Director of center for distance education - Appointment**~~
13 ~~**and duties.**~~
14 ~~— The program of and all activities related to the center for distance education are the~~
15 ~~responsibility of the center for distance education and under the supervision authority of the~~
16 ~~educational technology council state board for career and technical education. The educational~~
17 ~~technology council shall director of the department of career and technical education may hire a~~
18 ~~state director of administration and staff for the center for distance education who must be~~
19 ~~classified under the state personnel merit system. The director administration shall carry out the~~
20 ~~director's sits responsibilities in the administration of administering the center for distance~~
21 ~~education in the manner approved by the educational technology council state board for career~~
22 ~~and technical education, under the supervision of the director of the department of career and~~
23 ~~technical education and in compliance with requirements established by the superintendent of~~
24 ~~public instruction and the education standards and practices board. The state board for career~~

1 ~~and technical education shall administer the responsibilities of the board of a school district~~
2 ~~relating to the center for distance education.~~

3 ~~— **SECTION 2. AMENDMENT.** Section 15-19-06 of the North Dakota Century Code is~~
4 ~~amended and reenacted as follows:~~

5 ~~— **15-19-06. Special funds -- Deposit of collections -- Transfers from general fund**~~
6 ~~**appropriations.**~~

7 ~~— 1. A special operating fund for the center for distance education must be maintained~~
8 ~~within the state treasury and all income and fees collected by the center for distance~~
9 ~~education from any source must be remitted monthly by the director to the state~~
10 ~~treasurer and credited to the special operating fund. All expenditures from the fund~~
11 ~~must be within the limits of legislative appropriations and must be made upon~~
12 ~~vouchers, signed and approved by the technology director appointed by the~~
13 ~~educational technology council director of the department of career and technical~~
14 ~~education. Upon approval of the vouchers by the office of the budget, warrant checks~~
15 ~~must be prepared by the office of management and budget. The state treasurer shall~~
16 ~~make periodic transfers upon order of the director of the office of management and~~
17 ~~budget from the center for distance education general fund appropriation to the special~~
18 ~~operating fund whenever its balance falls so low as to require supplementation.~~

19 ~~— 2. The educational technology council may establish an administrative operational fund,~~
20 ~~of not to exceed ten thousand dollars, out of the special operating fund for the center~~
21 ~~for distance education. The administrative operational fund must be deposited in the~~
22 ~~Bank of North Dakota and may be drawn upon by the state director of the center for~~
23 ~~distance education for the payment of necessary expenses in the administration and~~
24 ~~operation of the center for distance education within the limits and rules prescribed by~~
25 ~~the educational technology council. The director shall submit a full, minute, and~~
26 ~~itemized statement of every expenditure made during the month to the council in~~
27 ~~accordance with the rules adopted by the council, and thereafter the council may~~
28 ~~periodically authorize additional transfers to the administrative operational fund, but~~
29 ~~the balance in the fund may never exceed ten thousand dollars, and any~~
30 ~~unencumbered balance at the end of any biennium must revert to the state treasury.~~

1 ~~The administrative operational fund may not be used to pay salaries or expenses of~~
2 ~~the director.~~

3 ~~3. The educational technology council~~state board for career and technical education
4 ~~may establish a scholarship fund to provide financial grants to students enrolled in~~
5 ~~courses offered through the center for distance education. The scholarship fund may~~
6 ~~consist only of those funds specifically appropriated by the legislative assembly and~~
7 ~~property received by the council or the center for distance education as a gift, devise,~~
8 ~~or bequest. Any gift, devise, or bequest of property received by the council~~board
9 ~~or center for distance education which is designated by the council~~board
10 ~~and donor for the scholarship fund must be deposited in the scholarship fund at the Bank of North~~
11 ~~Dakota. The state director of the center for distance education may draw only on the~~
12 ~~interest earned by the scholarship fund for the award of scholarships within the limits~~
13 ~~and rules adopted by the educational technology council~~state board for career and
14 ~~technical education. The interest earned by the scholarship fund is appropriated to the~~
15 ~~center for distance education.~~

16 **SECTION 1.** A new section to chapter 15.1-01 of the North Dakota Century Code is created
17 and enacted as follows:

18 **Kindergarten through grade twelve education coordination council.**

- 19 1. The state board of public school education shall oversee the creation and ongoing
20 operation of the kindergarten through grade twelve education coordination council.
- 21 2. The council consists of:
- 22 a. ~~Three~~Four members of the legislative assembly, ~~one of whom must be a member~~
23 of the minority party, selected by the legislative managementmajority party from
24 each chamber of the legislative assembly, selected by the respective majority
25 leader of the chamber, and one member of the minority party from each chamber
26 of the legislative assembly, selected by the respective minority leader of the
27 chamber;
- 28 b. The governor or the governor's designee;
- 29 c. The superintendent of public instruction or the superintendent's designee;
- 30 d. The president of the state board for career and technical education or the
31 president's designee;

- 1 e. The president of the board of the North Dakota council of educational leaders or
2 the president's designee;
- 3 f. The president of the board of North Dakota united or the president's designee;
- 4 g. The president of the board of the North Dakota school boards association or the
5 president's designee;
- 6 h. The president of the board of the North Dakota small organized schools or the
7 president's designee; and
- 8 i. The following gubernatorial appointees:
- 9 (1) An individual representing the statewide longitudinal data system
10 committee;
- 11 (2) An individual representing a tribal school;
- 12 (3) An individual employed as a public school administrator;
- 13 (4) An individual employed as a public school principal;
- 14 (5) An individual employed as a public school teacher;
- 15 (6) A director of a special education unit; ~~and~~
- 16 (7) A director of a regional education association; and
- 17 (8) A behavioral health representative from the department of human services.
- 18 3. The term of office for a member appointed by the governor is four years. The governor
19 may stagger the initial appointments to the council so no more than three members'
20 terms expire in any year.
- 21 4. The council shall select a presiding officer annually from among its members.
- 22 5. A member of the council who is a member of the legislative assembly is entitled to
23 receive per diem compensation at the rate provided under section 54-35-10 for each
24 day performing official duties of the council and to reimbursement for travel and
25 expenses as provided by law, to be paid by the legislative council. A member of the
26 council who is not a state employee is entitled to receive as compensation sixty-two
27 dollars and fifty cents per day and to reimbursement of expenses as provided by law
28 for state officers while attending meetings of the council, to be paid by the state board
29 of public school education. A state employee who is a member of the council is entitled
30 to receive that employee's regular salary and is entitled to reimbursement for mileage
31 and expenses, to be paid by the employing agency.

- 1 6. The council may hire an executive director.
- 2 7. The council shall:
- 3 a. Assist in the implementation, dissemination, and communication of the statewide
- 4 strategic vision and evaluate progress toward meeting the identified goals and
- 5 strategies.
- 6 b. Perform a continuous review of the effectiveness and efficiency of access and
- 7 delivery of education services and programs in the state.
- 8 c. Identify opportunities for increased collaboration among state education entities
- 9 and stakeholders.
- 10 d. Identify gaps or duplications in education services and programs and provide
- 11 recommendations for addressing those gaps or duplications.
- 12 e. Study and evaluate new and emerging educational initiatives and trends and
- 13 provide recommendations for policy changes to state entities or the legislative
- 14 assembly if necessary.
- 15 f. Support the implementation, dissemination, and communication of local or
- 16 regional educational initiatives and practices, including innovative education
- 17 programs, on a statewide level.
- 18 g. Establish a one-stop communication and information hub to provide the public
- 19 and interested parties with seamless access to state entities that deliver
- 20 education services and programs.
- 21 h. Develop and utilize subcommittees as needed.
- 22 i. Seek advice and input from interested parties not appointed to the council as
- 23 needed.

24 **SECTION 2. AMENDMENT.** Subsection 1 of section 15.1-07-33 of the North Dakota
25 Century Code is amended and reenacted as follows:

- 26 1. Notwithstanding any other technology requirements imposed by the superintendent of
27 public instruction, ~~or the information technology department, or the North Dakota~~
28 ~~educational technology council,~~ each school district shall ~~acquire PowerSchool~~
29 ~~through~~ implement the state student information system administered by the
30 information technology department and use it as its principal student information
31 system. Each school district shall use a state course code, assigned by the

1 department of public instruction, to identify all local classes in ~~PowerSchool~~the state
2 student information system.

3 **SECTION 3. AMENDMENT.** Subsection 2 of section 15.1-07-33 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 2. The ~~superintendent of public instruction~~statewide longitudinal data system committee
6 may exempt a school district from having to ~~acquire~~implement and utilize
7 ~~PowerSchool~~the state student information system if the school district demonstrates
8 ~~that, in:~~

9 a. The district has acquired and is using a student information system determined to
10 be compatible with the statewide longitudinal data system; or

11 b. In accordance with requirements of the bureau of Indian education, the district
12 has acquired and is utilizing a student information system that is determined to
13 be comparable by the superintendent.

14 **SECTION 4. AMENDMENT.** Subsection 2 of section 28-32-01 of the North Dakota Century
15 Code is amended and reenacted as follows:

16 2. "Administrative agency" or "agency" means each board, bureau, commission,
17 department, or other administrative unit of the executive branch of state government,
18 including one or more officers, employees, or other persons directly or indirectly
19 purporting to act on behalf or under authority of the agency. An administrative unit
20 located within or subordinate to an administrative agency must be treated as part of
21 that agency to the extent it purports to exercise authority subject to this chapter. The
22 term administrative agency does not include:

23 a. The office of management and budget except with respect to rules made under
24 section 32-12.2-14, rules relating to conduct on the capitol grounds and in
25 buildings located on the capitol grounds under section 54-21-18, rules relating to
26 the classified service as authorized under section 54-44.3-07, and rules relating
27 to state purchasing practices as required under section 54-44.4-04.

28 b. The adjutant general with respect to the department of emergency services.

29 c. The council on the arts.

30 d. The state auditor.

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- 1 e. The department of commerce with respect to the division of economic
- 2 development and finance.
- 3 f. The dairy promotion commission.
- 4 g. The education factfinding commission.
- 5 h. ~~The educational technology~~kindergarten through grade twelve education
- 6 coordination council.
- 7 i. The board of equalization.
- 8 j. The board of higher education.
- 9 k. The Indian affairs commission.
- 10 l. The industrial commission with respect to the activities of the Bank of North
- 11 Dakota, North Dakota housing finance agency, public finance authority, North
- 12 Dakota mill and elevator association, North Dakota farm finance agency, the
- 13 North Dakota transmission authority, and the North Dakota pipeline authority.
- 14 m. The department of corrections and rehabilitation except with respect to the
- 15 activities of the division of adult services under chapter 54-23.4.
- 16 n. The pardon advisory board.
- 17 o. The parks and recreation department.
- 18 p. The parole board.
- 19 q. The state fair association.
- 20 r. The attorney general with respect to activities of the state toxicologist and the
- 21 state crime laboratory.
- 22 s. The administrative committee on veterans' affairs except with respect to rules
- 23 relating to the supervision and government of the veterans' home and the
- 24 implementation of programs or services provided by the veterans' home.
- 25 t. The industrial commission with respect to the lignite research fund except as
- 26 required under section 57-61-01.5.
- 27 u. The attorney general with respect to guidelines adopted under section 12.1-32-15
- 28 for the risk assessment of sexual offenders, the risk level review process, and
- 29 public disclosure of information under section 12.1-32-15.
- 30 v. The commission on legal counsel for indigents.

- 1 w. The attorney general with respect to twenty-four seven sobriety program
2 guidelines and program fees.
3 x. The industrial commission with respect to approving or setting water rates under
4 chapter 61-40.

5 **SECTION 5. AMENDMENT.** Subsection 1 of section 54-59-33 of the North Dakota Century
6 Code is amended and reenacted as follows:

- 7 1. The statewide longitudinal data system committee consists of:
8 a. The commissioner of the board of higher education or the commissioner's
9 designee;
10 b. The superintendent of public instruction or the superintendent's designee;
11 c. The chief information officer or the officer's designee;
12 d. The director of the department of career and technical education or the director's
13 designee;
14 e. The director of job service North Dakota or the director's designee;
15 f. The commissioner of commerce or the commissioner's designee;
16 g. The director of the department of human services or the director's designee;
17 h. ~~The director of the North Dakota educational technology council;~~
18 i. The executive director of the North Dakota council of educational leaders or the
19 executive director's designee;
20 j-l. The director of the North Dakota workforce development council or the director's
21 designee; and
22 k-j. Two members of the legislative assembly appointed by the chairman of the
23 legislative management.

24 **SECTION 6. REPEAL.** Sections 54-59-17 and 54-59-18 of the North Dakota Century Code
25 are repealed.