

**2019 SENATE EDUCATION**

**SB 2216**

# 2019 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Sheyenne River Room, State Capitol

SB 2216  
1/23/2019  
31316

- Subcommittee  
 Conference Committee

Committee Clerk Signature Lynn Wolf

## Explanation or reason for introduction of bill/resolution:

A bill relating to distance education; relating to authorization of enrollments to the center for distance education by a superintendent of a school.

## Minutes:

Att. #1-Schaible; Att. #2-3-Peterson; Att. #4-Sick; Att. #5-Copas; Att. #6-Burkle

**Vice-Chairman Fors:** We will be hearing SB 2216. Senator Schaible.

**Senator Schaible, District 31:** See *Attachment #1*.

(7:12) **Alan Peterson, Director of the ND Center for Distance Education:** See *Attachment #2, #3*.

(27:17) **Senator Davison:** Do you have any thoughts on how you see the rise in enrollments in CDE and the impact long term? How might it impact those CTE virtual centers and some of the ITV virtual centers?

**Alan Peterson:** I haven't thought that through in any detail, however I can say that so far working with Wayde Sick as we have in some of the tech centers, we have worked with southeast technical center in Wahpeton, and their enrollments through us were able to increase where they were able to help out both their schools that send students to the tech center, that we were actually providing them courses online that they could use chrome books in their buses as they were traveling back and forth to their schools. It was one of the things in the rural environment there are different ways to do that. In terms of the others, what we believe and have studied that there are areas in ND that aren't getting any coverage any longer for especially career and tech. It is possible now with us there is no reason that ITV couldn't be a part of that, it is just that we don't use ITV. The reason we can't is we really can't afford to because you can't flex the schedule in an ITV situations. We depend in asynchronous enrollment. We are certainly ok with running a full class of students, but if I tie up a teacher for an hour and a half, and then another hour and a half, I can't possibly make it work because our full time teachers have to keep a minimum of 120 students. That is how we fund ourselves. Sometimes that is a rude awakening for a part time teacher that is a full time teacher teaching 30-40 students and teaching half time for us is teaching half time for us is 70 and it might be 5 to 10 preparations.

**Chairman Schaible:** Senator Oban.

**Senator Oban:** Could you clarify for me – in your summary, you indicate CTE would be a direct report to the State Board. It seems to me that there would be two equal heads. Is CDE going under CTE?

**Alan Peterson:** I think that one goes with the other. We are looking at because we have to be accredited, and we are accredited by both AdvancEd and NCAA military because of our digital online. Most and especially AdvancEd, though it doesn't require specifically that a board be the entity that makes decisions along with the superintendent. When I say direct report to that board, I am not saying anything different than when we reported to the ETC, even though there was a director of ETC that would be my direct report. In the future, I would be assuming, I would be a direct report to Wayde Sick.

**Senator Oban:** Could you help me understand about the effect statewide on the virtual CTE centers.

**Alan Peterson:** My understanding is the virtualness of the tech center is that they use teachers that are within the school system. There isn't a building or that. If your understanding is that they do things online, they may or may not. Their capability – being virtual – is that there is an administrator that is the technical making sure that the teachers that are teaching in that school for technology are certified, have the right endorsements and so forth. If you went to Wahpeton, which is a separate building, there are actual people showing up at that building and that is their job. In a virtual center, they are already in the school or they are part of a school. There are online courses that are technical courses and what we will be doing in the future with those is probably two things. We are looking at helping with the quality of those courses and also we have worked with the University system to get an endorsement for online teachers. There are now teachers that could be career and tech teachers that could go forward and get that endorsement so they know how to use the technology.

**Chairman Schaible:** Seeing no other questions, thank you.

(36:00) **Mark Wagner, Asst. State Director for Career and Technical Education:** See **Attachment # 4.** Reading testimony for Wayde Sick.

(39:10) **Amiee Copas, Exec. Director of the ND Council of School Leaders:** See **Attachment #5.**

(41:40) **Elroy Burkle: ND Small Organized Schools:** See **Attachment # 6.**

(42:50) **Superintendent of Public Instruction Baesler:** Supports the bill.

(43:36) **Lyle Kruger, Asst. Director of the Missouri Career and Technical Center:** Supports the bill. I had not anticipated testifying, but there were questions that I might be able to answer.

**Senator Oban:** How would this affect the virtual centers and what it might look like.

**Lyle Kruger:** We don't know the answer to that at this time. Basically, as Mr. Wagner stated, the framework has not been ironed out at this point. The virtual centers are spread throughout the state, so for us, we are designated in the Bismarck/Mandan area. We do, however, serve students in Kenmare, Scranton, Medina so on and so forth. Our stretch does go beyond what we were originally issued by the state of ND when the CTE virtual center was established. We are actually going to be expanding our membership – our special funds that we take in as membership through the Missouri River Cooperative and the MidDakota Educational Cooperative which more than likely will be merging. That will give us to serve additional students in a different format as well.

**Senator Oban:** Are there concerns that we should be aware of?

**Lyle Kruger:** I think there are concerns as well. Dr. Peterson spoke with regard to the fact that the hands on component, we believe we are doing very well with that. I will also add we do believe our curriculum and content is very good and I can only speak with regard to my teaching staff, I do believe the teaching staff we do have is experienced in utilizing the different modalities within the process being taught. There are things we don't know with regard to how the CDE is providing those services at this time. Dr. Peterson alluded to the meeting that we had in December. It was a good first step, but we are not exactly sure, so yes, there is some fear or the unknown.

**Chairman Schaible:** Questions. Other testimony in favor of the bill. Agency testimony. Testimony in opposition to the bill.

**Senator Oban:** Can we do a quick comparison of the ETC board, the CTE board and how those two boards compare and if there any missing perspectives that would be current to the CTE board that CDE feels is necessary to have that is currently in the ETC board.

(48:02) **Superintendent of Public Instruction Baesler:** As superintendent, I serve as a member of the ETC board, the CTE board and the State Board of Public Education, which is also involved in this. The State Board of Public Education is a governor appointed board. The CTE board is a board is comprised of the same members of the State Board of Public Education in addition to the chancellor of the University System, Director of Job Service ND, and the State Superintendent who serves on both. The ETC board is a legislatively directed board that is also governor appointed and there are several entities that are stated in Century Code members that serve on that board – a Non-public schools administrator representative, a public school administrator, the state superintendent of public instruction, ETC director, licensed active teacher, government agency leaders, local administrators and local teachers, higher ed.

**Senator Oban:** Do you see any changes to the makeup of the board at CTE to make sure it reflects the representation on CTE?

**Superintendent of Public Instruction Baesler:** There was not initially, but there has not been any recent conversation about making a different composition of the CTE board.

**Senator Oban:** I assume that discussion should potentially happen so that we can include that if a change needs to be made.

**Superintendent of Public Instruction Baesler:** I think that the CTE board and all of us involved and making this become efficient and effective as possible is our primary goal that we would certainly be open to that and we could have that conversation if it was so desired.

**Chairman Schaible:** Other questions. Thank you. Committee we don't have any other testimony, so we will close the hearing on SB 2216.

# 2019 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Sheyenne River Room, State Capitol

SB 2216  
2/4/2019  
32044

- Subcommittee  
 Conference Committee

Committee Clerk Signature Lynn Wolf

## **Explanation or reason for introduction of bill/resolution:**

A bill relating to distance education; relating to authorization of enrollments to the center for distance education by a superintendent of a school.

## **Minutes:**

Att. 1-Schaible(19.0819.01001)

Chairman Schaible: **See Attachment #1.** I have passed out an amendment 19.0819.01001. On page 3, section 4, line 20-24, we struck out some language that we do need to keep. This amendment removes the overstrike. It has to do with the state standards and course codes and whether it can be offered as a course or not. We need Department of Public Instruction to still be in charge of that.

**Motion by Oban to adopt amendment 19.0819.01001.**

**Second by Fors.**

**Roll call vote: 7 Yeas; 0 Nays; 0 Absent.**

**Motion carries.**

**Motion by Davison to Do Pass as Amended.**

**Second by Rust.**

**Roll Call vote: 7 Yeas; 0 Nays; 0 Absent.**

**Motion Carries.**

**Schaible will carry.**

SK  
102

PROPOSED AMENDMENTS TO SENATE BILL NO. 2216

Page 3, line 20, remove the overstrike over "~~Duty of superintendent~~"

Page 3, remove the overstrike over lines 21 through 23

Page 3, line 24, remove the overstrike over "~~15.1-18-03.~~"

Renumber accordingly

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2216**

Senate Education Committee

Subcommittee

Amendment LC# or Description: 19.0819.01001

- Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By O'han Seconded By Fors

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:	✓	
Vice-Chairman Fors:	✓		Senator Oban:	✓	
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total (Yes) 7 No 0

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:



**REPORT OF STANDING COMMITTEE**

**SB 2216: Education Committee (Sen. Schaible, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2216 was placed on the Sixth order on the calendar.

Page 3, line 20, remove the overstrike over "~~Duty of superintendent~~"

Page 3, remove the overstrike over lines 21 through 23

Page 3, line 24, remove the overstrike over "~~15.1-18-03.~~"

Renumber accordingly

**2019 HOUSE EDUCATION**

**SB 2216**

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

SB 2216  
3/12/2019  
33561

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe by Marjorie Conley

**Explanation or reason for introduction of bill/resolution:**

A bill relating to distance education; relating to authorization of enrollments to the center for distance education by a superintendent of a school

**Minutes:**

Attachment 1, 2, 3, 4, 5, 6

**Chairman Owens:** Opened the hearing on SB 2216

**Sen. Don Schaible:** (Attachment 1) end 7:35

**Chairman Owens:** questions Further support?

**Jeff Fastnacht, Chairman, ND Education and Technology Council (ETC), member, ND Career and Technical Education Board (CTE), Asst. Superintendent, Mandan Public School District:** (Attachment 2)

**Chairman Owens:** Questions support?

**Wayde Sick, State Director, Department of Career and Technical Education:** (Attachment 3)

**Chairman Owens:** questions support

**Alan Peterson, State Director, Center for Distance Education:** (Attachment 4) end 28:35

**Chairman Owens:** Any questions? Anymore support for SB 2216?

**Aimee Copas, NDCEL:** (Attachment 5)

**Kirsten Baesler ND DPI:** We fully support this idea. There is no better relationship that we have with Career in Technical Education Agency. 29:30-31:35

**Chairman Owens:** Anyone else in support of SB 2216?

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SB 2216

3-12-2019

Page 2

**ElRoy Burkle, NDSOS:** (Attachment 6) Recommends a Do Pass.

**Chairman Owens:** Anymore in favor? Opposition? Neutral?

Closed the hearing on SB 2216.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

SB 2216  
3/20/2019  
34057

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe by Marjorie Conley

## **Explanation or reason for introduction of bill/resolution:**

A bill relating to distance education; relating to authorization of enrollments to the center for distance education by a superintendent of a school.

## **Minutes:**

Attachment 1

**Chairman Owens:** Reopened SB 2216.

**Vice Chairman Schreiber-Beck:** This bill is career and tech education. Starting on page one, to identify specifically the center for distance education in North Dakota, we just changed the 15-19-01 added North Dakota center for distance education, so that we aren't referring to an online course. We changed the language on line 20 and 21. The word proper seemed to be about the 1940's or 1950's language, so we changed that. Page 2, we need to have the definition section first so that will be changed. The definition section was added so we would know who was who in here. (Explains definitions) (Attachment 1).

**Rep. M. Johnson:** It doesn't have a number because they have to figure that out. Its placement doesn't make a difference. 15-19-01 is the first section. They have to add the definitions or corrections, but how they renumber is anyone's guess. I don't think that this is the part of the bill that we have to worry about because they will do that upstairs.

**Vice Chairman Schreiber-Beck:** The definition should be in the first part of the code.

**Rep. M. Johnson:** My reasoning is that we can't number it right now.

**Vice Chairman Schreiber-Beck:** Any other questions?

Rep. Hager: Can you just refresh my memory about the payment for the people taking classes through center for distance education. Where does that come from?

**Vice Chairman Schreiber-Beck:** The payments to the center for the distance education, they are done per class that a student takes. The cost is there but how it is paid sometimes a school pays, a parent will pay it, or student, sometimes a school will reimburse if

the student passes the course, in Wahpeton, if the student fails, they are responsible. In every school there is no set rule as to how these are paid. The cost is always there but how it is taken care of is vastly different across the state of ND.

**Rep. Hager:** Is fees the best word? Is it a fee or tuition or is this a vague word? Is that the best word that we have for that concept?

**Vice Chairman Schreiber-Beck:** This is code language. We can certainly ask if that would be a better word.

**Rep. Guggisberg:** Does this mean that this amendment gets rid of the state director in this department and then it would be under the director of CTE? Are they aware of this amendment?

**Vice Chairman Schreiber-Beck:** Yes, they are aware. This amendment didn't change anything except give titles to people. They just have a hierarchy.

**Chairman Owens:** Dr. Peterson has been involved in this from the beginning. This is the fourth time he has been moved. He will be happy to explain the history to you. He has been very understanding and cooperative. He has certain things that he would like to see, but he is fully aware of what has been going on.

**Vice Chairman Schreiber-Beck:** Just to clarify, it is funded, but there are fees collected. Part of the reason for the administration is because of the duties of the board of current tech ed, they would operate as a school district board would operate over the center for distance education.

**Chairman Owens:** Meeting closed.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

SB 2216  
3/25/2019  
34451

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe

**Explanation or reason for introduction of bill/resolution:**

A bill relating to distance education; relating to authorization of enrollments to the center for distance education by a superintendent of a school

**Minutes:**

**Chairman Owens:** Opened committee work meeting on SB 2216.

**Rep. Brandy Pyle:** I'd like to introduce three young ladies and have them introduce their platform.

Lily Rexen, Miss Preteen North Dakota International 2019

Jocelyn Burkhood, Miss Preteen Flickertail State International

Wanda Arnholt, North Dakota International Ambassador for 2019

**Chairman Owens:** Thank you and welcome to the House Education Committee.

**Rep. Brandy Pyle:** If anyone wants to ask them questions I was a judge last year; they are all great interviewers for on the spot questions.

**Chairman Owens:** Thank you, it's wonderful to have you here.

**Vice Chairman Cynthia Schreiber-Beck:** The amendments were distributed last Wednesday and we are waiting for comments on those amendments if there are any. I believe you had the Christmas tree version.

**Chairman Owens:** Any questions from the committee?

**Vice Chairman Cynthia Schreiber-Beck:** I would like to **move the amendments** that were distributed last week.

**Chairman Owens:** Is there a second?

**Rep. Longmuir:** I'll **second** it.

**Chairman Owens:** Any discussion? Seeing none, I'll try a **Voice Vote. Motion carried**

**Rep. Brandy Pyle:** Mr. Chairman, I **move a Do Pass as Amended** on SB 2216.

**Chairman Owens:** Is there a second?

**Vice Chairman Cynthia Schreiber-Beck:** I'll **second** it.

**Chairman Owens:** Any further discussion?

A **Roll Call Vote** was taken: **Yes 13, No 0, Absent 1.** A **Do Pass as Amended** carries. **Rep. Schreiber-Beck** will carry SB 2216.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2216

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 15-19 of the North Dakota Century Code, relating to definitions;"

Page 1, line 1, remove "15-19-04,"

Page 1, line 2, remove the first "and"

Page 1, line 2, after "15-19-08" insert ", and 15-20.1-03"

Page 1, line 3, replace "section" with "sections"

Page 1, line 3, after "15-19-03" insert "and 15-19-04"

Page 1, line 4, after "school" insert "and advertising"

Page 1, line 8, overstrike "**Distance**" and insert immediately thereafter "**North Dakota center for distance**"

Page 1, line 18, replace "deemed" with "determined to be"

Page 1, line 19, remove "and proper"

Page 2, line 12, overstrike "state"

Page 2, line 12, after "director" insert "in consultation with the administration of the center"

Page 2, after line 21, insert:

"**SECTION 2.** A new section to chapter 15-19 of the North Dakota Century Code is created and enacted as follows:

**Definitions.**

In this chapter, unless the context otherwise requires:

1. "Administration" includes the leadership of the center for distance education.
2. "Board" means the state board for career and technical education.
3. "Center" means the North Dakota center for distance education.
4. "Director" means the director and executive officer of the department of career and technical education."

Page 2, line 24, overstrike "- **Director of**" and insert immediately thereafter "**for the**"

Page 2, line 29, remove "executive"

Page 2, line 30, replace "may" with "shall"

Page 2, line 31, after "administration" insert "of the center"

Page 2, line 32, remove "administration's"

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Page 2, line 32, replace "administering" with "operating"

Page 3, line 2, remove "executive"

Page 3, line 11, after "the" insert "administration of the"

Page 3, remove lines 18 through 25

Page 4, line 5, remove "executive"

Page 4, line 5, remove "for the department of career and"

Page 4, line 6, remove "technical education"

Page 4, line 27, overstrike "a" and insert immediately thereafter "an endowment and"

Page 4, line 28, after "The" insert "endowment and"

Page 5, line 2, after the first "the" insert "endowment and"

Page 5, line 3, after the period insert:

"a. The center for distance education may draw on the endowment and scholarship fund for the award of scholarships within the limits and rules adopted by the state board for career and technical education.

b."

Page 5, line 4, after the second "the" insert "endowment and"

Page 5, line 5, overstrike "scholarships" and insert immediately thereafter "endowments"

Page 5, line 6, overstrike "The interest earned"

Page 5, overstrike line 7

Page 5, line 10, overstrike "**work**" and insert immediately thereafter "**support and services**"

Page 5, line 11, overstrike "work" and insert immediately thereafter "support and services"

Page 5, line 12, after "work" insert "provided"

Page 5, after line 14, insert:

**"SECTION 7. AMENDMENT.** Section 15-20.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**15-20.1-03. Powers and duties of state board relating to career and technical education.**

The state board shall have all authority necessary to cooperate with the United States department of education or other department or agency of the United States of America in the administration of acts of Congress relating to career and technical education, including the following powers and duties:

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with acts of Congress relating to career and technical education.

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2. To administer the funds provided by the federal government and by this state for the promotion of career and technical education and to contract with:
  - a. Any public or private institution or agency, board of trustees of any agricultural and training school, or school district of this state; or
  - b. Any public or private institution or agency, or political subdivision, of another state.
3. To formulate plans for the promotion of career and technical education in such subjects as are an essential and integral part of the public school system of education in this state.
4. To provide for the preparation of teachers.
5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this chapter relating to career and technical education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose.
6. To make studies and investigations relating to career and technical education.
7. To promote and aid in the establishment of schools, departments, or classes, and to cooperate with local communities in the maintenance of career and technical education schools, departments, or classes.
8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors.
9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of career and technical education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of career and technical education teachers.
10. To coordinate new and existing farm management programs offered by any state agency or entity.
11. To create and expand marketing clubs as adjuncts to new and existing farm management programs.
12. To administer and supervise the program and all activities of the center for distance education."

Page 5, line 15, replace "Section" with "Sections"

Page 5, line 15, after "15-19-03" insert "and 15-19-04"

Page 5, line 15, replace "is" with "are"

Renumber accordingly

Date: 3-25-19  
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2216

House Education Committee

Subcommittee

Amendment LC# or Description: 19.0819.02002

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Rep. Schreiber-Beck Seconded By Rep. Longmuir

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens			Rep. Guggisberg		
V. Chair. Schreiber-Beck			Rep. Hager		
Rep. Heinert					
Rep. Hoverson					
Rep. D. Johnson					
Rep. M. Johnson					
Rep. Johnston					
Rep. Longmuir					
Rep. Marschall					
Rep. Pyle					
Rep. Strinden					
Rep. Zubke					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment VOICE VOTE - MOTION CARRIED

If the vote is on an amendment, briefly indicate intent:

Date: 3-25-19  
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2216**

House Education Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep. Pyle Seconded By Rep. Schreiber-Beck

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	✓		Rep. Guggisberg	✓	
V. Chair. Schreiber-Beck	✓		Rep. Hager	✓	
Rep. Heinert	✓				
Rep. Hoverson	A				
Rep. D. Johnson	✓				
Rep. M. Johnson	✓				
Rep. Johnston	✓				
Rep. Longmuir	✓				
Rep. Marschall	✓				
Rep. Pyle	✓				
Rep. Strinden	✓				
Rep. Zubke	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Schreiber-Beck

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2216, as engrossed: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2216 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 15-19 of the North Dakota Century Code, relating to definitions;"

Page 1, line 1, remove "15-19-04,"

Page 1, line 2, remove the first "and"

Page 1, line 2, after "15-19-08" insert ", and 15-20.1-03"

Page 1, line 3, replace "section" with "sections"

Page 1, line 3, after "15-19-03" insert "and 15-19-04"

Page 1, line 4, after "school" insert "and advertising"

Page 1, line 8, overstrike "**Distance**" and insert immediately thereafter "**North Dakota center for distance**"

Page 1, line 18, replace "deemed" with "determined to be"

Page 1, line 19, remove "and proper"

Page 2, line 12, overstrike "state"

Page 2, line 12, after "director" insert "in consultation with the administration of the center"

Page 2, after line 21, insert:

**"SECTION 2.** A new section to chapter 15-19 of the North Dakota Century Code is created and enacted as follows:

**Definitions.**

In this chapter, unless the context otherwise requires:

1. "Administration" includes the leadership of the center for distance education.
2. "Board" means the state board for career and technical education.
3. "Center" means the North Dakota center for distance education.
4. "Director" means the director and executive officer of the department of career and technical education."

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Page 2, line 29, remove "executive"

Page 2, line 30, replace "may" with "shall"

Page 2, line 31, after "administration" insert "of the center"

Page 2, line 32, remove "administration's"

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Page 3, line 2, remove "executive"

Page 3, line 11, after "~~the~~" insert "administration of the"

Page 3, remove lines 18 through 25

Page 4, line 5, remove "executive"

Page 4, line 5, remove "for the department of career and"

Page 4, line 6, remove "technical education"

Page 4, line 27, overstrike "a" and insert immediately thereafter "an endowment and"

Page 4, line 28, after "The" insert "endowment and"

Page 5, line 2, after the first "the" insert "endowment and"

Page 5, line 3, after the period insert:

"a. The center for distance education may draw on the endowment and scholarship fund for the award of scholarships within the limits and rules adopted by the state board for career and technical education.

"b."

Page 5, line 4, after the second "the" insert "endowment and"

Page 5, line 5, overstrike "scholarships" and insert immediately thereafter "endowments"

Page 5, line 6, overstrike "The interest earned"

Page 5, overstrike line 7

Page 5, line 10, overstrike "**work**" and insert immediately thereafter "**support and services**"

Page 5, line 11, overstrike "work" and insert immediately thereafter "support and services"

Page 5, line 12, after "work" insert "provided"

Page 5, after line 14, insert:

**"SECTION 7. AMENDMENT.** Section 15-20.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**15-20.1-03. Powers and duties of state board relating to career and technical education.**

The state board shall have all authority necessary to cooperate with the United States department of education or other department or agency of the United States of America in the administration of acts of Congress relating to career and technical education, including the following powers and duties:

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with acts of Congress relating to career and technical education.

2. To administer the funds provided by the federal government and by this state for the promotion of career and technical education and to contract with:
  - a. Any public or private institution or agency, board of trustees of any agricultural and training school, or school district of this state; or
  - b. Any public or private institution or agency, or political subdivision, of another state.
3. To formulate plans for the promotion of career and technical education in such subjects as are an essential and integral part of the public school system of education in this state.
4. To provide for the preparation of teachers.
5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this chapter relating to career and technical education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose.
6. To make studies and investigations relating to career and technical education.
7. To promote and aid in the establishment of schools, departments, or classes, and to cooperate with local communities in the maintenance of career and technical education schools, departments, or classes.
8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors.
9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of career and technical education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of career and technical education teachers.
10. To coordinate new and existing farm management programs offered by any state agency or entity.
11. To create and expand marketing clubs as adjuncts to new and existing farm management programs.
12. To administer and supervise the program and all activities of the center for distance education."

Page 5, line 15, replace "Section" with "Sections"

Page 5, line 15, after "15-19-03" insert "and 15-19-04"

Page 5, line 15, replace "is" with "are"

Renumber accordingly

**2019 CONFERENCE COMMITTEE**

**SB 2216**

# 2019 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Sheyenne River Room, State Capitol

SB 2216  
4/10/2019  
Job #34667 (8:35)

Subcommittee  
 Conference Committee

Committee Clerk: Meghan Pegel
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## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new section to chapter 15-19 of the North Dakota Century Code, relating to definitions; to amend and reenact sections 15-19-01, 15-19-02, 15-19-02.1, 15-19-06, 15-19-08, and 15-20.1-03 of the North Dakota Century Code, relating to distance education; and to repeal sections 15-19-03 and 15-19-04 of the North Dakota Century Code, relating to authorization of enrollments to the center for distance education by a superintendent of a school and advertising.

## Minutes:

2 Attachments
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**Chairman Schaible** called the Conference Committee to order on SB 2216. All members were present: Senator Schaible (Chairman), Senator Rust, Senator Marcellais, Representative Owens, Representative Schreiber-Beck and Representative Guggisberg.

## (see attachments #1-2)

**Representative Schreiber-Beck:** The .02002 Christmas version that was handed out shows the House amendments. Line 10, instead of just saying “distance of education courses” add “North Dakota center for distance”. There was verbiage change on line 20-21 because I thought “proper” was kind of like the 1940s, so we changed that. Page 2, line 13 we changed it to say, “prescribed by the director in consultation with the administration of the center”. The new section that tells you the definitions begins on page 2, line 23. Legislative Council told me they would rearrange this bill so the definitions are first, but because of what we do, it has to be listed there. (*Representative Schreiber-Beck reads definitions*). These will be helpful as we continue on.

Other than minor corrections dealing with verbiage because of who’s in charge, we had to change those to make sure we knew from director to administration et cetera. Page 4, the advertising section is crossed out. It’s related to advertising in general because there is a section that we never touched in this bill that is still intact. That section was put in last session and deals with having the center for distance education supply a course book for all the districts. I asked if we had to further mention advertising in there, and Council told me if you can’t do it, then it’s okay to do it; if it’s not listed in the bill that you can’t, then you can, so we didn’t add anything in the remaining non-touched section that’s not included in this bill.

Page 5 has corrections so we know what an endowment actually is. The scholarship is defined better than it was in the bill that the House passed. Line 28 is changed to “support and services” versus “work”. Page 6 added that section in there under powers and duties of the state board relating to career and technical education. That section had not been in there, and we added the duty on page 7 line 13, “to administer and supervise the program and all activities of the center for distance education”. The sections that were repealed are listed there because the additional advertising section was repealed.

**Chairman Schaible:** You have some additional changes you were looking for?

**Representative Schreiber-Beck:** Yes. It would be page 2, line 13. You would strike “state director in consultation with the administration of the center” and replace with “state board for career and technical education”. Also page 5, line 9 and 10 where the endowments were corrected, we’ve added the word “endowments” before the word “scholarships”, and it would read, “fund for the award of endowments and scholarships within the limitation and rules adopted by the state board for career and technical education”. Then we would eliminate all of b, which be lines 11-16.

**Chairman Schaible:** That’s what’s on this amendment?

**Representative Schreiber-Beck:** Page 2, line 12 shows up. Then it would have been page 5. It looks like it’s correct in here.

**Chairman Schaible:** We had a suggested amendment change that was emailed to us. Is that in here as well?

**Representative Schreiber-Beck:** Yes, it’s included.

**Chairman Schaible:** I don’t see a problem, but I would like to look at a Christmas version to confirm all of this.

**Chairman Schaible** ends the conference committee discussion on SB 2216.

# 2019 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Sheyenne River Room, State Capitol

SB 2216  
4/18/2019  
34855 (14:24)

Subcommittee  
 Conference Committee

Committee Clerk: Lynn Wolf
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## Explanation or reason for introduction of bill/resolution:

A bill relating to distance education; relating to authorization of enrollments to the center for distance education by a superintendent of a school.

## Minutes:

No Attachments
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**Chairman Schaible** called the Conference Committee to order on SB 2216. All members were present: **Senator Schaible (Chairman), Senator Rust, Senator Marcellais, Representative Owens, Representative Schreiber-Beck and Representative Guggisberg.**

**Chairman Schaible:** We will open the Conference Committee meeting on SB 2215. Let's just go through the bill – version 2002. Section one – I think there was some clean up language in there. The changes that were made in the House are on page 2, section 2, we had a section of definitions, instead of the state director, it is in consultation with the administrator of the Center. I think that is okay. Now, on line 23 of page 2 of section 2, is there any questions on the definitions? Section 3 is basically correction language. I see a “shall” instead of a “may” hire administration or staff for the Center of Distance Education on line 9, page 3. They shall hire a director. Section 4 – that is cleanup language – instead of the “director,” the “administration of. The new Section 5 on page 4 starting on line 7 – that is the transfer of general funds appropriations. I see cleanup language on page 5, line 8 – we will have “scholarships” or “an endowment” so that it is clear that it is both rather than “and/or” and that was unclear. Now it is clear that they can do both. Subsection a clarifies the rules for that. Subsection b also goes into the endowments. Section 6 changes the word from “work” to “supports and services.” On page six, Section 7, goes over the powers of the state board relating to career and tech. It was amended from the House – that is new language. I guess the amendment is twelve on page 7. They added “To administer and supervise the program and all activities of the center for distance education.” I would imagine the repeals are the duties of distance education. We have the director from CTE here. Do we need him to come up and go through some of this? Are we clear? Do we need clarification from our Director?

(07:43) **Wade Sick, Director of Career and Technical Education:** I am here to help. Is there any clarification you need?

**Chairman Schaible:** Page 2, line 13. Consultation and administration of the Center – that is the Center for Distance Ed, I would assume?

**Representative Schreiber-Beck:** I think there were further amendments that actually clarified that. That is supposed to say, “A state board for career and technical education,” which is contained on the amendments numbered .02003.

**Wade Sick:** That is correct. I believe Dr. Peterson had assisted in drafting some language that would actually put the responsibility of setting those fees on the state board for Career and Technical Education not just myself and the Center for Distance Education. It would provide more oversight.

**Representative Schreiber-Beck:** I think the one other change was the endowments.

**Wade Sick:** I believe that Representative Schreiber-Beck has it. I believe it would say “the center for distance education student shall pay fees as may be proscribed by the state board for Career for Technical Education. Instead of saying by the director, it would be by the state board for Career and Technical Education. I believe in consultation with the administration of Center would remain.

**Chairman Schaible:** Yes.

(09:45) **Representative Schreiber-Beck:** There is one other correction in the version we just looked at – which I don’t know that Mr. Sick has and it has to do with the way the wording of the endowments. It is on page 5, overstrike line 7 and insert immediately after the Center for Distance Education “may draw on the endowment and scholarship fund for the award of scholarships within the limits and rules adopted by the state board of Career and Technical Education.”

**Chairman Schaible:** That is the .03000 you are looking at?

**Representative Schreiber-Beck:** It is .02003 which those amendments I am pretty sure I provided them last time.

(Mumbled speaking in the back ground.)

**Senator Rust:** I have a .02003.

**Representative Schreiber-Beck:** Those would be the amendments I provided. It would be – (Mumbled – unintelligible conversation between Representative Owens and Representative Schreiber-Beck.)

(11:46) **Chairman Schaible:** Ok, we had some additions on the amended – you have the amendments of page 5 overstrike and then that language was added. That is where we are at. What was the next change? Is there another change to that amendment?

**Representative Schreiber-Beck:** Just those two that I listed. Page 2, line 12 which we just spoke about and then page 5 overstrike line 7 – I think it is on those amendments that you have.

**Chairman Schaible:** Everything else is the same?

**Representative Schreiber-Beck:** Correct.

**Chairman Schaible:** Ok. I have it. Are there any other questions for Director Sick? Further discussion?

**Representative Owens:** I move that the House recede from its amendments and further amends using amendment 19.0819.02003 as provided to the committee.

**Representative Schreiber-Beck:** Second.

**Chairman Schaible:** Other discussion. Seeing no other discussion, the clerk will take the roll.

**Roll Call Vote:** 6 Yeas; 0 Nays; 0 Absent.

**Carrier on the House side will be Representative Schreiber-Beck. Senator Schaible will be the carrier on the Senate side.**

**Chairman Schaible:** Thank you.

SK  
1004  
4/18

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2216

That the House recede from its amendments as printed on pages 1163-1165 of the Senate Journal and pages 1327-1330 of the House Journal and that Engrossed Senate Bill No. 2216 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 15-19 of the North Dakota Century Code, relating to definitions;"

Page 1, line 1, remove "15-19-04,"

Page 1, line 2, remove the first "and"

Page 1, line 2, after "15-19-08" insert ", and 15-20.1-03"

Page 1, line 3, replace "section" with "sections"

Page 1, line 3, after "15-19-03" insert "and 15-19-04"

Page 1, line 4, after "school" insert "and advertising"

Page 1, line 8, overstrike "**Distance**" and insert immediately thereafter "North Dakota center for distance"

Page 1, line 18, replace "deemed" with "determined to be"

Page 1, line 19, remove "and proper"

Page 2, line 11, overstrike "director" and insert immediately thereafter "board for career and technical education"

Page 2, after line 20, insert:

"**SECTION 2.** A new section to chapter 15-19 of the North Dakota Century Code is created and enacted as follows:

**Definitions.**

In this chapter, unless the context otherwise requires:

1. "Administration" includes the leadership of the center for distance education.
2. "Board" means the state board for career and technical education.
3. "Center" means the North Dakota center for distance education.
4. "Director" means the director and executive officer of the department of career and technical education."

Page 2, line 23, overstrike "- **Director of center**" and insert immediately thereafter "**Center**"

Page 2, line 28, remove "executive"

Page 2, line 29, replace "may" with "shall"

- Page 2, line 30, after "administration" insert "of the center"
- Page 2, line 31, remove "administration's"
- Page 2, line 31, replace "administering" with "operating"
- Page 3, line 2, remove "executive"
- Page 3, line 11, after "~~the~~" insert "administration of the"
- Page 3, remove lines 18 through 25
- Page 4, line 5, remove "executive"
- Page 4, line 5, remove "for the department of career and"
- Page 4, line 6, remove "technical education"
- Page 4, line 27, overstrike "a" and insert immediately thereafter "an endowment and"
- Page 4, line 28, after "The" insert "endowment and"
- Page 5, line 2, after the first "the" insert "endowment and"
- Page 5, line 3, overstrike "The"
- Page 5, line 3, overstrike "center for"
- Page 5, overstrike line 4
- Page 5, line 5, overstrike "the award of scholarships within the limits and rules adopted by the"
- Page 5, line 6, remove "state board for career and technical education"
- Page 5, line 6, overstrike ". The interest earned"
- Page 5, overstrike line 7 and insert immediately thereafter "The center for distance education may draw on the endowment and scholarship fund for the award of scholarships within the limits and rules adopted by the state board for career and technical education."
- Page 5, line 10, overstrike "**work**" and insert immediately thereafter "**support and services**"
- Page 5, line 11, overstrike "work" and insert immediately thereafter "support and services"
- Page 5, line 12, after "work" insert "provided"
- Page 5, after line 14, insert:

**"SECTION 7. AMENDMENT.** Section 15-20.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**15-20.1-03. Powers and duties of state board relating to career and technical education.**

The state board shall have all authority necessary to cooperate with the United States department of education or other department or agency of the United States of America in the administration of acts of Congress relating to career and technical education, including the following powers and duties:

30/01

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with acts of Congress relating to career and technical education.
2. To administer the funds provided by the federal government and by this state for the promotion of career and technical education and to contract with:
  - a. Any public or private institution or agency, board of trustees of any agricultural and training school, or school district of this state; or
  - b. Any public or private institution or agency, or political subdivision, of another state.
3. To formulate plans for the promotion of career and technical education in such subjects as are an essential and integral part of the public school system of education in this state.
4. To provide for the preparation of teachers.
5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this chapter relating to career and technical education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose.
6. To make studies and investigations relating to career and technical education.
7. To promote and aid in the establishment of schools, departments, or classes, and to cooperate with local communities in the maintenance of career and technical education schools, departments, or classes.
8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors.
9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of career and technical education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of career and technical education teachers.
10. To coordinate new and existing farm management programs offered by any state agency or entity.
11. To create and expand marketing clubs as adjuncts to new and existing farm management programs.
12. To administer and supervise the program and all activities of the center for distance education."

Page 5, line 15, replace "Section" with "Sections"

4/6/19

Page 5, line 15, after "15-19-03" insert "and 15-19-04"

Page 5, line 15, replace "is" with "are"

Renumber accordingly

Date: 4-18-19

Roll Call Vote #: # 1

### 2019 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2216 as (re) engrossed

#### Senate Education Committee

- Action Taken
- SENATE accede to House Amendments
  - SENATE accede to House Amendments and further amend
  - HOUSE recede from House amendments
  - HOUSE recede from House amendments and amend as follows
  - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Owens Seconded by: Schreiber-Beck

Senators	4-10	4-18	Yes	No	Representatives	4-10	4-18	Yes	No
Chairman Schaible	x	✓	✓		Representative Owens	x	✓	✓	
Senator Rust	x	✓	✓		Representative Schreiber-Beck	x	✓	✓	
Senator Marcellais	x	✓	✓		Representative Giggosberg	x	✓	✓	
Total Senate Vote					Total Rep. Vote				

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Schaible House Carrier Schreiber-Beck

LC Number 19.0819 . 02003 of amendment

LC Number 19.0819 . 04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**REPORT OF CONFERENCE COMMITTEE**

**SB 2216, as engrossed:** Your conference committee (Sens. Schaible, Rust, Marcellais and Reps. Owens, Schreiber-Beck, Guggisberg) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1163-1165, adopt amendments as follows, and place SB 2216 on the Seventh order:

That the House recede from its amendments as printed on pages 1163-1165 of the Senate Journal and pages 1327-1330 of the House Journal and that Engrossed Senate Bill No. 2216 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 15-19 of the North Dakota Century Code, relating to definitions,"

Page 1, line 1, remove "15-19-04,"

Page 1, line 2, remove the first "and"

Page 1, line 2, after "15-19-08" insert ", and 15-20.1-03"

Page 1, line 3, replace "section" with "sections"

Page 1, line 3, after "15-19-03" insert "and 15-19-04"

Page 1, line 4, after "school" insert "and advertising"

Page 1, line 8, overstrike "**Distance**" and insert immediately thereafter "**North Dakota center for distance**"

Page 1, line 18, replace "deemed" with "determined to be"

Page 1, line 19, remove "and proper"

Page 2, line 11, overstrike "director" and insert immediately thereafter "board for career and technical education"

Page 2, after line 20, insert:

"**SECTION 2.** A new section to chapter 15-19 of the North Dakota Century Code is created and enacted as follows:

**Definitions.**

In this chapter, unless the context otherwise requires:

1. "Administration" includes the leadership of the center for distance education.
2. "Board" means the state board for career and technical education.
3. "Center" means the North Dakota center for distance education.
4. "Director" means the director and executive officer of the department of career and technical education."

Page 2, line 23, overstrike "- **Director of center**" and insert immediately thereafter "**Center**"

Page 2, line 28, remove "executive"

Page 2, line 29, replace "may" with "shall"

Page 2, line 30, after "administration" insert "of the center"

Page 2, line 31, remove "administration's"

Page 2, line 31, replace "administering" with "operating"

Page 3, line 2, remove "executive"

Page 3, line 11, after "~~the~~" insert "administration of the"

Page 3, remove lines 18 through 25

Page 4, line 5, remove "executive"

Page 4, line 5, remove "for the department of career and"

Page 4, line 6, remove "technical education"

Page 4, line 27, overstrike "a" and insert immediately thereafter "an endowment and"

Page 4, line 28, after "The" insert "endowment and"

Page 5, line 2, after the first "the" insert "endowment and"

Page 5, line 3, overstrike "The"

Page 5, line 3, overstrike "center for"

Page 5, overstrike line 4

Page 5, line 5, overstrike "the award of scholarships within the limits and rules adopted by the"

Page 5, line 6, remove "state board for career and technical education"

Page 5, line 6, overstrike ". The interest earned"

Page 5, overstrike line 7 and insert immediately thereafter "The center for distance education may draw on the endowment and scholarship fund for the award of scholarships within the limits and rules adopted by the state board for career and technical education."

Page 5, line 10, overstrike "**work**" and insert immediately thereafter "**support and services**"

Page 5, line 11, overstrike "work" and insert immediately thereafter "**support and services**"

Page 5, line 12, after "work" insert "provided"

Page 5, after line 14, insert:

**"SECTION 7. AMENDMENT.** Section 15-20.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**15-20.1-03. Powers and duties of state board relating to career and technical education.**

The state board shall have all authority necessary to cooperate with the United States department of education or other department or agency of the United States of America in the administration of acts of Congress relating to career and technical education, including the following powers and duties:

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with acts of Congress relating to career and technical education.
2. To administer the funds provided by the federal government and by this state for the promotion of career and technical education and to contract with:
  - a. Any public or private institution or agency, board of trustees of any agricultural and training school, or school district of this state; or
  - b. Any public or private institution or agency, or political subdivision, of another state.
3. To formulate plans for the promotion of career and technical education in such subjects as are an essential and integral part of the public school system of education in this state.
4. To provide for the preparation of teachers.
5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this chapter relating to career and technical education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose.
6. To make studies and investigations relating to career and technical education.
7. To promote and aid in the establishment of schools, departments, or classes, and to cooperate with local communities in the maintenance of career and technical education schools, departments, or classes.
8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors.
9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of career and technical education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of career and technical education teachers.
10. To coordinate new and existing farm management programs offered by any state agency or entity.
11. To create and expand marketing clubs as adjuncts to new and existing farm management programs.

12. To administer and supervise the program and all activities of the center for distance education."

Page 5, line 15, replace "Section" with "Sections"

Page 5, line 15, after "15-19-03" insert "and 15-19-04"

Page 5, line 15, replace "is" with "are"

Renumber accordingly

Engrossed SB 2216 was placed on the Seventh order of business on the calendar.

**2019 TESTIMONY**

**SB 2216**



# NORTH DAKOTA SENATE

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Senator Donald Schaible

District 31  
9115 Highway 21  
Mott, ND 58646-9200  
R: 701-824-3168  
[dgschaible@nd.gov](mailto:dgschaible@nd.gov)

**COMMITTEE:**  
Education, Chairm:  
Energy and Natural Resourc

### Senate Bill 2216 – Movement of the Center for Distance Education to the State Career and Technical Education Division

Members of the committee, this bill contains within it a reasonable solution and home to the conversation about the Center for Distance Education. Historically, the CDE has been in a reporting structure under the Education Technology Council and their budget flowed through the Information Technology Budget. This bill would make some appropriate changes to reporting structure and budgetary structure.

During this past biennium it became clear the Center for Distance Education was needing to move out of the ITD budget – this is for a number of reasons. To maintain true to the mission of ITD – although “governed” by the ETC, having the CDE work with one of education agencies made truly the most sense. Because there is not appetite for the legislature to create a new agency within our state – logic would state that CDE would need to make a home either with NDDPI or the Career and Technical Education Department.

Stakeholder feedback indicated that perhaps the ideal place for CDE was to reside in the realm of CTE and ultimately under the governance of the state board for career and technical education. The center for distance education is a school and as such reporting to a board was the desired option based on stakeholder feedback. Currently the department of career and technical education already oversees our CTE Virtual centers. While not exactly like CDE, the commonalities make this transition logical.

Further, there were tremendous opportunities visualized when considering the collaboration that could occur between the center for distance education and our CTE centers around the state. Before this bill was even filed and we were still in the conversational stages, the idea sharing and brainstorming on the amount of collaboration and cross enhancement to benefit all students was very encouraging.

Additionally, it has been shown that CTE and NDDPI can collaborate very well which answers to some of the questions that have arisen in this shift. For example, there can still be great cross communication when it comes to approval of core academic classes and assurances of course codes and MISO3 classifications.

Next, I will walk you through this bill section by section.

Section 1:

\* Simply accomplishes some language cleanup making the language current and relevant for the current Center for Distance Education.

Section 2:

\* Moves the administration and reporting structure of the Center for Distance Education. This move adjusts the authority over CDE from the Education Technology Council to the State Board for Career and Technical Education.

\* It gives the authority to hire staff to Executive Director of the CTE department. Rather than a mandate to hire an "Executive Director" for the Center for Distance Education which had been in place previously, the CTE Director and board may hire the appropriate staff needed to accomplish the mission of the Center for Distance Education.

\* Further, it moves the supervision of the Center for Distance Education and its staff to the Executive Director of CTE.

\* Assures compliance with ESPB rules for administrators and teachers.

\* The State Board for CTE shall also administer the responsibilities of a board of a school district in relation to the Center for Distance Education.

Section 3:

\* Basic language cleanup.

Section 4:

\* Provides the authority for CDE to advertise its programs

Section 5:

\* Shifts the responsibility of the Center for Distance Education Budget and Funding authority to the Executive Director for CTE and the State Board for CTE. It also strikes language which entitles CDE to have an administrative operational fund which is no longer necessary as the Center for Distance Education will be a part of the overall operational budget for the Center for Technical Education.

\* CDE has historically had a scholarship fund to provide financial grants for students enrolled in courses. This section shifts the oversight authority of this scholarship fund from the Education Technology Council to the State Board for Career and Technical Education.

Section 6:

\* This section reinforces that the monies appropriated to the CTE department for the Center for Distance Education must be expended for CDE work as determined by CDE and approved by the State Board for Career and Technical Education.

Section 7:

Repeals 15.19-03 which states:

15-19-03. Duties of superintendents of schools - Authorization of enrollments. All applications for enrollment of persons under the age of sixteen years must be approved by the superintendent or an administrator of a school in the district prior to acceptance of enrollment by the center for distance education. All applications for enrollment of persons under the age of sixteen not residing in a high school district must be approved by the county superintendent of schools prior to the acceptance of such enrollment.

## Dr. Alan J. Peterson Testimony on Senate Bill 2216 ND Center for Distance Education

SB 2216  
1-23-19  
AK. #2  
P. 1 of 3

Chairman Schiabe and Members of the Senate Education Committee, I speak to you today on behalf of ND's Center for Distance Education (NDCDE). For the record, I am Dr. Alan J. Peterson, State Director of the NDCDE.

NDCDE wants to join forces with ND Career and Technology State Board and Department. SB 2216 makes that happen.

First, a little history.

- NDCDE was founded in 1935 by legislative action.
- NDCDE has been reassigned ownership twice after its first assigned ownership, that to the Board of Higher Education 1935-1979.
- In 1979 the ND Legislature saw fit to assign NDCDE's ownership to the Department of Public Instruction. This arrangement was in force until 2001.
- In 2001 NDCDE was assigned to the information Technology Department (ITD) as a part of the governance arrangement facilitated by the Educational Technology Council (ETC).

In practice NDCDE plays two roles in ND's education system. One, it is a school that provides courses and teachers to full-time students, and then awards diplomas earned by those students. Two, it is a provider of educational services to ALL North Dakota districts. The provider-of-educational-services role comprises about 95% of NDCDE's work. These are services that for the most part fill in gaps that exist in ND's K-12 education system (*gaps that ND shares with other states, and some gaps that are unique to ND*). These are services that must be adjusted each time they are delivered because the services must account for individual school and/or individual student situations (*the following are based on actual situations or circumstances*).

- A school loses its Math instructor in mid-semester and can't find a qualified replacement.
- A young man is hospitalized for medical treatment and will need to convalesce at home.
- A school is unable to afford to continue to offer Agricultural courses.
- A school does not have enough teachers or qualified teachers to provide advanced courses in English, Math and Science.
- A school does not have the means to provide to its students, exposure to high tech careers and develop the skills related to those careers.
- A student is bullied to the point of attempting suicide and will not return to school.
- A school is not able to provide "blended learning" – a combination of hands on, project-based learning, combined with personalized knowledge acquisition via online courses.
- A school recognizes that its current curriculum does not provide to its students enough opportunities to gain skills in problem-solving, critical thinking, collaboration, communication, technical literacy, design principles, information literacy, and ownership.
- A school does not have the personnel available to offer its students remediation.
- A school does not have the capability to provide to its students, curriculum that supports adaptive learning content and techniques.
- A school is only able to access intermittent and sporadic exposures to STEM courses and experiences, as well as high tech courses that enhance the STEM experience.
- A student and parent recognize too late that the difference between finishing college or dropping out, is the number of quality courses completed in high school.

The issues I just listed are exacerbated by what is now an acute (*and perhaps chronic*) problem – a shortage of teachers. North Dakota has experienced and continues to experience shortages in the following teaching areas: science, mathematics, English, music, physical education, social studies, economics, computers, agriculture, consumer science, and grades 1-8. What NDCDE's research has also indicated is that ND does not have enough qualified teachers in technical areas, and even in those areas that it does, the trend is moving toward a shortage because of regulations and cost.

I have spoken to ND Legislative Committees in 2011, 2013, 2015, and 2017. Each time I presented on behalf of NDCDE for continued support from ND's Legislature, I emphasized the improving quality of the services NDCDE's provides and the increasing numbers of ND students accessing those services. Those trends remain consistent. Ask any of North Dakota's school districts; NDCDE provides services to all of them. The districts will confirm that NDCDE does a good job and continues to improve and innovate. By the end of the 2018-2019 school year, NDCDE will set an all-time record of online enrollments for the year and for the biennium.

By the time NDCDE's school year and biennium ends on June 30, 2019 will have taken on approximately 12,000 online course enrollments where NDCDE provides the teacher, 10,000 of the enrollments from ND schools, over 3,000 enrollments (ND only) into courses where NDCDE provides everything but the teacher, and the approximately 6,000 enrollments (ND only) taking place in NDCDE supported SMART Labs. Depending upon how you make the calculation the total could fluctuate, but to give you a student full-time equivalency, those numbers result in NDCDE having the equivalent of over 600 full-time students per school year.

But...why change NDCDE's state governance affiliation? In two words: parents and kids.

In a state as big and broad and rural as North Dakota, technology can be used as an equalizer. This is true whether it is the electricity providing the power for the robotic-assisted milking of 2000 dairy cows three times a day, the electricity, fiber, computers, and electronic infrastructure required to manufacture and sell thousands of skid steer loaders, or a 10<sup>th</sup> grader in LaMoure studying Applied Technology in a futuristic learning lab supplied with the latest in computers, software and robotics under the direction of an NDCDE instructor located in Fargo and a lab facilitator located in LaMoure. Technology can lessen the impact of location.

In 2019 technology is a given. But its use in education, while acknowledged and sometimes ballyhooed, has not been optimized. Many ND kids still do not have access to a wide range of educational experiences. This is especially the case if you add 'consistent and ongoing' as descriptors of the educational experiences. If you live in one of ND's 8 largest metro areas, you are provided access to an average of 3X more choices for courses and other learning opportunities. Many of the courses and educational experiences could be provided by advanced use of technology and could be provided consistently and sustainably. Parents are frustrated. Why? They ask me, "why if we have the educational means, do we not have the educational ends?" What is holding ND back?

Answer: Fear

Fear. Fear exists on both sides of the equation. The education system, like most systems, fears change. True, the education system will accommodate some change, but history has thus far indicated most often that change must be on its own terms. In business terms, in a 'make or buy' situation, education systems tend to select 'make' in almost every situation. It appears that education systems, like business systems of the past, fear losing control. This is true whether the situation is academic or technical/career education. Both areas of education feel compelled to not give up any type of control. Who can blame them? They do so for good reasons. They need only to cite the many federal, state and local mandates they are compelled to meet. The result is a system that may want to change, but which finds it difficult to do so. The result is a system that may be able to envision positive, insightful change, but is unable to realize that change. That is, until recent events in ND changed the calculus. What happened recently? You allowed and encouraged education innovation. You legislated the opportunity to innovate!

And that is exactly where NDCDE comes in. ND's schools and tech centers need a partner they can rely on. A partner that has a firm understanding of the lay of the digital landscape. A partner that is as advanced as any technological educational service provider on the planet, but one that is sensitive to the needs and wants of ND schools, tech centers, communities, parents and kids. A partner that can assist in optimizing learning via the optimization of available technology. This, enabling every ND student access to learning digitally available and digitally enhanced, and in combination what is available locally, including experiences that are necessarily physical and/or hands on. Positive, insightful change.

In summary the proposed legislation would have the North Dakota Center for Distance Education

- Report to the Career and Technical Education State Board.
- Funded through a combination of student and school funding mechanisms, along with fees per enrollment,
- Work with the Career and Technical Education Department to maintain NDCDE's status as a state agency and the related employment, human services, accounting, auditing, etc., associated with being a ND state agency, and
- Work with the Career and Technical Education Department, ND's Tech Centers, ND Department of Public Instruction and all ND school districts to optimize the learning opportunities available to all ND students. A prime example of this collaboration will begin in February. CDE and CTE will visit Sun West School in Saskatchewan. A collaborative effort of their tech centers, schools, distance education provider and industry are now providing equal access to education experiences throughout the province. It is working

There is one other piece of historical perspective I need to share with you; I think you will find it enlightening. You are likely not aware that Dr. Thordarson, NDCDE's founder, came to the ND Legislature in 1935 and expressed to them the need to help rural kids obtain high school diplomas. For

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AH #2  
p. 3 of 3

most rural kids at that time, high school was either not available or was impractical. But farming, just like now, was evolving at a fast rate. Farmers needed to know more, so they needed to learn more. Thordarson and NDCDE filled that gap. Even though the ND Legislature was facing the greatest economic depression the world has ever experienced, they found money to fund Thordarson and NDCDE.

NDCDE is not an accessory to the ND K-12 education system; it is part of its primary function. Make sure that it is a part of the ND's education system now and will remain so for the next 84 years.

I will try to answer any questions you may have. Thank you.

Dr. Alan J. Peterson, State Director  
North Dakota Center for Distance Education

## Senate Bill 2216



**ndCDE** North Dakota  
CENTER FOR DISTANCE EDUCATION

Dr. Alan Peterson  
State Director

*Questions and Answers  
about NDCDE and  
SB 2216*

North Dakota Senate Education Committee  
Sheyenne River Room State Capitol  
January 23, 2019  
ND Center for Distance Education (NDCDE)  
Dr. Alan J. Peterson, State Director

1

[www.ndcde.org](http://www.ndcde.org)

1

## ND Center for Distance Education

*What does NDCDE provide and what roles must it fill in ND's education system?*

### *Provide*

- *Choice – provision for equal course choice for all ND students. With the alignment to CTE student choice is enhanced.*
- *Opportunity – provision for equal opportunity to learn and excel for all ND students. Again, this enhanced by collaboration with CTE.*
- *Validation – provision for meaningful validation of their learning for all ND students. Personalization of learning enhanced by technology and hands on experiences is the blended learning that much research advocates.*

2

2

# ND Center for Distance Education

## Roles

1. A school for full-time students; often having special circumstances.
2. A provider of educational services to all ND schools to
  - Provide courses,
  - Provide teachers,
  - Provide occupation for teachers, and
  - Provide high tech experiences and projects everyday in requesting schools.

**Success?** 12,000 online enrollments 2017-2019, 9,000 enrollments in other services 2017-2019, equivalent to a school of 600 full-time students

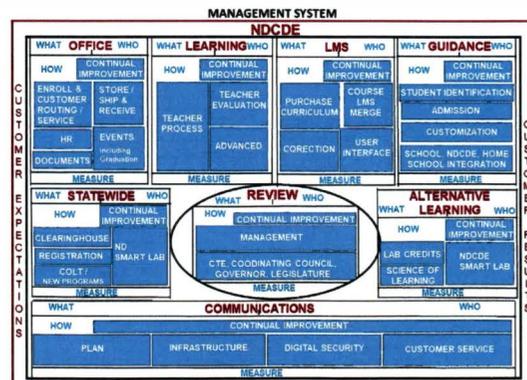
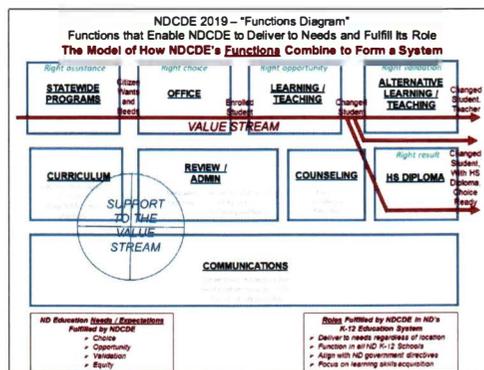
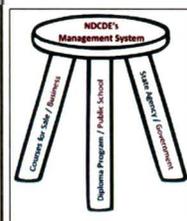
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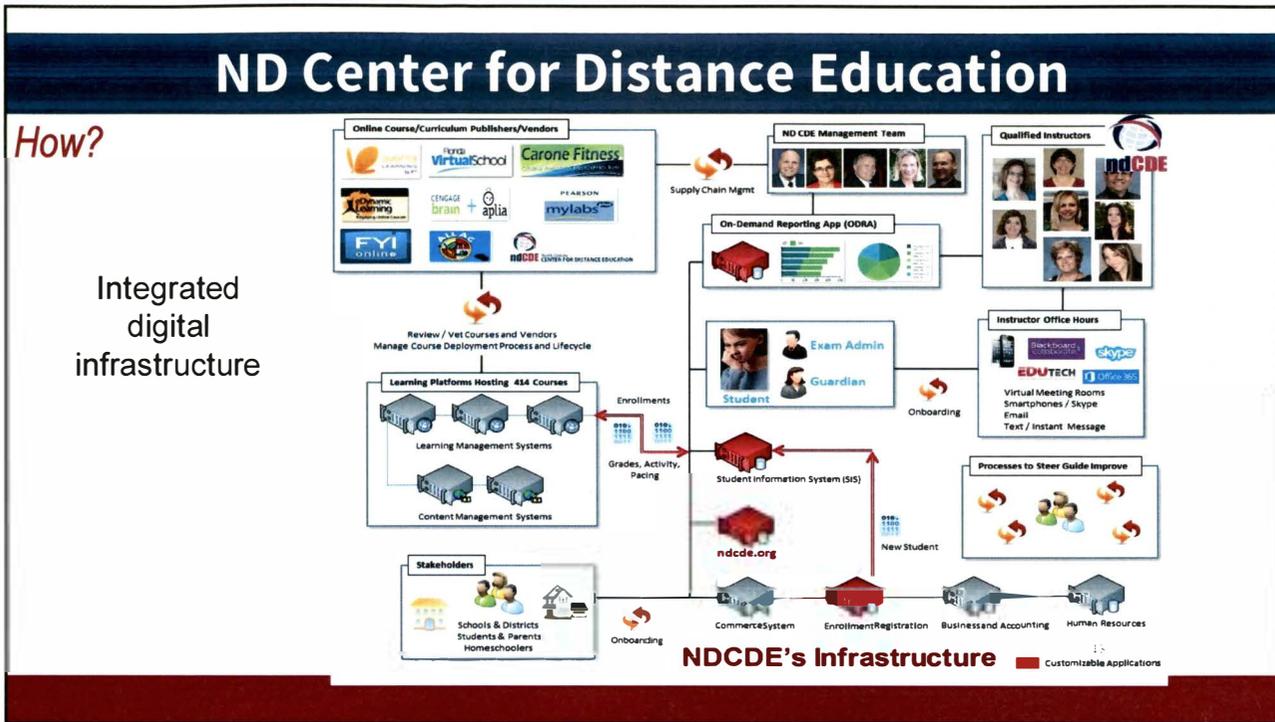
# ND Center for Distance Education

## How?

- Process = A set of interrelated or interactive activities that transform inputs to outputs.
- Management System = A system of coordinated activities to direct (policy) and control (objectives) an organization.
- Process-based Management = The application of a system of processes within an organization that combines identification and interaction of processes and their management in order to achieve control over the linkage between processes, as well as the combinations and interactions..



4



5

## ND Center for Distance Education

*Why is NDCDE coming before this committee to seek a change to its alignment within ND state government?*

1. *Issues raised by you and your fellow legislators during the interim led to the consideration of a realignment involving CTE and NDCDE.*
2. *Guidance and direction from the Governor's Office confirmed the need for realignment.*
3. *A ND education system that is acknowledging the need for*
  - *More coordination,*
  - *Less redundancy,*
  - *More technological savvy, and*
  - *More accountable results.*

*NDCDE concurs with the need for a Coordinating Council, as proposed in SB 2215. NDCDE has concluded a Coordinating Council will strengthen NDCDE's proposed alignment with ND CTE and with all education services.*

6

## ND Center for Distance Education

### *Summary*

- *NDCDE is a direct report to the State Board for Technical and Career Education (not ETC).*
- *ND's taxpayer investment is stabilized and aligned to educational needs by a move to funding that applies a combination of student and school funding mechanisms (not a General Funds direct appropriation), plus fees per enrollment.*
- *NDCDE and the Career and Technical Education Department work together for the benefit of all ND's kids.*
- *NDCDE and ND CTE work to optimize learning opportunities through innovation. Example.....*

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Att. #4  
p1 of 2

Senate Education

SB 2216

Department of Career and Technical Education

January 23, 2019

Chairman Schaible and Members of the Senate Education Committee, my name is Wayde Sick, State Director for the Department of Career and Technical Education. I am here to testify in support of SB 2216. SB 2216 will provide for the transfer of the operations of the Center for Distance Education from the Information Technology Department to the Department of Career and Technical Education. The State Board of Career and Technical Education met January 22<sup>nd</sup> and are also in support of this transition.

During the summer of 2018 the state agencies involved in K12 education along with stakeholders engaged in conversations on how the state can provide more efficiency in K12 education while not negatively impacting effectiveness. One opportunity that arose was the merging of the Center for Distance Education with the Department of Career and Technical Education. One reason behind this idea is CDE and the Area Career and Technology Centers were providing similar services to schools in distance education. Currently both entities are engaged in distance delivery of CTE coursework. This was not done intentionally. Both entities were trying to deliver a needed service to students and as devoted educators, they both proceeded forward. Currently in the 2018-19 school year, over 1600 students received classes from the various Area CTE Centers either via online or ITV, with most being a hybrid model, with a combination of distance and hands-on. With this consolidation, our intent is the two entities will collaborate on the delivery of distance CTE courses by playing off both organizations' strengths. Currently the CTE Area Career and Technology Centers are experts in content and hands on learning. The Center for Distance Education's strength lies in distance education delivery technology. During the fall of 2018, the CTE Center Directors and CDE staff met to begin to determine how we can work together to deliver CTE coursework to all students, filling any gaps that currently exist.

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A.H. #4  
P2 of 2

It is the intent of the Department of Career and Technical Education to continue to partner with the Department of Public Instruction to ensure general education courses delivered through the Center for Distance Education will continue and to ensure standards are met.

Both CTE and CDE are in the process of learning more about each other, whether it is budgeting, structure or processes. Although the details on how this partnership will work out have not been ironed out, we are confident that CDE and the Department of Career and Technical Education can move forward as a stronger organization.

This concludes my testimony and I will be happy to answer any questions to committee may have.



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1-23-19  
AH #5  
p.1 of 1

**SB 2216 – Moving Center for Distance Education to the CTE Department  
Testimony in Support – NDCEL 1/23/2019**

Dear Chairman Schaible and members of the Senate Education Committee – I stand before you today representing NDCEL as we stand in support of the language regarding the reporting and funding shift of the Center for Distance Education from the Information Technology Department to the Department for Career and Technical Education. As you dig into the detail of this bill, the details are handled very appropriately, and we believe the reporting structure and the opportunity to enhance partnerships and overall effectiveness of both CTE and CDE through this alignment will ultimately work to be in the best interest of students.

Over the past years – we've witnessed the growth of the Center for Distance Education – they've moved a long way in the scope of supporting our K12 schools – especially in our rural schools. On the side of CTE, a common ground is found in the CTE virtual centers. Beyond the general efficiency of having CTE and CDE come together and work under the same “roof” so to speak, to push together these two common yet different groups and put them into an enhanced collaboration opportunity generates excitement among the field.

Some might say that some of the CTE virtual centers have mastered the blended modality, while the high-level skill of CDE to put quality curriculum online is a beautiful starting ground toward enhancing each-others practice in such a way that the student experience and ability to learn will be greatly enhanced through that collaboration. Further, the CTE board has proven itself over the years to be one of the best functioning boards in the state – treating individuals fairly and firmly and keeping a tight watch on doing what is in the best interest for students. Our organization believe that having CDE as a part of this oversight and as a part of this department is a great fit and will ultimately result in great things for students.

NDCEL is excited about what the future holds with this new partnership and we support this shift. We recommend a Do Pass of SB 2216.



# North Dakota Small Organized Schools

SB 2216  
1-23-19  
Att #6  
p1 of 1

Mr. ElRoy Burkle  
Executive Director  
1419 9<sup>th</sup> Ave NE  
Jamestown, 58401  
Eburklendsos@gmail.com  
701-230-1973

Mr. Brandt Dick  
President  
PO Box 100 – 123 Summit Street  
Underwood, ND 5857  
Brandt.Dick@underwoodschool.org  
701-442-3274

Mrs. Janet Brown  
Business Manager  
925 Riverview Drive  
Valley City, ND 58072  
[janet.brown@k12.nd.us](mailto:janet.brown@k12.nd.us)  
701-845-2910

January 18, 2019

Chairman Schaible and Members of the ND Senate Education Committee,

For the record, my name is Mr. ElRoy Burkle, Executive Director of North Dakota Small Organized Schools .

NDSOS goes on record of supporting SB 2216 and recommend a ‘do pass’.

The North Dakota Center for Distance Education has provided small rural students (also urban schools) with opportunities to enroll in core courses, specialized courses, credit recovery courses, and SmartLab integration. With North Dakota’s teacher shortage, ND CDE’s efforts and services are greatly appreciated. The enrollment data clearly illustrates the need.

NDSOS supports the reassignment of CDE to ND CTE and recommends a ‘do pass.’

Thank you for your time and I shall stand for questions.

Respectfully,

*s/s Mr. ElRoy Burkle*

Mr. ElRoy Burkle, Executive Director  
ND Small Organized Schools  
1419 9<sup>th</sup> Ave NE  
Jamestown, ND 58401  
Cell: 701-230-1973 Email [eburklendsos@gmail.com](mailto:eburklendsos@gmail.com)

Revised January 18, 2019  
File: SB 2216 CDE 19.0819.0100

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### Board of Directors

**Region 1**  
Mr. Tim Holte, Supt. Stanley  
Mr. John Gruenberg, Supt. Powers Lake

**Region 2**  
Mr. Jeff Hagler, Supt. North Star  
Mr. Steven Heim, Anamoose & Drake

**Region 3**  
Mr. Frank Schill, Supt. Edmore  
Mr. Dean Ralston, Supt. Drayton

**Region 4**  
Mr. Kelly Koppinger, Supt. New England  
Mr. Jim Gross, Supt. Selfridge

**Region 5**  
Mr. Joel Lemer, Bd. Member Carrington  
Mr. Brandt Dick, Supt. Underwood

**Region 6**  
Mr. Mitch Carlson, Supt. LaMoure  
Dr. Steven Johnson, Supt. Lisbon

The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.

19.0819.01001  
Title.

Prepared by the Legislative Council staff for  
Senator Schaible

January 31, 2019

SB 2216  
2-4-19  
Att #1  
p1081

PROPOSED AMENDMENTS TO SENATE BILL NO. 2216

Page 3, line 20, remove the overstrike over "~~Duty of superintendent~~"

Page 3, remove the overstrike over lines 21 through 23

Page 3, line 24, remove the overstrike over "~~15.1-18-03.~~"

Renumber accordingly



# NORTH DAKOTA SENATE

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360

SB 2216  
3-12-19  
#1



## Senator Donald Schaible

District 31  
9115 Highway 21  
Mott, ND 58646-9200  
R: 701-824-3168  
dgschaible@nd.gov

**COMMITTEE:**  
Education, Chairm.  
Energy and Natural Resourc

### Senate Bill 2216 – Movement of the Center for Distance Education to the State Career and Technical Education Division

Members of the committee, this bill contains within it a reasonable solution and home to the conversation about the Center for Distance Education. Historically, the CDE has been in a reporting structure under the Education Technology Council and their budget flowed through the Information Technology Budget. This bill would make some appropriate changes to reporting structure and budgetary structure.

During this past biennium it became clear the Center for Distance Education was needing to move out of the ITD budget – this is for a number of reasons. To maintain true to the mission of ITD – although “governed” by the ETC, having the CDE work with one of education agencies made truly the most sense. Because there is not appetite for the legislature to create a new agency within our state – logic would state that CDE would need to make a home either with NDDPI or the Career and Technical Education Department.

Stakeholder feedback indicated that perhaps the ideal place for CDE was to reside in the realm of CTE and ultimately under the governance of the state board for career and technical education. The center for distance education is a school and as such reporting to a board was the desired option based on stakeholder feedback. Currently the department of career and technical education already oversees our CTE Virtual centers. While not exactly like CDE, the commonalities make this transition logical.

Further, there were tremendous opportunities visualized when considering the collaboration that could occur between the center for distance education and our CTE centers around the state. Before this bill was even filed and we were still in the conversational stages, the idea sharing and brainstorming on the amount of collaboration and cross enhancement to benefit all students was very encouraging.

Additionally, it has been shown that CTE and NDDPI can collaborate very well which answers to some of the questions that have arisen in this shift. For example, there can still be great cross communication when it comes to approval of core academic classes and assurances of course codes and MISO3 classifications.

Next, I will walk you through this bill section by section.

Section 1: Simply accomplishes some language cleanup making the language current and relevant for the current Center for Distance Education.

Section 2: Moves the administration and reporting structure of the Center for Distance Education. This move adjusts the authority over CDE from the Education Technology Council to the State Board for Career and Technical Education.

\* It gives the authority to hire staff to Executive Director of the CTE department. Rather than a mandate to hire an "Executive Director" for the Center for Distance Education which had been in place previously, the CTE Director and board may hire the appropriate staff needed to accomplish the mission of the Center for Distance Education.

\* Further, it moves the supervision of the Center for Distance Education and its staff to the Executive Director of CTE.

\* Assures compliance with ESPB rules for administrators and teachers.

\* The State Board for CTE shall also administer the responsibilities of a board of a school district in relation to the Center for Distance Education.

Section 3: Basic language cleanup.

Section 4: Provides that courses offered by the CDE meet the states content standards and allows authority for CDE to advertise its programs

Section 5: Shifts the responsibility of the Center for Distance Education Budget and Funding authority to the Executive Director for CTE and the State Board for CTE. It also strikes language which entitles CDE to have an administrative operational fund which is no longer necessary as the Center for Distance Education will be a part of the overall operational budget for the Center for Technical Education.

\* CDE has historically had a scholarship fund to provide financial grants for students enrolled in courses. This section shifts the oversight authority of this scholarship fund from the Education Technology Council to the State Board for Career and Technical Education.

Section 6: This section reinforces that the monies appropriated to the CTE department for the Center for Distance Education must be expended for CDE work as determined by CDE and approved by the State Board for Career and Technical Education.

Section 7: Repeals 15.19-03 which states:

15-19-03. Duties of superintendents of schools - Authorization of enrollments. All applications for enrollment of persons under the age of sixteen years must be approved by the superintendent or an administrator of a school in the district prior to acceptance of enrollment by the center for distance education. All applications for enrollment of persons under the age of sixteen not residing in a high school district must be approved by the county superintendent of schools prior to the acceptance of such enrollment.

# Mandan Public School District

District Offices

SB 2216  
3-12-19  
#2

Date: Monday, March 11, 2019  
To: North Dakota House Education Committee  
From: Jeff Fastnacht, Asst. Superintendent  
Re: Support for SB 2216

Good Morning Chairman Owens and members of the committee. I am Jeff Fastnacht, Asst. Superintendent at Mandan Public School and today I am speaking to you as the Chairman of the ND Education Technology Council (ETC) and member of the ND Career & Technical Education Board (CTE).

SB 2216 provides for the realignment of the Center of Distance Education from its present location under the direction of the Education Technology Council to the ND Career & Technical Education Board. This unification provides tremendous opportunities to improve both programs. Since the addition of Dr. Peterson at ND CDE the opportunities for our students to engage in rigorous, high demand, online course work has grown rapidly. Dr. Peterson and his team have expanded the number and scope of the courses offered meeting the needs of ND school districts and our students. I have witnessed this growth firsthand as the chairman of the ND ETC. However, during this same time the ND ETC also saw that making the ND CDE fit within ITD was not the best fit. ITD is a world class technology provider but it is not designed to be focused on the instruction within the K12 system. ND Center for Distance Education was just a square peg in a round hole.

Over the past 12 months other organizations have noticed this same misalignment and working with representatives from ND CDE, ETC, CTE, Small Organized Schools, NDCEL, legislators, and others we brought forth the concept of moving ND CDE to a new home. The new home being proposed to you within SB 2216 is the ND Career & Technical Education Board.

The ND Career & Technical Education Department, along with the Board, has a long history of good standing and accomplishment with our state. I believe everyone can see the direct positive impact ND CTE has on our schools and students. The ND CTE has a strong working relationship with schools, the business sector, and within the legislature. The addition of the Center for Distance Education to an already strong portfolio of services will enhance both programs.

What some may not know is that the NDCTE and NDCDE were both working to develop distance education opportunities for North Dakota students. This inclusion of NDCDE under the NDCTE board will combine these efforts to provide a more efficient and effective model for North Dakota. By combining we have the opportunity to use the strengths of both entities to enhance and improve the services to our students.

As you are aware this transition will be similar to a marriage. And, any good marriage has to start off on the right foot. HB 1019 provides the funding for this transition. I would simply ask that this body support the continued full funding of the ND CDE reinstating the approximate \$220,000 that has been removed from CDE. ND CDE and ND CTE will be highly successful but no successful marriage comes free. Please keep in mind the needed funds to provide an easy transition for the teachers and staff within ND CDE.

Thank you for your time and I would stand for any questions from the committee.

SB 2216  
3-12-19  
#3

House Education

SB 2216

Department of Career and Technical Education

March 12, 2019

Chairman Owens and Members of the House Education Committee, my name is Wayde Sick, State Director for the Department of Career and Technical Education. I am here to testify in support of SB 2216. SB 2216 will provide for the transfer of the operations of the Center for Distance Education from the Information Technology Department to the Department of Career and Technical Education. The State Board of Career and Technical Education met January 22<sup>nd</sup> and is also in support of this transition.

During the summer of 2019 the state agencies involved in K12 education along with stakeholders engaged in conversations on how the state can provide more efficiency in K12 education while not negatively impacting effectiveness. One opportunity that arose was the merging of the Center for Distance Education with the Department of Career and Technical Education. One reason behind this idea is CDE and the Area Career and Technology Centers were providing similar services to schools in distance education. Currently both entities are engaged in distance delivery of CTE coursework. This was not done intentionally. Both entities were trying to deliver a needed service to students and as devoted educators, they both proceeded forward. Currently in the 2018-19 school year, over 1600 students received classes from the various Area CTE Centers either via online or ITV, with most being a hybrid model, with a combination of distance and hands-on. With this consolidation, our intent is the two entities will collaborate on the delivery of distance CTE courses by playing off both organizations' strengths. Currently the CTE Area Career and Technology Centers are experts in content and hands on learning. The Center for Distance Education's strength lies in distance education delivery technology. During the fall of 2018, the CTE Center Directors and CDE staff met to begin to determine how we can work together to deliver CTE coursework to all students, filling any gaps that currently exist.

It is the intent of the Department of Career and Technical Education to continue to partner with the Department of Public Instruction to ensure general education courses

SB 2216  
3-12-19  
#3

delivered through the Center for Distance Education will continue and to ensure standards are met.

Both CTE and CDE are in the process of learning more about each other, whether it is budgeting, structure or processes. Although the details on how this partnership will work have not been ironed out, we are confident that the Center for Distance Education and the Department of Career and Technical Education can move forward as a stronger organization.

There are a number of amendments that I do recommend. In order to stay consistent, I recommend using the title state director instead of executive director. The amendments are included below for the committee's consideration.

Page 2, Section 2. 15-19-02 Line 28

executive state director of the department of career and technical education

Page 3, Section 2. 15-19-02 Line 2

under the supervision of the executive state director of the department of career and technical education

Page 4, Section 5. 15-19-06 Line 5

executive state director for the department of career and technical education

This concludes my testimony and I will be happy to answer any questions to committee may have.

SB2216  
3-12-19  
#4

## Senate Bill 2216



Dr. Alan Peterson  
State Director

North Dakota House Education Committee  
March 12, 2019  
ND Center for Distance Education (NDCDE)  
Dr. Alan J. Peterson, State Director

*NDCDE supports SB 2216:  
What ND receives for its support of NDCDE, and  
Why NDCDE supports a merger with ND CTE*

1

[www.ndcde.org](http://www.ndcde.org)

1

## ND Center for Distance Education

*NDCDE provides*

- **Choice**  
*provision for equal course choice for all ND students\*. With the alignment to CTE student choice is enhanced.*
- **Opportunity**  
*provision for equal opportunity to learn and excel for all ND students. Again, this enhanced by collaboration with CTE.*
- **Validation**  
*provision for meaningful validation of their learning for all ND students. Personalization of learning enhanced by technology and hands on experiences is the blended learning that much research advocates.*

\*ND Constitution Article VII Education Section 2. "The legislative assembly shall provide for a uniform system of free public schools throughout the state, beginning with the primary and extending through all grades...."

2

SB 2016  
3-12-19  
#4

# ND Center for Distance Education

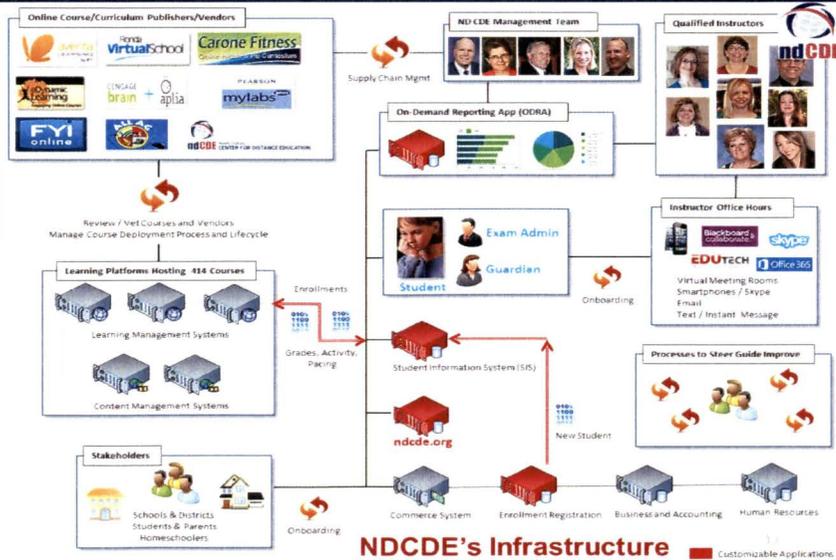
## NDCDE's roles

1. A school for full-time students, who often having special circumstances.
2. A provider of educational services to all ND schools to
  - Deliver required, elective, remediative, and advanced courses,
  - Assure qualified teachers are present,
  - Offer work solutions for teachers and schools, and
  - Make possible and Supply high tech experiences and projects everyday in ND schools.

# ND Center for Distance Education

## NDCDE's infrastructure

Integrated digital infrastructure

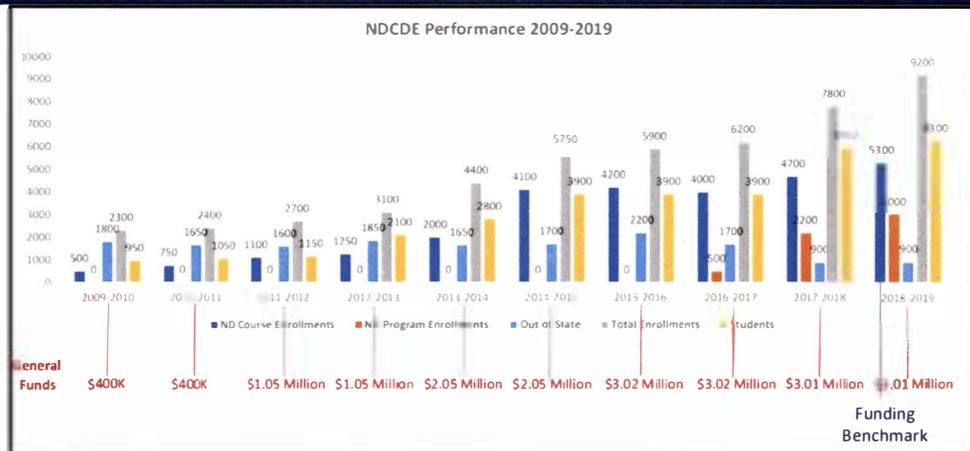


# ND Center for Distance Education

## NDCDE's motivations and conclusions

1. Issues raised by you and your fellow legislators during the interim.
2. Guidance and direction from the Governor's Office confirmed the need for realignment.
3. Acknowledgement by ND's education system that it needs
  - More coordination,
  - Less redundancy,
  - More technological savvy, and
  - More accountable results.

## NDCDE's Performance 2009-2019



**Definitions:**  
 ND Course Enrollments = 1 ND Student enrolled in one course to completion  
 ND Program Enrollments = Course Only Local Teacher (COLT) SMART Lab courses Online Teacher Development SMART Lab Facilitator CLEM  
 Out of State = 1 Out of State Student enrolled in one course to completion  
 Total Enrollments = ND Course Enrollments + Out of State + ND Program Enrollments  
 Students = Number of unique students enrolled in NDCDE courses

SB 2216'  
3-12-19  
#4

## ND Center for Distance Education

### Summary

- *NDCDE is a direct report to the State Board for Technical and Career Education (not ETC).*
- *ND's taxpayer investment is stabilized and aligned to educational needs by a General Funds Base appropriation, General Funds Plus reserve for additional students, and fees per enrollment.*
- *NDCDE and the Career and Technical Education Department work together for the benefit of all ND's kids.*
- *NDCDE and ND CTE work to optimize learning opportunities through innovation. Example....., and*
- *NDCDE and ND CTE have requested an accountable access to additional funds should NDCDE's enrollments exceed 10,736 for the biennium.*

#### **2019-2021 NDCDE Base/Plus Funding, Two-part Request**

General Funds = \$3,010,000 per year / \$6,020,000 per biennium (\$220,000 restored)

Special Funds / Spending Authority = \$1,525,000 per year / \$3,050,000 per Biennium

**Total Base: \$9,070,000 (\$220,000 restored)**

Plus General Funds = capped at \$502,759

**Total Base/Plus: \$9,502,759 Plus Earned General Funds added)**

SB 2216  
3-12-19  
#4

## Senate Bill 2216



Dr. Alan Peterson  
State Director

North Dakota House Education Committee  
March 12, 2019  
ND Center for Distance Education (NDCDE)  
Dr. Alan J. Peterson, State Director

*NDCDE supports SB 2216:  
What ND receives for its support of NDCDE, and  
Why NDCDE supports a merger with ND CTE*

1

[www.ndcde.org](http://www.ndcde.org)

1

## ND Center for Distance Education

*NDCDE provides*

- **Choice**  
*provision for equal course choice for all ND students\*. With the alignment to CTE student choice is enhanced.*
- **Opportunity**  
*provision for equal opportunity to learn and excel for all ND students. Again, this enhanced by collaboration with CTE.*
- **Validation**  
*provision for meaningful validation of their learning for all ND students. Personalization of learning enhanced by technology and hands on experiences is the blended learning that much research advocates.*

\*ND Constitution Article VII Education Section 2. "The legislative assembly shall provide for a uniform system of free public schools throughout the state, beginning with the primary and extending through all grades...."

2

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SB 2216  
3-12-19  
#4

# ND Center for Distance Education

## NDCDE's roles

1. A school for full-time students, who often having special circumstances.
2. A provider of educational services to all ND schools to
  - Deliver required, elective, remediative, and advanced courses,
  - Assure qualified teachers are present,
  - Offer work solutions for teachers and schools, and
  - Make possible and Supply high tech experiences and projects everyday in ND schools.

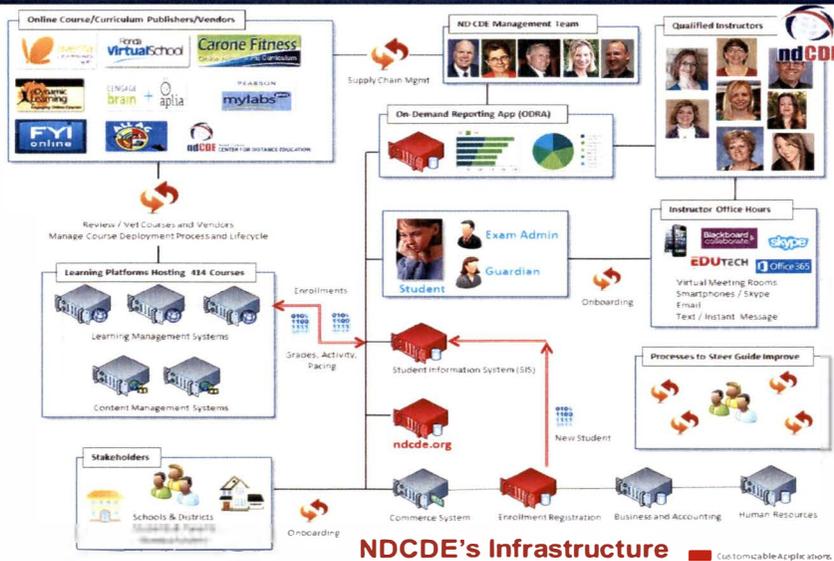
3

3

# ND Center for Distance Education

## NDCDE's infrastructure

Integrated digital infrastructure



6

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3-12-16  
#4

# ND Center for Distance Education

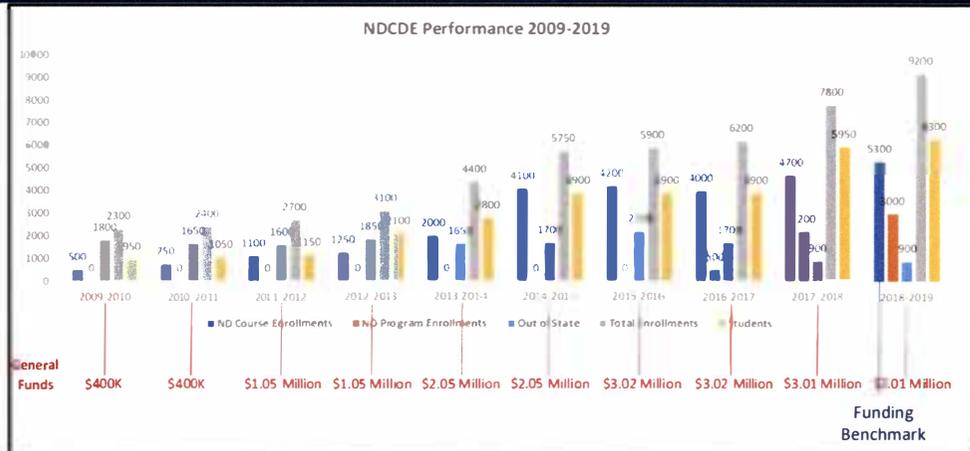
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5

5

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**Students** = Number of unique students enrolled in NDCDE courses

7

SB 2216  
3-12-19  
#4

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**Total Base/Plus: \$9,502,759 Plus Earned General Funds added)**



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#5

**SB 2216 – Moving Center for Distance Education to the CTE Department  
Testimony in Support –  
NDCEL 3/12/2019**

Dear Chairman Owens and members of the House Education Committee – I stand before you today representing NDCEL as we stand in support of the language regarding the reporting and funding shift of the Center for Distance Education from the Information Technology Department to the Department for Career and Technical Education. As you dig in, the details of this bill are handled very appropriately, and we believe the reporting structure and the opportunity to enhance partnerships and overall effectiveness of both CTE and CDE through this alignment will ultimately work to be in the best interest of students.

Over the past years – we've witnessed the growth of the Center for Distance Education – they've moved a long way in the scope of supporting our K12 schools -- especially in our rural schools. On the side of CTE, a common ground is found in the CTE virtual centers. Beyond the general efficiency of having CTE and CDE come together and work under the same “roof” so to speak, to push together these two common yet different groups and put them into an enhanced collaboration opportunity generates excitement among the field.

Some might say that some of the CTE virtual centers have mastered the blended modality, while the high-level skill of CDE to put quality curriculum online is a beautiful starting ground toward enhancing each-others practice in such a way that the student experience and ability to learn will be greatly enhanced through that collaboration. Further, the CTE board has proven itself over the years to be one of the best functioning boards in the state – treating individuals fairly and firmly and keeping a tight watch on doing what is in the best interest for students. Our organization believe that having CDE as a part of this oversight and as a part of this department is a great fit and will ultimately result in great things for students. It is critical to continue to bring to our students the best possible opportunities, the CDE must also be appropriately funding. Still struggling with the cuts from the apportionment, we ask that there be attention put onto making

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#5



the CDE budget whole by ensuring their funding is restored and that increases are put into place to support this school.

NDCEL is excited about what the future holds with this new partnership and we support this shift. We recommend a Do Pass of SB 2216.



# North Dakota Small Organized Schools

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#6

Mr. ElRoy Burkle  
Executive Director  
1419 9<sup>th</sup> Ave NE  
Jamestown, 58401  
Eburklendsos@gmail.com  
701-230-1973

Mr. Brandt Dick  
President  
PO Box 100 – 123 Summit Street  
Underwood, ND 5857  
Brandt.Dick@underwoodschool.org  
701-442-3274

Mrs. Janet Brown  
Business Manager  
925 Riverview Drive  
Valley City, ND 58072  
[janet.brown@k12.nd.us](mailto:janet.brown@k12.nd.us)  
701-845-2910

March 8, 2019

Chairman Owens and Members of the ND House Education Committee,

For the record, my name is Mr. ElRoy Burkle, Executive Director of North Dakota Small Organized Schools .

NDSOS goes on record of supporting SB 2216 and recommend a ‘do pass’.

The North Dakota Center for Distance Education has provided small rural students (also urban schools) with opportunities to enroll in core courses, specialized courses, credit recovery courses, and SmartLab integration. With North Dakota’s teacher shortage, ND CDE’s efforts and services are greatly appreciated by North Dakota Small Organized schools. The enrollment data clearly illustrates the need.

NDSOS supports the reassignment of CDE to ND CTE and recommends a ‘do pass.’

Thank you for your time and I shall stand for questions.

Respectfully,

*s/s Mr. ElRoy Burkle*

Mr. ElRoy Burkle, Executive Director  
ND Small Organized Schools  
1419 9<sup>th</sup> Ave NE  
Jamestown, ND 58401  
Cell: 701-230-1973 Email [eburklendsos@gmail.com](mailto:eburklendsos@gmail.com)

Revised March 4, 2019  
File: SB 2216 CDE House Ed

## Board of Directors

### Region 1

Mr. Tim Holte, Supt. Stanley  
Mr. John Gruenberg, Supt. Powers Lake

### Region 2

Mr. Jeff Hagler, Supt. North Star  
Mr. Steven Heim, Anamoose & Drake

### Region 3

Mr. Frank Schill, Supt. Edmore  
Mr. Dean Ralston, Supt. Drayton

### Region 4

Mr. Kelly Koppinger, Supt. New England  
Mr. Jim Gross, Supt. Selfridge

### Region 5

Mr. Joel Lemer, Bd. Member Carrington  
Mr. Brandt Dick, Supt. Underwood

### Region 6

Mr. Mitch Carlson, Supt. LaMoure  
Dr. Steven Johnson, Supt. Lisbon

The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.

1

#1  
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3-20-19

19.0819.02002

FIRST ENGROSSMENT

Sixty-sixth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2216

Introduced by

Senator Schaible

Representative Owens

1 A BILL for an Act to create and enact a new section to chapter 15-19 of the North Dakota  
2 Century Code, relating to definitions: to amend and reenact sections 15-19-01, 15-19-02,  
3 15-19-02.1, ~~15-19-04~~, 15-19-06, ~~and~~ 15-19-08, and 15-20.1-03 of the North Dakota Century  
4 Code, relating to distance education; and to repeal ~~section~~sections 15-19-03 and 15-19-04 of  
5 the North Dakota Century Code, relating to authorization of enrollments to the center for  
6 distance education by a superintendent of a school and advertising.

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

8 **SECTION 1. AMENDMENT.** Section 15-19-01 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **15-19-01. Distance North Dakota center for distance education courses -**  
11 **Establishment - Enrollment of students - Courses of instruction.**

12 The state shall provide ~~distance education~~kindergarten through grade twelve courses,  
13 comprehensive educational support, and high school diplomas through the center for distance  
14 education under the following provisions:

- 15 1. A complete curriculum ~~by distance education which has been specifically determined~~  
16 by prescribed by state-mandated education accreditation entities which meets the  
17 requirements for digital education the superintendent of public instruction as ~~proper~~  
18 ~~and suitable for instruction under distance education methods, such determination and~~  
19 ~~approval to be made not less than once in each school year, must be maintained upon~~  
20 ~~the campus of one of the state institutions of higher education~~ has deemed determined  
21 to be appropriate and proper.
- 22 2. ~~Unless specifically excused in writing upon the course application forms by the A~~  
23 ~~superintendent or an administrator of the a school~~ approving may deny the enrollment  
24 application, or of a student in that district at the center for distance education except as

1 provided in subsection 5, all students under the age of sixteen taking advantage of the  
2 provisions of this chapter must be required to attend their local district schools and to  
3 study their distance education lessons under the supervision of a local supervisor. If  
4 not required to attend their local schools, their work may be done at a place  
5 designated by the state director. If in attendance at a local school, students must be  
6 supplied with desk space in their respective school without charge and shall attend  
7 school regularly and be under the same disciplinary supervision of the teachers as the  
8 other school students.

9 3. The center for distance education may provide services to persons who are not North  
10 Dakota residents.

11 4. ~~Distance~~Center for distance education students shall pay for books and materials  
12 used by them, postage required to mail reports to the center, and other fees as may be  
13 prescribed by the ~~state~~ director in consultation with the administration of the center.

14 5. Students exempt from the compulsory school attendance laws pursuant to  
15 subdivision e of subsection 1 of section 15.1-20-02 may enroll in distance education  
16 courses offered through the center for distance education. These students may study  
17 their center for distance education lessons in their learning environment under the  
18 supervision of a parent. The tests for the distance education study must be  
19 administered by an individual who is licensed to teach by the education standards and  
20 practices board or approved to teach by the education standards and practices board  
21 and employed either by the public school district in which the parent resides or a  
22 state approved private or nonpublic school.

23 **SECTION 2.** A new section to chapter 15-19 of the North Dakota Century Code is created  
24 and enacted as follows:

25 **Definitions.**

26 In this chapter, unless the context otherwise requires:

27 1. "Administration" includes the leadership of the center for distance education.

28 2. "Board" means the state board for career and technical education.

29 3. "Center" means the North Dakota center for distance education.

30 4. "Director" means the director and executive officer of the department of career and  
31 technical education.

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1       **SECTION 3. AMENDMENT.** Section 15-19-02 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15-19-02. Administration - ~~Director of~~for the center for distance education -**  
4 **Appointment and duties.**

5       The program of and all activities related to the center for distance education are the  
6 responsibility of the center for distance education and under the ~~supervision~~authority of the  
7 ~~educational technology council~~state board for career and technical education. The ~~educational~~  
8 ~~technology council~~ shall ~~executive~~ director of the department of career and technical education  
9 ~~may~~shall hire ~~a state director of~~administration and staff for the center for distance education  
10 who must be classified under the state personnel merit system. The ~~director~~administration of  
11 the center shall carry out the ~~director's~~administration's responsibilities in the ~~administration~~  
12 ~~of~~administeringoperating the center for distance education in the manner approved by the  
13 ~~educational technology council~~state board for career and technical education, under the  
14 supervision of the executive director of the department of career and technical education, and  
15 compliant with requirements established by the superintendent of public instruction and the  
16 education standards and practices board for public school administrators and teachers. The  
17 state board for career and technical education shall administer the responsibilities of the board  
18 of a school district relating to the center for distance education.

19       **SECTION 4. AMENDMENT.** Section 15-19-02.1 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21       **15-19-02.1. Distance education clearinghouse.**

22       The ~~director of the~~ administration of the center for distance education shall establish a  
23 clearinghouse for online courses delivered to North Dakota schools for the purpose of providing:  
24       1. A list of the online courses and providers for all North Dakota schools to access.  
25       2. Awareness of online courses available in new and emerging careers.  
26       3. A list of comparative prices for online courses and other online services.  
27       4. Awareness of the differences between technological innovation and learning  
28       innovation.

29       ~~**SECTION 5. AMENDMENT.** Section 15-19-04 of the North Dakota Century Code is~~  
30 ~~amended and reenacted as follows:~~

1 ~~15-19-04. Duty of superintendent - Advertising.~~

2 ~~The superintendent or an employee of the department of public instruction designated by~~  
3 ~~the superintendent shall ensure that the courses offered by the center for distance education~~  
4 ~~meet state content standards and shall monitor compliance with sections 15.1-18-02 and~~  
5 ~~15.1-18-03. The center for distance education may advertise its distance education~~  
6 ~~programprograms.~~

7 **SECTION 5. AMENDMENT.** Section 15-19-06 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **15-19-06. Special funds - Deposit of collections - Transfers from general fund**  
10 **appropriations.**

- 11 1. A special operating fund for the center for distance education must be maintained  
12 within the state treasury and all income and fees collected by the center for distance  
13 education from any source must be remitted monthly by the director to the state  
14 treasurer and credited to the special operating fund. All expenditures from the fund  
15 must be within the limits of legislative appropriations and must be made upon  
16 vouchers, signed and approved by the ~~technology director appointed by the~~  
17 ~~educational technology council~~executive director for the department of career and  
18 technical education. Upon approval of the vouchers by the office of the budget,  
19 warrant-checks must be prepared by the office of management and budget. ~~The state~~  
20 ~~treasurer shall make periodic transfers upon order of the director of the office of~~  
21 ~~management and budget from the center for distance education general fund~~  
22 ~~appropriation to the special operating fund whenever its balance falls so low as to~~  
23 ~~require supplementation.~~
- 24 2. ~~The educational technology council may establish an administrative operational fund,~~  
25 ~~of not to exceed ten thousand dollars, out of the special operating fund for the center~~  
26 ~~for distance education. The administrative operational fund must be deposited in the~~  
27 ~~Bank of North Dakota and may be drawn upon by the state director of the center for~~  
28 ~~distance education for the payment of necessary expenses in the administration and~~  
29 ~~operation of the center for distance education within the limits and rules prescribed by~~  
30 ~~the educational technology council. The director shall submit a full, minute, and~~  
31 ~~itemized statement of every expenditure made during the month to the council in~~

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1           accordance with the rules adopted by the council, and thereafter the council may  
2           periodically authorize additional transfers to the administrative operational fund, but  
3           the balance in the fund may never exceed ten thousand dollars, and any  
4           unencumbered balance at the end of any biennium must revert to the state treasury.  
5           The administrative operational fund may not be used to pay salaries or expenses of  
6           the director.

7           3. The educational technology councilstate board for career and technical education may  
8           establish an endowment and scholarship fund to provide financial grants to students  
9           enrolled in courses offered through the center for distance education. The endowment  
10          and scholarship fund may consist only of those funds specifically appropriated by the  
11          legislative assembly and property received by the ~~council~~ or the center for distance  
12          education as a gift, devise, or bequest. Any gift, devise, or bequest of property  
13          received by the ~~council~~ or center for distance education which is designated by the  
14          ~~council~~state board for career and technical education and donor for the endowment  
15          and scholarship fund must be deposited in the scholarship fund at the Bank of North  
16          Dakota.

17          a. The center for distance education may draw on the endowment and scholarship  
18          fund for the award of scholarships within the limits and rules adopted by the state  
19          board for career and technical education.

20          b. The state director of the center for distance education may draw only on the  
21          interest earned by the endowment and scholarship fund for the award of  
22          ~~scholarships~~endowments within the limits and rules adopted by the educational  
23          ~~technology council~~state board for career and technical education. ~~The interest~~  
24          ~~earned by the scholarship fund is appropriated to the center for distance~~  
25          ~~education.~~

26          **SECTION 6. AMENDMENT.** Section 15-19-08 of the North Dakota Century Code is  
27          amended and reenacted as follows:

28          **15-19-08. Distance education worksupport and services.**

29          The amount of money appropriated by the legislative assembly for distance education  
30          worksupport and services for a biennium, or so much thereof as may be necessary, must be

1 expended first for work provided by distance education as determined by the center for distance  
2 education and approved by the state board for career and technical education.

3 **SECTION 7. AMENDMENT.** Section 15-20.1-03 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **15-20.1-03. Powers and duties of state board relating to career and technical**  
6 **education.**

7 The state board shall have all authority necessary to cooperate with the United States  
8 department of education or other department or agency of the United States of America in the  
9 administration of acts of Congress relating to career and technical education, including the  
10 following powers and duties:

- 11 1. To administer any legislation enacted by the legislative assembly of this state pursuant  
12 to or in conformity with acts of Congress relating to career and technical education.
- 13 2. To administer the funds provided by the federal government and by this state for the  
14 promotion of career and technical education and to contract with:
  - 15 a. Any public or private institution or agency, board of trustees of any agricultural  
16 and training school, or school district of this state; or
  - 17 b. Any public or private institution or agency, or political subdivision, of another  
18 state.
- 19 3. To formulate plans for the promotion of career and technical education in such  
20 subjects as are an essential and integral part of the public school system of education  
21 in this state.
- 22 4. To provide for the preparation of teachers.
- 23 5. To fix the compensation of such officers and assistants as may be necessary to  
24 administer the federal acts and the provisions of this chapter relating to career and  
25 technical education and to pay the same and other necessary expenses of  
26 administration from any funds appropriated for such purpose.
- 27 6. To make studies and investigations relating to career and technical education.
- 28 7. To promote and aid in the establishment of schools, departments, or classes, and to  
29 cooperate with local communities in the maintenance of career and technical  
30 education schools, departments, or classes.

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- 1        8. To prescribe the qualifications and provide for the certification of teachers, directors,  
2            and supervisors.
- 3        9. To cooperate with governing bodies of school districts and with organizations and  
4            communities in the maintenance of classes for the preparation of teachers, directors,  
5            and supervisors of career and technical education, to maintain classes for such  
6            purposes under its own direction and control, and to establish and control, by general  
7            regulations, the qualifications to be possessed by persons engaged in the training of  
8            career and technical education teachers.
- 9        10. To coordinate new and existing farm management programs offered by any state  
10            agency or entity.
- 11       11. To create and expand marketing clubs as adjuncts to new and existing farm  
12            management programs.
- 13       12. To administer and supervise the program and all activities of the center for distance  
14            education.

15        **SECTION 8. REPEAL.** ~~Section~~Sections 15-19-03 and 15-19-04 of the North Dakota  
16        Century Code ~~is~~are repealed.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2216

That the House recede from its amendments as printed on pages 1163-1165 of the Senate Journal and pages 1327-1330 of the House Journal and that Engrossed Senate Bill No. 2216 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 15-19 of the North Dakota Century Code, relating to definitions;"

Page 1, line 1, remove "15-19-04,"

Page 1, line 2, remove the first "and"

Page 1, line 2, after "15-19-08" insert ", and 15-20.1-03"

Page 1, line 3, replace "section" with "sections"

Page 1, line 3, after "15-19-03" insert "and 15-19-04"

Page 1, line 4, after "school" insert "and advertising"

Page 1, line 8, overstrike "**Distance**" and insert immediately thereafter "North Dakota center for distance"

Page 1, line 18, replace "deemed" with "determined to be"

Page 1, line 19, remove "and proper"

Page 2, line 12, overstrike "director" and insert immediately thereafter "board for career and technical education"

Page 2, after line 21, insert:

"**SECTION 2.** A new section to chapter 15-19 of the North Dakota Century Code is created and enacted as follows:

**Definitions.**

In this chapter, unless the context otherwise requires:

1. "Administration" includes the leadership of the center for distance education.
2. "Board" means the state board for career and technical education.
3. "Center" means the North Dakota center for distance education.
4. "Director" means the director and executive officer of the department of career and technical education."

Page 2, line 24, overstrike "- **Director of**" and insert immediately thereafter "for the"

Page 2, line 29, remove "executive"

Page 2, line 30, replace "may" with "shall"

Page 2, line 31, after "administration" insert "of the center"

Page 2, line 32, remove "administration's"

Page 2, line 32, replace "administering" with "operating"

Page 3, line 2, remove "executive"

Page 3, line 11, after "~~the~~" insert "administration of the"

Page 3, remove lines 18 through 25

Page 4, line 5, remove "executive"

Page 4, line 5, remove "for the department of career and"

Page 4, line 6, remove "technical education"

Page 4, line 27, overstrike "a" and insert immediately thereafter "an endowment and"

Page 4, line 28, after "The" insert "endowment and"

Page 5, line 2, after the first "the" insert "endowment and"

Page 5, line 3, overstrike "The"

Page 5, line 3, overstrike "center for"

Page 5, overstrike line 4

Page 5, line 5, overstrike "the award of scholarships within the limits and rules adopted by the"

Page 5, line 6, remove "state board for career and technical education"

Page 5, line 6, overstrike ". The interest earned"

Page 5, overstrike line 7 and insert immediately thereafter "The center for distance education may draw on the endowment and scholarship fund for the award of scholarships within the limits and rules adopted by the state board for career and technical education."

Page 5, line 10, overstrike "**work**" and insert immediately thereafter "**support and services**"

Page 5, line 11, overstrike "work" and insert immediately thereafter "support and services"

Page 5, line 12, after "work" insert "provided"

Page 5, after line 14, insert:

**"SECTION 7. AMENDMENT.** Section 15-20.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**15-20.1-03. Powers and duties of state board relating to career and technical education.**

The state board shall have all authority necessary to cooperate with the United States department of education or other department or agency of the United States of America in the administration of acts of Congress relating to career and technical education, including the following powers and duties:

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1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with acts of Congress relating to career and technical education.
2. To administer the funds provided by the federal government and by this state for the promotion of career and technical education and to contract with:
  - a. Any public or private institution or agency, board of trustees of any agricultural and training school, or school district of this state; or
  - b. Any public or private institution or agency, or political subdivision, of another state.
3. To formulate plans for the promotion of career and technical education in such subjects as are an essential and integral part of the public school system of education in this state.
4. To provide for the preparation of teachers.
5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this chapter relating to career and technical education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose.
6. To make studies and investigations relating to career and technical education.
7. To promote and aid in the establishment of schools, departments, or classes, and to cooperate with local communities in the maintenance of career and technical education schools, departments, or classes.
8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors.
9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of career and technical education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of career and technical education teachers.
10. To coordinate new and existing farm management programs offered by any state agency or entity.
11. To create and expand marketing clubs as adjuncts to new and existing farm management programs.
12. To administer and supervise the program and all activities of the center for distance education."

Page 5, line 15, replace "Section" with "Sections"

Page 5, line 15, after "15-19-03" insert "and 15-19-04"

Page 5, line 15, replace "is" with "are"

Renumber accordingly

#1  
SB 2216  
4.10.19

#2  
SB 2216  
4.10.19

19.0819.02002

FIRST ENGROSSMENT

Sixty-sixth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2216

Introduced by

Senator Schaible

Representative Owens

1 A BILL for an Act to create and enact a new section to chapter 15-19 of the North Dakota  
2 Century Code, relating to definitions; to amend and reenact sections 15-19-01, 15-19-02,  
3 15-19-02.1, ~~15-19-04~~, 15-19-06, ~~and~~ 15-19-08, and 15-20.1-03 of the North Dakota Century  
4 Code, relating to distance education; and to repeal ~~section~~sections 15-19-03 and 15-19-04 of  
5 the North Dakota Century Code, relating to authorization of enrollments to the center for  
6 distance education by a superintendent of a school and advertising.

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

8 **SECTION 1. AMENDMENT.** Section 15-19-01 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **15-19-01. ~~Distance~~North Dakota center for distance education courses -**  
11 **Establishment - Enrollment of students - Courses of instruction.**

12 The state shall provide ~~distance education~~kindergarten through grade twelve courses,  
13 comprehensive educational support, and high school diplomas through the center for distance  
14 education under the following provisions:

- 15 1. A complete curriculum ~~by distance education which has been specifically determined~~  
16 by prescribed by state-mandated education accreditation entities which meets the  
17 requirements for digital education the superintendent of public instruction as ~~proper~~  
18 ~~and suitable for instruction under distance education methods, such determination and~~  
19 ~~approval to be made not less than once in each school year, must be maintained upon~~  
20 ~~the campus of one of the state institutions of higher education~~ has deemed determined  
21 to be appropriate and proper.
- 22 2. ~~Unless specifically excused in writing upon the course application forms by the~~A  
23 superintendent or an administrator of ~~the~~a school ~~approving~~may ~~deny~~ the enrollment  
24 application, or of a student in that district at the center for distance education except as

1 provided in subsection 5, ~~all students under the age of sixteen taking advantage of the~~  
2 ~~provisions of this chapter must be required to attend their local district schools and to~~  
3 ~~study their distance education lessons under the supervision of a local supervisor. If~~  
4 ~~not required to attend their local schools, their work may be done at a place~~  
5 ~~designated by the state director. If in attendance at a local school, students must be~~  
6 ~~supplied with desk space in their respective school without charge and shall attend~~  
7 ~~school regularly and be under the same disciplinary supervision of the teachers as the~~  
8 ~~other school students.~~

9 3. The center for distance education may provide services to persons who are not North  
10 Dakota residents.

11 4. ~~Distance~~Center for distance education students shall pay for books and materials  
12 ~~used by them, postage required to mail reports to the center, and other fees as may be~~  
13 ~~prescribed by the state director in consultation with the administration of the center.~~

14 5. Students exempt from the compulsory school attendance laws pursuant to  
15 subdivision e of subsection 1 of section 15.1-20-02 may enroll in distance education  
16 courses offered through the center for distance education. These students may study  
17 their center for distance education lessons in their learning environment under the  
18 supervision of a parent. ~~The tests for the distance education study must be~~  
19 ~~administered by an individual who is licensed to teach by the education standards and~~  
20 ~~practices board or approved to teach by the education standards and practices board~~  
21 ~~and employed either by the public school district in which the parent resides or a~~  
22 ~~state approved private or nonpublic school.~~

23 **SECTION 2.** A new section to chapter 15-19 of the North Dakota Century Code is created  
24 and enacted as follows:

- 25 Definitions.  
26 In this chapter, unless the context otherwise requires:  
27 1. "Administration" includes the leadership of the center for distance education.  
28 2. "Board" means the state board for career and technical education.  
29 3. "Center" means the North Dakota center for distance education.  
30 4. "Director" means the director and executive officer of the department of career and  
31 technical education.

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1       **SECTION 3. AMENDMENT.** Section 15-19-02 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15-19-02. Administration – ~~Director of~~ the center for distance education -**  
4 **Appointment and duties.**

5       The program of and all activities related to the center for distance education are the  
6 responsibility of the center for distance education and under the ~~supervision~~ authority of the  
7 educational technology council state board for career and technical education. The ~~educational~~  
8 ~~technology council shall~~ ~~executive~~ director of the department of career and technical education  
9 ~~may~~ shall hire ~~a state director of~~ administration and staff for the center for distance education  
10 who must be classified under the state personnel merit system. The ~~director~~ administration of  
11 the center shall carry out the ~~director's~~ administration's responsibilities in the ~~administration~~  
12 ~~of~~ administering ~~operating~~ the center for distance education in the manner approved by the  
13 educational technology council state board for career and technical education, under the  
14 supervision of the ~~executive~~ director of the department of career and technical education, and  
15 compliant with requirements established by the superintendent of public instruction and the  
16 education standards and practices board for public school administrators and teachers. The  
17 state board for career and technical education shall administer the responsibilities of the board  
18 of a school district relating to the center for distance education.

19       **SECTION 4. AMENDMENT.** Section 15-19-02.1 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21       **15-19-02.1. Distance education clearinghouse.**

22       The ~~director of the~~ administration of the center for distance education shall establish a  
23 clearinghouse for online courses delivered to North Dakota schools for the purpose of providing:

- 24       1. A list of the online courses and providers for all North Dakota schools to access.
- 25       2. Awareness of online courses available in new and emerging careers.
- 26       3. A list of comparative prices for online courses and other online services.
- 27       4. Awareness of the differences between technological innovation and learning  
28       innovation.

29       ~~— SECTION 5. AMENDMENT. Section 15-19-04 of the North Dakota Century Code is~~  
30 ~~amended and reenacted as follows:~~

1 ~~15-19-04. Duty of superintendent - Advertising.~~

2 ~~— The superintendent or an employee of the department of public instruction designated by~~  
3 ~~the superintendent shall ensure that the courses offered by the center for distance education~~  
4 ~~meet state content standards and shall monitor compliance with sections 15.1-18-02 and~~  
5 ~~15.1-18-03. The center for distance education may advertise its distance education~~  
6 ~~programprograms.~~

7 **SECTION 5. AMENDMENT.** Section 15-19-06 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **15-19-06. Special funds - Deposit of collections - Transfers from general fund**  
10 **appropriations.**

- 11 1. A special operating fund for the center for distance education must be maintained  
12 within the state treasury and all income and fees collected by the center for distance  
13 education from any source must be remitted monthly by the director to the state  
14 treasurer and credited to the special operating fund. All expenditures from the fund  
15 must be within the limits of legislative appropriations and must be made upon  
16 vouchers, signed and approved by the ~~technology director appointed by the~~  
17 ~~educational technology council~~executive director for the department of career and  
18 technical education. Upon approval of the vouchers by the office of the budget,  
19 warrant-checks must be prepared by the office of management and budget. The state  
20 treasurer shall make periodic transfers upon order of the director of the office of  
21 management and budget from the center for distance education general fund  
22 appropriation to the special operating fund whenever its balance falls so low as to  
23 require supplementation.
- 24 2. The educational technology council may establish an administrative operational fund,  
25 of not to exceed ten thousand dollars, out of the special operating fund for the center  
26 for distance education. The administrative operational fund must be deposited in the  
27 Bank of North Dakota and may be drawn upon by the state director of the center for  
28 distance education for the payment of necessary expenses in the administration and  
29 operation of the center for distance education within the limits and rules prescribed by  
30 the educational technology council. The director shall submit a full, minute, and  
31 itemized statement of every expenditure made during the month to the council in

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1 ~~accordance with the rules adopted by the council, and thereafter the council may~~  
2 ~~periodically authorize additional transfers to the administrative operational fund, but~~  
3 ~~the balance in the fund may never exceed ten thousand dollars, and any~~  
4 ~~unencumbered balance at the end of any biennium must revert to the state treasury.~~  
5 ~~The administrative operational fund may not be used to pay salaries or expenses of~~  
6 ~~the director.~~

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

17 a. The center for distance education may draw on the endowment and scholarship  
18 fund for the award of scholarships within the limits and rules adopted by the state  
19 board for career and technical education.

20 b. The state director of the center for distance education may draw only on the  
21 interest earned by the endowment and scholarship fund for the award of  
22 scholarships ~~endowments~~ within the limits and rules adopted by the ~~educational~~  
23 ~~technology council~~state board for career and technical education. ~~The interest~~  
24 ~~earned by the scholarship fund is appropriated to the center for distance~~  
25 ~~education.~~

26 **SECTION 6. AMENDMENT.** Section 15-19-08 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28 **15-19-08. Distance education worksupport and services.**

29 The amount of money appropriated by the legislative assembly for distance education  
30 worksupport and services for a biennium, or so much thereof as may be necessary, must be

1 expended first for work provided by distance education as determined by the center for distance  
2 education and approved by the state board for career and technical education.

3 **SECTION 7. AMENDMENT.** Section 15-20.1-03 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **15-20.1-03. Powers and duties of state board relating to career and technical**  
6 **education.**

7 The state board shall have all authority necessary to cooperate with the United States  
8 department of education or other department or agency of the United States of America in the  
9 administration of acts of Congress relating to career and technical education, including the  
10 following powers and duties:

- 11 1. To administer any legislation enacted by the legislative assembly of this state pursuant  
12 to or in conformity with acts of Congress relating to career and technical education.
- 13 2. To administer the funds provided by the federal government and by this state for the  
14 promotion of career and technical education and to contract with:
  - 15 a. Any public or private institution or agency, board of trustees of any agricultural  
16 and training school, or school district of this state; or
  - 17 b. Any public or private institution or agency, or political subdivision, of another  
18 state.
- 19 3. To formulate plans for the promotion of career and technical education in such  
20 subjects as are an essential and integral part of the public school system of education  
21 in this state.
- 22 4. To provide for the preparation of teachers.
- 23 5. To fix the compensation of such officers and assistants as may be necessary to  
24 administer the federal acts and the provisions of this chapter relating to career and  
25 technical education and to pay the same and other necessary expenses of  
26 administration from any funds appropriated for such purpose.
- 27 6. To make studies and investigations relating to career and technical education.
- 28 7. To promote and aid in the establishment of schools, departments, or classes, and to  
29 cooperate with local communities in the maintenance of career and technical  
30 education schools, departments, or classes.

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- 1        8. To prescribe the qualifications and provide for the certification of teachers, directors,
- 2            and supervisors.
- 3        9. To cooperate with governing bodies of school districts and with organizations and
- 4            communities in the maintenance of classes for the preparation of teachers, directors,
- 5            and supervisors of career and technical education, to maintain classes for such
- 6            purposes under its own direction and control, and to establish and control, by general
- 7            regulations, the qualifications to be possessed by persons engaged in the training of
- 8            career and technical education teachers.
- 9        10. To coordinate new and existing farm management programs offered by any state
- 10            agency or entity.
- 11        11. To create and expand marketing clubs as adjuncts to new and existing farm
- 12            management programs.
- 13        12. To administer and supervise the program and all activities of the center for distance
- 14            education.

15        **SECTION 8. REPEAL.** ~~Section~~ Sections 15-19-03 and 15-19-04 of the North Dakota  
16        Century Code ~~is~~are repealed.

**15-19-02.1. Distance education clearinghouse.**

The director of the center for distance education shall establish a clearinghouse for online courses delivered to North Dakota schools for the purpose of providing:

1. A list of the online courses and providers for all North Dakota schools to access.
2. Awareness of online courses available in new and emerging careers.
3. A list of comparative prices for online courses and other online services.
4. Awareness of the differences between technological innovation and learning innovation.

**15-19-03. Duties of superintendents of schools - Authorization of enrollments.**

All applications for enrollment of persons under the age of sixteen years must be approved by the superintendent or an administrator of a school in the district prior to acceptance of enrollment by the center for distance education. All applications for enrollment of persons under the age of sixteen not residing in a high school district must be approved by the county superintendent of schools prior to the acceptance of such enrollment.

**15-19-04. Duty of superintendent - Advertising.**

The superintendent or an employee of the department of public instruction designated by the superintendent shall ensure that the courses offered by the center for distance education meet state content standards and shall monitor compliance with sections 15.1-18-02 and 15.1-18-03. The center for distance education may advertise its distance education program.

**15-19-05. Study centers - Adult classes.**

Repealed by S.L. 1965, ch. 127, § 6.

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

1. A special operating fund for the center for distance education must be maintained within the state treasury and all income and fees collected by the center for distance education from any source must be remitted monthly by the director to the state treasurer and credited to the special operating fund. All expenditures from the fund must be within the limits of legislative appropriations and must be made upon vouchers, signed and approved by the technology director appointed by the educational technology council. Upon approval of the vouchers by the office of the budget, warrant-checks must be prepared by the office of management and budget. The state treasurer shall make periodic transfers upon order of the director of the office of management and budget from the center for distance education general fund appropriation to the special operating fund whenever its balance falls so low as to require supplementation.
2. The educational technology council may establish an administrative operational fund, of not to exceed ten thousand dollars, out of the special operating fund for the center for distance education. The administrative operational fund must be deposited in the Bank of North Dakota and may be drawn upon by the state director of the center for distance education for the payment of necessary expenses in the administration and operation of the center for distance education within the limits and rules prescribed by the educational technology council. The director shall submit a full, minute, and itemized statement of every expenditure made during the month to the council in accordance with the rules adopted by the council, and thereafter the council may periodically authorize additional transfers to the administrative operational fund, but the balance in the fund may never exceed ten thousand dollars, and any unencumbered balance at the end of any biennium must revert to the state treasury. The administrative operational fund may not be used to pay salaries or expenses of the director.
3. The educational technology council may establish a scholarship fund to provide financial grants to students enrolled in courses offered through the center for distance