

EDUCATION POLICY COMMITTEE - ENTITIES PROVIDING SERVICES TO SCHOOLS BACKGROUND MEMORANDUM

Section 5 of House Bill No. 1324 (2017) directs the Legislative Management to study entities that deliver K-12 professional development services, distance curriculum, support for schools in achieving school improvement goals, assistance with analysis and interpretation of student achievement data, and technology support services. The study must focus on the funding, governance, nature, scope, and quality of services provided to schools. The study also must focus on the duplication of services across entities and the accountability for expenditures. The study must identify efficiencies and the desirability and feasibility of consolidating services.

House Bill No. 1324, as introduced, addressed the per pupil payment for K-12 and state aid to school districts. The study provision and a requirement that Regional Education Associations (REAs) be audited annually were added in the Senate. The standing committee minutes indicate the intent of the study was to look at the duplication of services being provided by K-12 entities that provide professional development, distance curriculum, delivery support, support for school improvement programs, data analysis, and support in achieving school improvement goals, and determine if the consolidation of efforts is possible. The minutes indicated there were concerns REAs are operating inefficiently. In addition, concerns were expressed regarding the governance of REAs, and ensuring the entities have clearly defined uniform goals and are accomplishing intended purposes.

EDUCATIONAL ENTITIES IN NORTH DAKOTA Superintendent of Public Instruction

Section 2 of Article V of the Constitution of North Dakota includes the Superintendent of Public Instruction among the officials to be elected by the voters of the state. That section provides the duties and powers of the Superintendent of Public Instruction must be prescribed by law. Section 1 of Article VIII of the Constitution of North Dakota requires the Legislative Assembly to provide for a system of public schools open to all children of the state. Section 2 of Article VIII of the Constitution of North Dakota requires the system of public schools to begin with primary education and extend through all grades. North Dakota Century Code (NDCC) Chapter 15.1-03 establishes the Department of Public Instruction (DPI) to be administered by the Superintendent of Public Instruction. The general duties of the Superintendent of Public Instruction are established under NDCC Chapter 15.1-02. The Superintendent of Public Instruction has numerous statutory duties and responsibilities, including supervising elementary and secondary education in the state, the establishment and maintenance of schools, the development of course content standards, the assessment of students, determining the outcome of appeals regarding education matters, and directing school district annexation, reorganization, and dissolution.

There are a number of entities under the supervision of DPI, including the State Library under NDCC Chapter 54-24, the School for the Blind under NDCC Chapter 25-06, the School for the Deaf under NDCC Chapter 25-07, and special education units under NDCC Chapters 15.1-32 and 15.1-33.

Other Statutorily Created Educational Service Entities

In addition to DPI, there are a number of legislatively created entities that provide K-12 services in the state, including REAs, the Education Standards and Practices Board, and the Department of Career and Technical Education.

The Education Standards and Practices Board is established in NDCC Chapter 15.1-13, and is primarily responsible for supervising the licensure of teachers in the state, setting standards for and approving teacher preparation programs, making recommendations for the inservice education of individuals engaged in the profession of teaching, and issuing major equivalency and minor equivalency endorsements. Under NDCC Section 15.1-13-02, the board consists of 10 members appointed by the Governor who are classroom teachers, school board members, administrators, and a dean of a college of education or chairman of a department of education, and the Superintendent of Public Instruction who serves as a nonvoting ex officio member. In addition to statutory provisions, the Education Standards and Practices Board has adopted administrative rules under North Dakota Administrative Code Title 67.1 that detail the licensing requirements for teachers, professional practices, and professional development requirements.

The Department of Career and Technical Education is established under NDCC Chapter 15-20.1. The purposes of the department include formulating plans for the promotion of career and technical education in subjects that are essential and integral to the public school system of education in the state, providing for the preparation of teachers, conducting studies and investigations relating to career and technical education, promoting and aiding in the establishment of schools, departments, and classes related to career and technical education, and prescribing the qualifications and providing for the certification of career and technical education teachers, directors, and supervisors.

Regional Education Associations are authorized under NDCC Chapter 15.1-09.1. Regional Education Associations are a group of school districts that have entered a joint powers agreement to coordinate and facilitate professional development activities for teachers and administrators employed by the member school districts; supplement technology support services; assist with achieving school improvement goals identified by the Superintendent of Public Instruction; assist with the collection, analysis, and interpretation of student achievement data; and assist with the expansion and enrichment of curricular offerings. Under NDCC Section 15.1-09.1-02, the Superintendent of Public Instruction must review the joint powers agreement and verify a specific set of criteria have been met in order for the school districts under the joint powers agreement to be designated as an REA. There are eight REAs in the state.

Under NDCC Section 54-59-03, the Governor is responsible for appointing the Chief Information Officer, who administers the Information Technology Department (ITD). North Dakota Century Code Section 54-59-02 states ITD has the "responsibility for all wide area network services planning, selection, and implementation for all state agencies, including institutions under the control of the board of higher education, counties, cities, and school districts in the state." The section also states the services include services necessary to transmit voice, data, or video outside the county, city, or school district and ITD is responsible for support services, host software development, statewide communication services, standards for providing information to other state agencies and the public through the Internet, technology planning, process redesign, and quality assurance.

North Dakota Century Code Sections 54-59-17 and 54-59-18 establish the Educational Technology Council, the council's membership, and the council's powers and duties. The council consists of the Chief Information Officer, the Superintendent of Public Instruction, the Commissioner of Higher Education, a representative appointed by the State Board for Career and Technical Education, a representative appointed by the Governor from a list submitted by the North Dakota Association of Technology Leaders, a representative appointed by the Governor from a list submitted by the North Dakota Council of Educational Leaders, a representative appointed by the Governor from a list submitted by the North Dakota School Boards Association, a representative appointed by the Governor from a list submitted by the North Dakota Association of Special Education Directors, a school district representative appointed by the Governor who represents a school district that has K-12 enrollment of fewer than 400, a school district representative appointed by the Governor who is licensed to teach by the Education Standards and Practices Board and who is employed as a classroom teacher by a public school district in the state, the Director of Technology for DPI, and a representative appointed by the Governor from a list submitted by the State Association of Non Public Schools.

The council is responsible for developing and coordinating educational technology initiatives for elementary and secondary education. While not specifically statutorily referenced, EduTech was created under the umbrella of the Educational Technology Council within ITD to strengthen education technology tools and support and training for educators. EduTech offers services including antivirus software to schools, email access, online surveys, training workshops, videoconferencing, and web hosting. The Educational Technology Council also is responsible for hiring the Director for the North Dakota Center for Distance Education.

North Dakota Century Code Chapter 15-19 relates to distance education and establishes the North Dakota Center for Distance Education for the purpose of providing distance education to students. The students are not required to be residents of the state to be eligible to receive services. The center provides a curriculum determined proper and suitable by the Superintendent of Public Instruction. All programs and activities of the center are provided for under the supervision of the Educational Technology Council.

Nongovernmental Entities

There are numerous entities not under government control which generally exist to advocate and work to influence particular causes and which provide professional educational services in the state. Among these entities are the North Dakota Science, Technology, Engineering, and Math Network; North Dakota United; the North Dakota School Boards Association; the North Dakota Council of Educational Leaders; the Anne Carlsen Center; the American Indian Education Association; the State Association of Non Public Schools; and the North Dakota Association of Technology Leaders.

STUDY APPROACH

In conducting this study, the committee may desire to receive testimony from the various entities providing professional educational services in the state to define any issues that need addressing. The committee may consider receiving information regarding best practices in other states regarding the delivery of professional educational services and may seek additional information from organizations such as the National Conference of State Legislatures.