

## EDUCATION SERVICES COMMITTEE

The Education Services Committee was assigned two studies. Senate Concurrent Resolution No. 4002 directed a study of those provisions of North Dakota Century Code (NDCC) Title 15 which relate to elementary and secondary education. Senate Concurrent Resolution No. 4051 directed a study regarding the desirability of requiring that a core curriculum be taught from kindergarten through grade 12. The committee was also directed to acknowledge the receipt of county plans assigning the duties of county superintendents of schools, to receive a report from the Superintendent of Public Instruction regarding the home schooling of children with autism, to receive a report from the Leadership in Education Consortium regarding training programs for teachers and administrators developed in cooperation with the teacher learning centers, and to receive periodic reports from the State Board for Vocational and Technical Education regarding its progress in coordinating statewide access to work force training programs. Committee members were Senators Ray Holmberg (Chairman), Pete Naaden, David O'Connell, Randy A. Schobinger, Vern Thompson, Terry M. Wanzek, and Dan Wogsland and Representatives Ole Aarsvold, Thomas T. Brusegaard, Linda Christenson, David Drovdal, Howard Grumbo, Lyle L. Hanson, RaeAnn Kelsch, John Mahoney, David Monson, Dennis J. Renner, and Laurel Thoreson.

The committee submitted this report to the Legislative Council at the biennial meeting of the Council in November 1998. The Council accepted the report for submission to the 56th Legislative Assembly.

## PROVISIONS OF NORTH DAKOTA CENTURY CODE TITLE 15 WHICH RELATE TO ELEMENTARY AND SECONDARY EDUCATION

### Background

Section 11 of 1995 Senate Bill No. 2013 directed the State Auditor to conduct a performance audit of the Department of Public Instruction. The audit was first presented to the 1995-96 Legislative Audit and Fiscal Review Committee. Because it addressed a number of issues relating to education programs and to their administration, the Legislative Council chairman, at the request of the Legislative Audit and Fiscal Review Committee, requested that the 1995-96 interim Education Finance Committee review the audit and make recommendations. The Education Finance Committee found that the issues highlighted within the audit were indicative of a pressing need to review all the provisions of NDCC Title 15 which related to elementary and secondary education. Certain sections within the title were found to be duplicative while others were inconsistent. Some were merely unclear in their intent or in their requirements. Both sections and chapters were found to be illogically arranged.

The 1995-96 interim Education Finance Committee concluded that a title rewrite was a project of considerable scope. It would require a significant time commitment on the part of a committee, together with significant involvement of parties having legal, educational, and administrative expertise. The committee determined that the most desirable course of action would be the recommendation of a Legislative Council study to undertake such a task.

This task was assigned to the 1997-98 interim Education Services Committee.

### Revised Title Structure

Title 15 consists of the following chapters:

15-01	Board of University and School Lands
15-02	Commissioner of University and School Lands
15-03	Investment of Funds
15-04	Leases of Original Grant Lands for Agricultural Purposes
15-05	Leasing Coal, Oil, Gas, and Other Rights
15-06	Sale of Original Grant Lands
15-07	Sale and Lease of Nongrant Lands
15-08	Provisions Relating to Original Grant and to Nongrant Lands
15-08.1	Transfer of Possessory Interests in Realty

15-08.2	Transfer of Possessory Interests in Sovereign Lands [Repealed]
15-09	Condemnation of Public Lands and Sales in Lieu Thereof
15-10	The State Board of Higher Education
15-10.1	Reciprocal Higher Education Agreements
15-11	State University and School of Mines
15-12	State University of Agriculture and Applied Science
15-13	State Normal Schools
15-14	State Normal and Industrial School [Repealed]
15-15	School of Science
15-16	School of Forestry
15-17	Institutional Holding Associations
15-18	Junior Colleges
15-19	High School Correspondence Courses
15-20	Vocational Education and Rehabilitation [Repealed]
15-20.1	Vocational Education
15-20.2	Area Vocational and Technology Centers
15-20.3	Postsecondary Education Commission [Repealed]
15-20.4	Postsecondary Educational Institutions
15-21	Superintendent of Public Instruction
15-21.1	Chemical Abuse Prevention Programs
15-21.2	Career Guidance and Development Programs
15-21.3	Comprehensive Health Education [Deleted]
15-22	County Superintendent of Schools
15-23	Organization, Division, and Consolidation of Common School Districts [Repealed]
15-24	Common School District Elections [Repealed]
15-25	Powers and Duties of Common School District Officers [Repealed]
15-26	School Buildings and Sites [Repealed]
15-27	Organization and Dissolution of Public School Districts [Repealed]
15-27.1	Annexation, Reorganization, and Dissolution of School Districts - General Provisions
15-27.2	Annexation of School Districts
15-27.3	Reorganization of School Districts
15-27.4	Dissolution of School Districts
15-27.5	Military Installation School District
15-27.6	School District Boundary Restructuring
15-27.7	School District Cooperative Arrangement
15-28	Public School District Elections
15-29	

	Powers and Duties of Public School District Officers
15-30	Organization of Independent School Districts [Repealed]
15-31	Independent School District Elections [Repealed]
15-32	Powers and Duties of Independent School District Officers [Repealed]
15-33	School Districts Operating Under Special Laws [Repealed]
15-34	Compulsory Attendance and Transportation [Repealed]
15-34.1	Compulsory School Attendance
15-34.2	Transportation of Students
15-35	School Buildings
15-36	Teachers' Certification
15-37	Teachers' Oaths
15-38	Teachers' Duties
15-38.1	Teachers' Representation and Negotiation
15-38.2	Teachers' Personnel Files
15-39	Teachers' Insurance and Retirement Fund [Repealed]
15-39.1	Teachers' Fund for Retirement
15-39.2	Teacher Retirement Options
15-40	State School Aid [Repealed]
15-40.1	State School Aid
15-40.2	Transfer of Students and Nonresident Tuition
15-40.3	Open Enrollment
15-41	High Schools
15-41.1	Postsecondary Enrollment Options Program
15-42	County Agricultural and Training Schools [Repealed]
15-43	Textbooks and Fees
15-44	School Funds
15-45	Kindergartens
15-46	Adult Education
15-47	General Provisions
15-48	Elections to Increase Debt Limits
15-49	Penalties, Fines, and Forfeitures
15-50	Trade and Correspondence Schools [Repealed]
15-51	Board of Education of the City of Fargo
15-52	State Medical Center
15-53	Reorganization of School Districts [Repealed]
15-53.1	Annexation, Reorganization, and Involuntary Dissolution of Public School Districts [Repealed]
15-54	

	Child Nutrition and Food Distribution Programs
15-55	Construction of Revenue Producing Buildings at Higher Educational Institutions
15-55.1	Higher Education Facilities Bonds [Unconstitutional]
15-56	County Tuition Fund [Repealed]
15-57	Teacher Preparation Scholarships [Repealed]
15-58	County High School Equalization Fund [Repealed]
15-59	Special Education of Children
15-59.1	County Special Education Program [Repealed]
15-59.2	Multidistrict Special Education Programs
15-59.3	Boarding Home Care for Students with Disabilities
15-60	State School Construction Fund
15-61	Surplus Property Director [Repealed]
15-62	Scholarship Loans [Repealed]
15-62.1	Guarantee Loan Program
15-62.2	Student Financial Assistance and Scholars Program
15-62.3	Tuition Assistance Grant Program
15-63	Indian Scholarships
15-64	Compact for Education
15-65	Educational Telecommunications Council
15-66	Regional Medical Education Board [Repealed]
15-67	Uniform Management of Institutional Funds Act

The committee determined that chapters not relating directly to K-12 education should remain within Title 15, while those relating directly to K-12 education should become part of a new Title 15.1. This also gave the committee an opportunity to arrange the chapters in what the members believed to be a conceptually appropriate manner.

### Objectives and Scope of Committee's Efforts

The committee determined that the rewrite of Title 15 would necessarily involve addressing laws found to be irrelevant, duplicative, inconsistent, illogically arranged, or unclear in their intent and direction. However, the committee also determined that an equally important objective was to ensure that the rewritten sections accurately reflected the manner in which business was conducted at the school level, the school district level, and within the Department of Public Instruction. The ultimate objective was to craft a document that would clearly indicate rights, duties, obligations, and consequences with respect to the provision of elementary and secondary education in the state. Because the committee discovered that the scope of the undertaking would preclude its completion without compromise of the stated objectives, the committee determined that only a portion of the title should be addressed during the 1997-98 interim. Of the following 36 proposed chapters, 16 were rewritten and the remaining 20 chapters were reserved for a future effort:

15.1-01	State Board of Public School Education
15.1-02	Superintendent of Public Instruction
15.1-03	Department of Public Instruction
15.1-04	Compact for Education

15.1-05	North Dakota Educational Telecommunications Council
15.1-06	Schools
15.1-07	School Districts
15.1-08	Military Installation School Districts
15.1-09	School Boards
15.1-10	County Committees
15.1-11	County Superintendents
15.1-12	School District Boundaries
Reserved	Education Standards and Practices Board
Reserved	Administrators' Professional Practices Board
Reserved	Teacher and Administrator Dismissal
Reserved	Teacher Employment Contracts
Reserved	Teacher Personnel Issues
Reserved	Teacher Qualifications
15.1-19	Students
Reserved	Compulsory Attendance
Reserved	Courses & Curriculum
Reserved	Kindergartens
Reserved	Home Education
15.1-24	Chemical Abuse Prevention Programs
15.1-25	Postsecondary Enrollment Options
15.1-26	Adult Education
Reserved	School Finance
Reserved	State Tuition Fund
Reserved	Payment of Tuition
Reserved	Transportation
Reserved	Open Enrollment
Reserved	Special Education
Reserved	Multidistrict Special Education Programs
Reserved	Boarding Homes
Reserved	Textbook Purchases
Reserved	School Construction

### **Substantive Changes**

The committee was advised of the North Dakota Supreme Court decision *City of Fargo v. Annexation Review Commission*, 148 N.W.2d 338 (N.D. 1966), in which the court found that the Legislative Assembly had not intended to make substantive changes in adopting a revised code that had been prepared by a code revision commission but for which the record did not indicate an intention to make substantive changes. The committee determined, however, that in order to meet its stated objectives, certain substantive changes are necessary, and the committee specifically intends that these changes be documented. The following table lists the proposed North Dakota Century Code sections that contain substantive changes and briefly describes those

changes:

15.1-01-01	Raises the compensation for members of the State Board of Public School Education from \$50 to \$62.50 per day
15.1-02-09	Omits the requirement that the Superintendent of Public Instruction's biennial report contain general matters, information, and recommendations relating to the educational interests of the state deemed important
15.1-02-10	Reduces mandatory recipients of the Superintendent of Public Instruction's biennial report
15.1-05-02	Clarifies membership of the North Dakota Educational Telecommunications Council
15.1-06-06	Clarifies that public and nonpublic school approval is a duty of the Superintendent of Public Instruction
15.1-06-10	Clarifies the notification procedure for fire inspections of nonpublic schools
15.1-06-11	Clarifies which doors must be kept unlocked and which doorways must be kept unobstructed during school hours
15.1-06-12	Clarifies responsibility for conducting emergency and disaster drills
15.1-06-13	Clarifies requirements for school district compliance with health, safety, and sanitation requirements
15.1-06-17	Omits the requirement that the board of a school district purchase a United States flag and requires only that the flag be displayed
15.1-06-18	Requires that the Governor convene an ad hoc committee to review school reports
15.1-07-17	Adds a definition of "conflict of interest"
15.1-08-02	Provides that members of a military installation school board may fill vacancies
15.1-09-01	Clarifies methods for electing school board members in reorganized districts
15.1-09-05	Requires that county superintendents of schools be notified of school board vacancies and clarifies the role of the State Board of Public School Education in ensuring that school boards have quorums
15.1-09-10	Omits sample ballot language
15.1-09-39	Omits sample ballot language
15.1-09-41	Omits \$3,000 limit of reward for destruction of school property
15.1-09-42	Clarifies conditions under which teachers may attend conferences with pay
15.1-11-01	Clarifies the procedure for hiring a county superintendent of schools
15.1-11-02	Clarifies the procedure for assigning duties of a county superintendent of schools and provides the Superintendent of Public Instruction with waiver authority
15.1-11-04	Adds duties performed by county superintendents of schools but not currently referenced in statute
15.1-12-07	Clarifies requirements for filing a certificate of title upon annexation, reorganization, or dissolution
15.1-12-12	Clarifies requirements for the certification of election results by school boards
15.1-12-18	Clarifies voting requirements for the closure of schools
15.1-12-27	Clarifies grounds for the dissolution of a school district
15.1-19-04	Clarifies release of a student for religious instruction

#### Omitted Provisions

During the study, the committee determined that a number of Title 15 sections were unnecessary or duplicative of other provisions. The committee consequently directed that such sections be omitted from proposed Title 15.1. The following table lists sections repealed by omission and the reason for their repeal:

15-21-06	Outdated
15-21-07.2	Duplicates efforts of the Attorney General
15-21-09.1	Duplicates authority of the Superintendent of Public Instruction
15-21-13	Subject matter included in proposed Section 15.1-12-13.1
15-21-19	Outdated
15-21.1-01	Unnecessary definition
15-21.1-02	Unnecessary statement of purpose
15-21.2-01	Unnecessary definition
15-21.2-02	Unnecessary statement of purpose
15-21.2-03	Nonexistent program
15-21.2-04	Nonexistent program
15-22-12	Conflicts with proposed Section 15.1-02-08
15-22-25	Conflicts with proposed Section 15.1-11-01
15-27.1-02	Unnecessary statement of applicability
15-27.1-08	Unnecessary statement of existing law
15-27.1-09	Unnecessary statement of existing law
15-27.3-06	Duplicates requirements of proposed Section 15.1-12-11
15-27.3-07	Conflicts with proposed Sections 15.1-12-11 through 15.1-11-14
Ch. 15-27.6	Nonexistent program
Ch. 15-27.7	Nonexistent program
15-29-03.1	Outdated
15.1-29-08	Content moved to present Chapter 15-38.1
15-38-06	Outdated
15-38-13	Outdated
15-41-01	Outdated
15-41-03	Conflicts with proposed Section 15.1-02-03
15-41-04	Conflicts with proposed Section 15.1-02-03
15-41-05	Relates to vocational and technical education
15-41-07	Relates to vocational and technical education
15-41-08	Outdated
15-43-11.1	Unnecessary definition and statement of public policy
15-47-10	Declared unconstitutional
15-47-12	Outdated
15-47-16	Outdated
15-47-24	Conflicts with proposed Section 15.1-02-04

15-47-29	Constitutionally suspect
15-47-30	Constitutionally suspect
15-47-31	Outdated
15-47-32	Duplicates proposed Section 15.1-07-01
15-47-37	Conflicts with proposed Section 15.1-02-04
15-47-40	Relates to higher education
15-47-41	Relates to higher education
15-49-03	Duplicative of criminal code provisions
15-49-04	Duplicative of criminal code provisions
15-49-05	Unnecessary requirement
15-49-06	Duplicative of criminal code provisions
15-51-03	Unnecessary provisions relating to Fargo Board of Education
15-51-05	Unnecessary provisions relating to Fargo Board of Education
15-51-06	Unnecessary provisions relating to Fargo Board of Education
15-51-08	Unnecessary provisions relating to Fargo Board of Education
15-51-09	Unnecessary provisions relating to Fargo Board of Education
15-51-10	Unnecessary provisions relating to Fargo Board of Education
15-51-14	Unnecessary provisions relating to Fargo Board of Education
15-51-15	Unnecessary provisions relating to Fargo Board of Education
15-51-16	Unnecessary provisions relating to Fargo Board of Education
15-51-18	Unnecessary provisions relating to Fargo Board of Education
15-51-19	Unnecessary provisions relating to Fargo Board of Education
15-51-22	Unnecessary provisions relating to Fargo Board of Education
15-65-01	Unnecessary statement of purpose

#### **Cross-Reference Table**

The following table lists the remaining sections of Title 15 and identifies their placement in Title 15.1:

15-21-01	15.1-02-01
15-21-01.1	15.1-03-01
15-21-02	15.1-02-02
15-21-03	15.1-02-03
15-21-04	15.1-02-04
15-21-04.1	15.1-02-11
15-21-04.2	15.1-26-02
15-21-04.3	15.1-26-07
15-21-04.4	15.1-26-01
15-21-04.5	15.1-06-08
15-21-05	15.1-02-06
15-21-07	15.1-02-04
15-21-07.1	15.1-02-05
15-21-08	15.1-02-04



15-21-09	15.1-02-04
15-21-13.1	15.1-02-08
15-21-13.2	15.1-03-03
15-21-13.3	15.1-26-05
15-21-13.4	15.1-26-06
15-21-13.5	15.1-03-02
15-21-14	15.1-02-09
15-21-15	15.1-02-10
15-21-17	15.1-01-01
15-21-18	15.1-01-02
15-21-21	15.1-02-07
15-21-22	15.1-02-11
15-21.1-03	15.1-24-01
15-21.1-04	15.1-24-02
15-21.1-05	15.1-24-03
15-21.1-06	15.1-24-04
15-21.1-07	15.1-24-05
15-21.1-09	15.1-24-06
15-22-01	15.1-11-01
15-22-01.1	15.1-11-02
15-22-02	15.1-11-01
15-22-04	15.1-11-03
15-22-07	15.1-11-06
15-22-09	15.1-11-04
15-22-14	15.1-11-05
15-22-17	15.1-02-04
15-22-18	15.1-11-04
15-27.1-01	15.1-12-01
15-27.1-03	15.1-10-01
15-27.1-04	15.1-10-02
15-27.1-04	15.1-10-03
15-27.1-05	15.1-10-04
15-27.1-06	15.1-01-03
15-27.1-07	15.1-02-04
15-27.1-10	15.1-12-07
15-27.1-11	15.1-12-25
15-27.1-11	15.1-12-26
15-27.1-12	15.1-12-08
15-27.2-01	15.1-12-01
15-27.2-01	15.1-12-03
15-27.2-01	15.1-12-04
15-27.2-02	15.1-12-02
15-27.2-04	15.1-12-05
15-27.2-05	15.1-12-06
15-27.3-01.1	15.1-12-10
15-27.3-02	15.1-12-10
15-27.3-02	15.1-12-11
15-27.3-05	15.1-12-11
15-27.3-07.1	15.1-12-13
15-27.3-08	15.1-12-12
15-27.3-10	15.1-12-22
15-27.3-11	15.1-12-14
15-27.3-12	15.1-12-15
15-27.3-13	15.1-12-16
15-27.3-13.1	15.1-12-17
15-27.3-14	15.1-12-18
15-27.3-15	15.1-12-19

	15.1-12-11
15-27.3-17	15.1-12-20
15-27.3-18	15.1-12-21
15-27.3-19	15.1-12-22
15-27.3-20	15.1-12-23
15-27.3-21	15.1-12-24
15-27.4-01	15.1-12-27
15-27.4-02	15.1-12-28
15-27.4-02.1	15.1-12-29
15-27.4-03	15.1-12-30
15-27.5-01	15.1-08-01
15-27.5-02	15.1-08-02
15-27.5-03	15.1-08-03
15-27.5-04	15.1-08-04
15-27.5-04	15.1-08-05
15-27.5-05	15.1-08-06
15-27.5-06	15.1-08-07
15-28-01	15.1-09-01
15-28-02	15.1-09-04
15-28-03	15.1-09-02
15-28-03	15.1-09-03
15-28-03	15.1-09-22
15-28-03	15.1-09-23
15-28-03	15.1-09-24
15-28-04	15.1-09-13
15-28-05	15.1-09-20
15-28-06	15.1-09-09
15-28-07	15.1-09-10
15-28-08	15.1-09-12
15-28-09	15.1-09-08
15-28-09	15.1-09-11
15-28-10	15.1-09-19
15-28-10	15.1-09-21
15-28-11	15.1-09-31
15-29-01	15.1-09-29
15-29-01.1	15.1-09-32
15-29-02	15.1-09-30
15-29-03	15.1-09-27
15-29-04	15.1-09-28
15-29-05	15.1-09-06
15-29-06	15.1-09-05
15-29-07	15.1-11-04
15-29-08	15.1-09-33
15-29-08	15.1-09-35
15-29-08	15.1-09-38
15-29-08	15.1-19-09
15-29-08.4	15.1-09-33
15-29-09	15.1-07-21
15-29-10	15.1-07-25
15-29-11	15.1-07-23
15-29-13	15.1-07-10
15-29-13	15.1-07-11
15-29-13	15.1-07-12
15-29-14	15.1-07-13
15-34.2-12	15.1-09-43
15-34.2-13	15.1-09-45
15-34.2-14	15.1-07-20

	15.1-19-04
15-34.2-18	15.1-09-44
15-35-01.2	15.1-06-09
15-35-01.2	15.1-06-10
15-35-09	15.1-06-12
15-35-11	15.1-06-11
15-35-12	15.1-06-13
15-35-14	15.1-06-14
15-38-04.1	15.1-06-02
15-38-13.1	15.1-19-09
15-38-13.2	15.1-19-09
15-41-02	15.1-02-04
15-41-27	15.1-06-07
15-41.1-01	15.1-25-01
15-41.1-02	15.1-25-02
15-41.1-03	15.1-25-03
15-41.1-04	15.1-25-04
15-41.1-05	15.1-25-05
15-41.1-06	15.1-25-06
15-43-11.2	15.1-09-36
15-43-11.3	15.1-09-36
15-43-11.4	15.1-09-37
15-44-06	15.1-07-16
15-44-09	15.1-07-24
15-44-10	15.1-07-08
15-44-11	15.1-07-09
15-46-01	15.1-26-03
15-46-04	15.1-26-04
15-47-01	15.1-06-01
15-47-01.1	15.1-19-08
15-47-02.1	15.1-09-33
15-47-04	15.1-06-03
15-47-05	15.1-07-14
15-47-06	15.1-09-07
15-47-06	15.1-09-14
15-47-06	15.1-09-15
15-47-06	15.1-09-16
15-47-06	15.1-09-18
15-47-07	15.1-09-17
15-47-08	15.1-07-22
15-47-08	15.1-09-25
15-47-09	15.1-09-26
15-47-11	15.1-06-17
15-47-13	15.1-09-46
15-47-14	15.1-09-42
15-47-15	15.1-09-34
15-47-21	15.1-12-09
15-47-22	15.1-19-07
15-47-25	15.1-09-41
15-47-30.1	15.1-19-03
15-47-33	15.1-06-04
15-47-33.1	15.1-06-05
15-47-36	15.1-05-06
15-47-39	15.1-09-39
15-47-40.1	15.1-09-40
15-47-43	15.1-07-01
15-47-43	15.1-07-02

	15.1-19-11
15-47-44.2	15.1-19-12
15-47-47	15.1-19-02
15-47-48	15.1-19-01
15-47-49	15.1-19-06
15-47-50	15.1-19-05
15-47-51	15.1-06-18
15-48-01	15.1-07-03
15-48-02	15.1-07-04
15-48-03	15.1-07-05
15-48-04	15.1-07-06
15-48-05	15.1-07-07
15-49-01	15.1-07-15
15-49-02	15.1-07-17
15-49-08	15.1-06-16
15-49-09	15.1-07-19
15-49-10.1	15.1-06-15
15-49-11	15.1-07-18
15-49-12	15.1-19-10
15-49-13	15.1-19-10
15-51-01	15.1-09-01
15-51-01	15.1-09-02
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15-51-04	15.1-09-27
15-51-07	15.1-07-01
15-51-11	15.1-09-47
15-51-12	15.1-09-48
15-51-13	15.1-09-49
15-51-17	15.1-09-50
15-51-20	15.1-09-51
15-51-21	15.1-09-52
15-64-01	15.1-04-01
15-64-02	15.1-04-02
15-65-02	15.1-05-01
15-65-02	15.1-05-02
15-65-02	15.1-05-03
15-65-02	15.1-05-04
15-65-03	15.1-05-05
15-65-05	15.1-05-05
15-65-06	15.1-05-05

#### **Committee Recommendations**

The committee recommends [House Bill No. 1034](#) to rewrite those portions of Title 15 which relate to the State Board of Public School Education, the Superintendent of Public Instruction, the Department of Public Instruction, the Compact for Education, the North Dakota Educational Telecommunications Council, schools, school districts, military installation school districts, school boards, county committees, county superintendents of schools, school district boundaries, students, chemical abuse prevention programs, postsecondary enrollment options, and adult education.

The committee recommends [House Bill No. 1035](#) to accompany the rewrite of Title 15 provisions. This bill draft reconciles references to Title 15 sections found in other portions of the Century Code.

The committee also recommends [House Concurrent Resolution No. 3007](#) directing a study of those provisions of NDCC Title 15 which relate to elementary and secondary education. The committee proposes that this second study cover those provisions of NDCC Title 15 which relate to elementary and secondary education, but which were not addressed by the committee during this interim. Those provisions include:

- 15-21.1-08

- 15-29-08.5
- 15-29-08.6
- Ch.15-34.1
- 15-34.2-01
- 15-34.2-03
- 15-34.2-04
- 15-34.2-05
- 15-34.2-06
- 15-34.2-06.1
- 15-34.2-07
- 15-34.2-07.1
- 15-34.2-07.2
- 15-34.2-08
- 15-34.2-09
- 15-34.2-10
- 15-34.2-11
- 15-34.2-15
- 15-34.2-16
- 15-35-01.1
- 15-35-15
- 15-35-16
- 15-35-17
- Ch.15-36
- Ch.15-37
- 15-38-01
- 15-38-07
- 15-38-08
- 15-38-09
- 15-38-10
- 15-38-11
- 15-38-12
- 15-38-16
- 15-38-17
- 15-38-18
- 15-38-18.1
- 15-38-18.2
- 15-38-19
- Ch.15-38.1
- Ch.15-38.2
- Ch.15-39.1
- Ch.15-39.2
- Ch.15-40.1
- Ch.15-40.2
- Ch.15-40.3
- 15-41-06
- 15-41-24
- 15-41-25
- 15-41-28
- 15-43-01
- 15-43-02
- 15-43-03
- 15-43-05
- 15-43-12
- 15-44-01
- 15-44-02
- 15-44-03
- 15-45-01
- 15-45-02
- 15-45-03
- 15-45-04
- 15-47-00.1
- 15-47-26
- 15-47-27
- 15-47-27.1

- 15-47-27.2
- 15-47-28
- 15-47-34
- 15-47-35
- 15-47-38
- 15-47-38.2
- 15-47-42
- 15-47-46
- Ch.15-54
- Ch.15-59
- Ch.15-59.2
- Ch.15-59.3
- Ch.15-60

## Appendix - Cross-Reference for Proposed Sections

The following table lists the sections in the new Title 15.1 and the former sections in Title 15 from which the new sections are derived:

15.1-01-01	15-21-17
15.1-01-02	15-21-18
15.1-01-03	15-27.1-06
15.1-02-01	15-21-01
15.1-02-02	15-21-02
15.1-02-03	15-21-03
15.1-02-04	15-21-04
15.1-02-04	15-21-07
15.1-02-04	15-21-08
15.1-02-04	15-21-09
15.1-02-04	15-22-17
15.1-02-04	15-27.1-07
15.1-02-05	15-21-07.1
15.1-02-06	15-21-05
15.1-02-07	15-21-21
15.1-02-08	15-21-13.1
15.1-02-09	15-21-14
15.1-02-10	15-21-15
15.1-02-11	15-21-04.1
15.1-02-12	15-21-22
15.1-03-01	15-21-01.1
15.1-03-02	15-21-13.5
15.1-03-03	15-21-13.2
15.1-04-01	15-64-01
15.1-04-02	15-64-02
15.1-05-01	15-65-02
15.1-05-02	15-65-02
15.1-05-03	15-65-02
15.1-05-04	15-65-02
15.1-05-05	15-65-03
15.1-05-05	15-65-05
15.1-05-05	15-65-06
15.1-05-06	15-47-36
15.1-06-01	15-47-01
15.1-06-02	15-38-04.1
15.1-06-03	15-47-04
15.1-06-04	15-47-33
15.1-06-05	15-47-33.1

15.1-06-06	15-34.1-03(1)
15.1-06-07	15-41-27
15.1-06-08	15-21-04.5
15.1-06-09	15-35-01.2
15.1-06-10	15-35-01.2
15.1-06-11	15-35-11
15.1-06-12	15-35-09
15.1-06-13	15-35-12
15.1-06-14	15-35-14
15.1-06-15	15-49-10.1
15.1-06-16	15-49-08
15.1-06-17	15-47-11
15.1-06-18	15-47-51
15.1-07-01	15-47-43
15.1-07-01	15-51-07
15.1-07-02	15-47-43
15.1-07-03	15-48-01
15.1-07-04	15-48-02
15.1-07-05	15-48-03
15.1-07-06	15-48-04
15.1-07-07	15-48-05
15.1-07-08	15-44-10
15.1-07-09	15-44-11
15.1-07-10	15-29-13
15.1-07-11	15-29-13
15.1-07-12	15-29-13
15.1-07-13	15-29-14
15.1-07-14	15-47-05
15.1-07-15	15-49-01
15.1-07-16	15-44-06
15.1-07-17	15-49-02
15.1-07-18	15-49-11
15.1-07-19	15-49-09
15.1-07-20	15-34.2-14
15.1-07-21	15-29-09
15.1-07-22	15-47-08
15.1-07-23	15-29-11
15.1-07-24	15-44-09
15.1-07-25	15-29-10
15.1-08-01	15-27.5-01
15.1-08-02	15-27.5-02
15.1-08-03	15-27.5-03
15.1-08-04	15-27.5-04
15.1-08-05	15-27.5-04(5)
15.1-08-06	15-27.5-05
15.1-08-07	15-27.5-06
15.1-09-01	15-28-01
15.1-09-01	15-51-01
15.1-09-02	15-28-03
15.1-09-02	15-51-01
15.1-09-03	15-28-03
15.1-09-04	15-28-02
15.1-09-05	15-29-06
15.1-09-06	15-29-05
15.1-09-07	15-47-06
15.1-09-08	15-28-09
15.1-09-09	15-28-06

	15-51-02
15.1-09-10	15-28-07
15.1-09-11	15-28-09
15.1-09-12	15-28-08
15.1-09-12	15-51-02
15.1-09-13	15-28-04
15.1-09-14	15-47-06
15.1-09-15	15-47-06
15.1-09-16	15-47-06
15.1-09-17	15-47-07
15.1-09-18	15-47-06
15.1-09-19	15-28-10
15.1-09-20	15-28-05
15.1-09-21	15-28-10
15.1-09-22	15-28-03
15.1-09-23	15-28-03
15.1-09-24	15-28-03
15.1-09-25	15-47-08
15.1-09-26	15-47-09
15.1-09-27	15-29-03
15.1-09-27	15-51-04
15.1-09-28	15-29-04
15.1-09-29	15-29-01
15.1-09-30	15-29-02
15.1-09-31	15-28-11
15.1-09-32	15-29-01.1
15.1-09-33	15-29-08
15.1-09-34	15-47-15
15.1-09-35	15-29-08
15.1-09-36	15-43-11.2
15.1-09-37	15-43-11.4
15.1-09-38	15-29-08
15.1-09-39	15-47-39
15.1-09-40	15-47-40.1
15.1-09-41	15-47-25
15.1-09-42	15-47-14
15.1-09-43	15-34.2-12
15.1-09-44	15-34.2-18
15.1-09-45	15-34.2-13
15.1-09-46	15-47-13
15.1-09-47	15-51-11
15.1-09-48	15-51-12
15.1-09-49	15-51-13
15.1-09-50	15-51-17
15.1-09-51	15-51-20
15.1-09-52	15-51-21
15.1-10-01	15-27.1-03
15.1-10-02	15-27.1-04
15.1-10-03	15-27.1-04
15.1-10-04	15-27.1-05
15.1-11-01	15-22-01
15.1-11-01	15-22-02
15.1-11-02	15-22-01.1
15.1-11-03	15-22-04
15.1-11-04	15-22-09
15.1-11-04	15-22-18
15.1-11-05	15-22-14



	15-22-07
15.1-12-01	15-27.1-01
15.1-12-02	15-27.2-02
15.1-12-03	15-27.2-01
15.1-12-04	15-27.2-01
15.1-12-05	15-27.2-04
15.1-12-06	15-27.1-10
15.1-12-07	15-27.2-05
15.1-12-08	15-27.1-12
15.1-12-09	15-47-21
15.1-12-10	15-27.3-01.1
15.1-12-11	15-27.3-05
15.1-12-12	15-27.3-08
15.1-12-13	15-27.3-07.1
15.1-12-14	15-27.3-11
15.1-12-15	15-27.3-12
15.1-12-16	15-27.3-13
15.1-12-17	15-27.3-13.1
15.1-12-18	15-27.3-14
15.1-12-19	15-27.3-15
15.1-12-20	15-27.3-17
15.1-12-21	15-27.3-18
15.1-12-22	15-27.3-19
15.1-12-23	15-27.3-20
15.1-12-24	15-27.3-21
15.1-12-25	15-27.1-11
15.1-12-26	15-27.1-11
15.1-12-27	15-27.4-01
15.1-12-28	15-27.4-02
15.1-12-29	15-27.4-02.1
15.1-12-30	15-27.4-03
15.1-19-01	15-47-48
15.1-19-02	15-47-47
15.1-19-03	15-47-30.1
15.1-19-04	15-34.2-17
15.1-19-05	15-47-50
15.1-19-06	15-47-49
15.1-19-07	15-47-22
15.1-19-08	15-47-01.1
15.1-19-09	15-29-08(13)
15.1-19-09	15-38-13.1
15.1-19-09	15-38-13.2
15.1-19-10	15-49-12
15.1-19-10	15-49-13
15.1-19-11	15-47-44.1
15.1-19-12	15-47-44.2
15.1-24-01	15-21.1-03
15.1-24-02	15-21.1-04
15.1-24-03	15-21.1-05
15.1-24-04	15-21.1-06
15.1-24-05	15-21.1-07
15.1-24-06	15-21.1-09
15.1-25-01	15-41.1-01
15.1-25-02	15-41.1-02
15.1-25-03	15-41.1-03
15.1-25-04	15-41.1-04
15.1-25-05	15-41.1-05

	15-41.1-06
15.1-26-01	15-21-04.4
15.1-26-02	15-21-04.2
15.1-26-03	15-46-01
15.1-26-04	15-46-04
15.1-26-05	15-21-13.3
15.1-26-06	15-21-13.4
15.1-26-07	15-21-04.3

## DEVELOPMENT AND DELIVER OF A CORE CURRICULUM

The phrase "core curriculum" appears to have a definitional scope that ranges from a fixed series of required courses to the instructional methods and materials by which course content requirements are imparted to students. In North Dakota, the Legislative Assembly has already established the minimum courses that school districts must make available to high school students. North Dakota Century Code Section 15-41-24 provides:

. . . The following units of study must be made available to all students in each public and private high school in this state at least once during each four-year period, and each private high school shall comply with the requirements of this section if such high school is to receive approval by the department of public instruction:

1. English, four units.
2. Mathematics, three units.
3. Science, four units.
4. Social studies, three units. Effective July 1, 1994, social studies must include one unit of world history and one unit of United States history, each of which must be integrated with a strong geography component.
5. Health and physical education, one unit.
6. Music, one unit.
7. Any combination of the following course areas: business education, economics and the free enterprise system, foreign language, industrial arts, vocational education, six units. For purposes of this subsection vocational education includes home economics, agriculture, office education, distributive education, trade industrial, technical, and health occupations.

Each public or private high school may count for purposes of compliance with this section those vocational education courses which are offered through cooperative arrangements approved by the state board for vocational and technical education.

In NDCC Section 15-41-06, the Legislative Assembly provided that "four units of high school work must be considered the minimum number of any year from the ninth grade through the twelfth grade." (Exceptions are made for students requiring fewer than four units for graduation.)

Minimum course requirements for elementary and middle level or junior high students are established by the Superintendent of Public Instruction through the school accreditation process. The requirements include instruction in language arts, mathematics, social studies, science, health, music, physical education, and art. Provision is also made for unallocated time that may be used for student-teacher planning and guided learning, the initiation or expansion of a subject area, the provision of elective offerings, and the provision of student personnel services. However, neither the North Dakota Century Code nor the state accreditation standards reference precisely what students should know and be able to do within a given discipline.

The articulation of clear, measurable expectations for all students is a relatively new concept. As a nation, many of our teachers, schools, and communities have always had high expectations for their children, but the expectations tended to be localized. The result is that students have been learning different things from school to school, district to district, and state to state. The varying expectations have allowed some children to be exposed to rigorous courses, while others have not been so exposed. Some students are awarded high grades only if they master challenging material while others are awarded high grades and promotions no matter what they do. Typically, students get passed from grade to grade regardless of how much they learn, and many graduate not even realizing how unprepared they are. Teachers who try to uphold high academic standards with tough grading and promotion policies and demanding homework loads are often pressured by administrators, parents, and students to ease up. In the absence of clear standards, they are powerless. (*Making Standards Matter 1996: An Annual Fifty-State Report on Efforts to Raise Academic Standards*, American Federation of Teachers)

## Core Curriculum Offerings in Other States

Following are examples of states that have legislatively addressed their expectations of students.

## **Alabama**

Alabama Code Section 16-6B-2 requires that the following courses be offered in grades 9 through 12 in the state's public schools:

1. Four years (equivalent of four credit units) of English;
2. Four years (equivalent of four credit units) of mathematics, including material designed to ensure that no high school student fails to learn basic mathematical skills and computer literacy;
3. Four years (equivalent of four credit units) of science; and
4. Four years (equivalent of four credit units) of social studies with an emphasis on history, music history, fine arts history, geography, economics, and political science.

History courses must include material on the history of the United States and the Constitution of the United States. The curriculum content of American History must include the teaching of important historical documents, including the Constitution of the United States, the Declaration of Independence, the Emancipation Proclamation, the Federalist Papers, and other documents important to the history and heritage of the United States.

The required courses must be successfully completed by a student enrolled in grades 9 through 12 before the student's graduation or receipt of a diploma. Students with disabilities are exempt from this requirement and must instead meet the requirements set forth in their individual education plans. Graduation requirements are established by the Alabama State Board of Education and must include the minimum courses set forth above.

In addition to the required courses, a number of elective courses must also be successfully completed by a student enrolled in grades 9 through 12 before the student's graduation or receipt of a diploma. The State Board of Education also determines the number and classification of elective units required for high school graduation.

Statutory requirements for the elementary grades include reading with an emphasis on phonics; spelling; handwriting; mathematics; oral and written English using material designed to develop reading, writing, speaking, and listening skills; social studies emphasizing the geography and the history of the United States and Alabama; science; hygiene and sanitation; physical education; the arts, including music and the visual arts; and environmental protection. Local boards of education may set additional requirements.

The Alabama State Board of Education is authorized to adopt policies, procedures, rules, regulations, and standards requiring that college and university departments of education review their existing educational programs for all prospective teachers in order to ensure that they are properly prepared to teach the courses required by law.

## **Arkansas**

Arkansas Statutes Section 6-60-208 provides that, beginning with the 1997-98 school year, a student must successfully complete the college preparatory core curriculum or a technical preparatory core curriculum, with a minimum cumulative grade point average of 2.0 on a 4.0 point scale, to be eligible for unconditional admission to an associate of arts or a bachelor's degree program in a public four-year institution of higher education or to enroll in any certificate, diploma, or degree program in any public two-year institution of higher education.

## **Georgia**

Georgia Code Section 20-2-140 directs the Georgia State Board of Education to establish competencies that each student is expected to master before completion of the student's public school education. The state board is also directed to establish competencies for which each student, at the discretion of the student and the student's parents, should be provided opportunities to master. The state board must then adopt a uniformly sequenced core curriculum for grades kindergarten through 12, based upon those competencies. Each local school board must include the state's uniformly sequenced core curriculum in its own curriculum. Local school boards may expand and enrich this curriculum to the extent they deem it necessary and appropriate for their students and communities.

At least once every four years, the adopted competencies and uniformly sequenced core curriculum must be reviewed by a task force broadly representative of educational interests and the public. After considering the findings and recommendations of the task force, the state board must make such changes in the student competencies lists and the core curriculum as it deems are in the best interests of the state and its citizens. The proposed changes are to be reported to and reviewed by local school boards and the Georgia General Assembly.

The Georgia State Board of Education also is directed to adopt a student assessment program consisting of instruments, procedures, and policies necessary to implement the core program. Nationally norm-referenced instruments in reading,

mathematics, science, and social studies must be administered to students in grades 3, 5, and 8, and based on those results, the State Board of Education is to review, revise, and upgrade the core curriculum. Following such a revision, the State Board of Education is to contract for the development of criterion-referenced tests and to administer the tests to students in three grades not lower than grade 3. A curriculum-based assessment must be administered to students in grade 11 for purposes of determining graduation eligibility.

The nationally normed assessments are to provide students and their parents with grade equivalencies and percentile ranks while the criterion-referenced tests and the high school graduation tests are to provide for results that reflect state levels. In Georgia, student achievement is considered in the awarding of salary supplements to school district personnel.

## **Oklahoma**

Section 11-103.6 of the Oklahoma Statutes directs the State Board of Education to adopt curricular standards for the instruction of students in the public schools and specifically provides:

All students must initially gain literacy at the elementary and secondary levels through a core curriculum. Students must develop skills in reading, writing, speaking, computing and critical thinking. They also must learn about cultures and environments - their own and those of others with whom they share the earth. Students, therefore, must study social studies, literature, languages, the arts, mathematics and science. Such curricula shall provide for the teaching of a hands-on career exploration program in cooperation with vocational-technical education schools. The core curriculum shall be designed to teach the competencies for which twelfth grade level students shall be tested . . . and shall be designed to prepare all students for employment and/or postsecondary education. It is the intent of the Oklahoma Legislature that Oklahoma history be included in the social studies core curriculum for purposes of this section.

The Oklahoma State Board of Education is directed not only to prescribe, adopt, and approve specified levels of competencies in each area of the core curriculum, but also to provide students with an option for high school graduation based upon the attainment of the desired levels of competencies. Students who have individualized education plans are exempt from these requirements.

## **SETTING EDUCATIONAL STANDARDS**

The movement to develop high-quality academic standards that clearly define what students should know and be able to do has received considerable attention. In its 1995 report, *Assignment Complete*, the New York-based Public Agenda Foundation found that a majority of American citizens support setting and enforcing consistent academic standards that prompt students from all socioeconomic backgrounds to achieve at higher levels.

In March 1996, the nation's governors convened with prominent business leaders to lend support for state efforts to implement higher educational standards and use technology to enhance student learning. While the participants discussed the valuable role that standards play in supporting improved student learning, they also discussed the myriad of strategies used by the states to develop and implement the academic standards. With respect to both statutory and nonstatutory standards, they found that some are voluntary and others are not. They found that some are linked to high school graduation requirements, while others are linked to college entrance requirements. They found that some are written very specifically for the educational sector, while others are targeted toward parents.

Perhaps even more importantly, the participants found that standards, in the sense of curricular content, are only one of the many tools that the states need to employ in their efforts to improve classroom instruction and boost student performance. They concluded that in order for the curricular standards to be truly effective, they must be accompanied by performance standards that articulate specific levels of student performance at specific grade levels and by thorough and adequate performance assessments that measure students' progress toward attaining the standards. Participants argued that real change can occur only if we are willing to link state standards directly to and require accountability regarding teachers, teaching practices, teacher education schools, and resource allocation.

While numerous states, to a certain extent, have become involved with raising their educational standards, the states of Colorado, Delaware, Minnesota, and South Carolina have made the greatest progress in developing high-level content standards. They have embraced different approaches to developing and implementing their standards<sup>52</sup>; approaches which reflect their varying social, political, and governance structures, as well as their unique modeling of innovative reform strategies. A description of their experiences follows.

## **Colorado**

Facing polls indicating that a majority of Colorado parents, business people, and educators believed that the state's public schools were out of touch and out of date, that academic expectations for most students were too low, and that too many

students were not acquiring the skills and knowledge they needed to succeed in today's world, then Governor Roy Romer convened a special session of the Colorado General Assembly in 1991. Among the accomplishments of that session was the creation of the Commission on Achievement in Education. The commission was directed to assess the need for education reform in the state. Commission members included representatives from the House and the Senate, as well as representatives of business, higher education, communities, school administrators, and teachers. The commission immediately created several task forces, including one charged with outlining a strategy for developing and implementing a statewide system of academic standards.

### **Development of Standards**

Soon after HB93-1313 was signed, Governor Romer appointed nine members to the State Standards and Assessment Development and Implementation Council. The members included three teachers, two local curriculum directors, one high school principal, one school district superintendent, a community college president, and a university professor. One of the toughest challenges faced by the council was devising a way to establish high academic standards throughout the state while honoring Colorado's system of local control. The system is not only perceptually strong, it is embedded in the Colorado state constitution. The constitution forbids the adoption of a state curriculum and grants the publicly elected school board in each of the state's 176 school districts the authority to grant diplomas, set graduation requirements, determine course offerings, and establish curricula.

When the council began its work in 1993, it created five subject area task forces--reading and writing, mathematics, science, history, and geography. Teachers from across the state, as well as several experts in higher education, were then invited to serve on the task forces. The teachers asked to serve were selected on the basis of their prior leadership in education reform and the development of education standards. Their mission was to draft, in each subject area, standards that would be disseminated for public review and comment.

Between August 1993 and December 1994, the task forces produced three separate drafts, each of which endured an extensive public review process. Thousands of Coloradans contributed comments and suggestions. At each stage, public involvement resulted in significant changes. On April 1, 1995, the council submitted to the State Board of Education its final recommendations for model academic content standards for kindergarten through grade 12 in the subject areas.

The state board approved the standards in September 1995. Thereafter, the council began work on the second phase of its mission--the development of an assessment framework for each of the standards. The assessments eventually will be used to measure student progress toward the content standards.

The decision to recommend "model" standards that define what students should know and should be able to do circumvented the constitutional concerns. Districts could either adopt the state's model or develop their own content standards, provided that their standards met or exceeded the state standards. In this way, districts were able to maintain their authority to define curriculum, programs of instruction, course offerings, and graduation requirements.

### **Costs**

Operating costs for the council's efforts during the 1993-94 school year were approximately \$210,000. This covered printing and mailing expenses; meeting expenses, including travel, food, and lodging for council and task force members; and salaries for substitute teachers hired to replace those who served on the task forces. The Colorado Department of Education was responsible for 3.8 FTEs who provided staff support. Approximately 1.1 of the 3.8 FTEs were involved in administrative support. During the 1994-95 school year, the operating costs were approximately \$200,000.

### **Delaware Development of Standards**

"New Directions for Education in Delaware" is an initiative to develop statewide education content standards and assessments. It was conceived by the state education superintendent, Dr. Pascal Forgione, when he returned to Delaware after serving as the director of the National Education Goals Panel in Washington, D.C. With the help of five district superintendents, Dr. Forgione constructed a five-year plan for developing and implementing content standards and related assessments. The plan was adopted by the State Board of Education in May 1992 and was inaugurated on July 1 of that year. The plan called for the following:

- Setting clear standards on what Delaware students should know and be able to do;
- Teaching children by participation in activities using real world problems;
- Measuring students' performance by having them demonstrate what they have learned;
- Holding schools accountable for students' progress;
- Ensuring that all children start school ready to learn;
- Creating an environment with minimal disruption;
- Allowing each school district to design its program; and
- Preparing students for a successful transition to work or to higher education.

The plan also called for three levels of partnership--school partners, community partners, and development partners.

To implement the reform plan, the state's commitment of \$7 per student was leveraged with \$5 per student of existing resources from the state's 19 local school boards for the development of standards and assessments. This amounted to nearly \$500,000 per year. The school boards agreed to fund the partnership for the following five years.

In addition, the Business Public Education Council, an organization representing the state's business community, matched the \$5 per student local contribution. A total of \$1.7 million was raised for education reform.

Initially, four curriculum framework commissions were created to draft standards in the areas of mathematics, science, English language arts, and social studies (including civics, history, geography, and economics). Additional commissions then were formed to write standards for the visual and performing arts, foreign languages, business and marketing, and agriculture. Each commission consisted of 45 to 48 members and was composed of teachers from every school district, parents, business and community leaders, higher education representatives, and curriculum experts.

The curriculum commissions in mathematics, science, English language arts, and social studies worked for almost three years to draft and revise the standards documents. Throughout the process, they consulted with national and international education experts to decide which topics should be included in the standards. They also conferred with officials in other states undertaking similar reform efforts.

After completing the content standards, the four curriculum framework commissions drafted a volume of classroom performance models to accompany the content standards. These documents contained 5 to 10 detailed lesson plans that were intended to show teachers how particular standards might be translated into instructional learning activities in the classroom. Unlike the Colorado task forces, the Delaware commissions did not make a concerted effort to write the standards in lay language. The Delaware standards were intended to be for teachers and curriculum professionals and to drive a school district's curriculum. The content standards were reviewed by the State Board of Education and formally approved in June 1995. Thereafter, work began on the development of new assessments consisting of performance-based assessments, portfolios, and norm-referenced tests.

### **Professional Development**

In response to Delaware teachers who expressed a strong desire to learn new instructional practices necessitated by the content standards, the Delaware Legislature in 1995 approved \$2.5 million for professional development programs. The money was used to enhance the teachers' capacity to understand the new standards and to provide them with new teaching and learning strategies. As an adjunct, the Delaware Professional Standards Council, an independent body that reports to the State Board of Education, developed a plan to align teachers' standards with the academic content standards. The council is collaborating with teacher training institutions for the revision of their programs so that course requirements will match the new content standards.

### **Costs**

The total cost of developing the standards and assessments in Delaware was \$15.5 million. According to the Delaware State Superintendent, the majority of the program's budget was spent on the operating expenses of the four curriculum framework commissions.

### **Minnesota**

Minnesota, like many other states, traditionally awarded a high school diploma to any student who completed 20.5 course credits and received a passing grade of at least D- in all classes. Even though the state had required that all students take certain courses (e.g., four years of English, three years of social studies, etc.) there was little consistency among schools as to what was taught in those classes or as to what students learned in those classes. Minnesota had employed the traditional seat time rule, which required only that students be exposed to certain contents for a prescribed period of time. There was no requirement that the student learn the content or even learn it at a certain level.

In 1989, however, the Minnesota Legislature enacted legislation directing the then State Department of Education to adopt a statewide graduation standard requiring students to demonstrate that they have mastered certain skills and have acquired sufficient knowledge about specific subjects. The enactment, known colloquially as Minnesota's graduation rule, contained the following provisions:

- Implementation of the new graduation rule would start with students entering the ninth grade in the 1996-97 school year (i.e., those scheduled to graduate from high school in the year 2000).
- The State Board of Education could not prescribe the delivery system, form of instruction, or a single statewide form of assessment that local sites must use to meet the requirements contained in the rule.
- The content of the graduation rule would differentiate between minimum competencies and rigorous standards.

- Assessments to measure the knowledge required by all students for graduation would be developed according to the most current version of professional standards for educational testing.
- The State Board of Education would periodically review and report on the assessment process and student achievement with the expectation of raising the standards and expanding the high school graduation requirements.
- When fully implemented, the requirements for high school graduation in Minnesota, including both basic requirements and the required profile of learning, would include a broad range of academic experience and accomplishment necessary to achieve the goal of preparing students to function effectively as purposeful thinkers, effective communicators, self-directed learners, productive group participants, and responsible citizens.

## **Development of Standards**

Minnesota adopted an intricate process for writing its basic requirements and high-level content standards. Initially, the State Department of Education sponsored a series of town meetings across the state to give parents, teachers, and other community members an opportunity to identify what they believed students should know when they graduate from high school. These meetings resulted in approximately 160 statements describing what students should learn. These statements were condensed into five comprehensive goals, which guided the development of Minnesota's basic requirements and the 10 elements included in the profile of learning.

The process of writing the high-level content standards known as the profile of learning began in January 1994. A group of teachers, chosen from pilot sites and representing professional organizations across the state, met periodically in St. Paul for the next six months to develop content standards in each of 15 broad areas or elements.

During the first two months of the process, teachers met by content area to write descriptions of the knowledge and skills required by the elements in their disciplines. The teachers were encouraged to write "big overarching statements" concerning required learning for as many elements as necessary to cover their disciplines. There were, however, two stipulations<sup>52</sup>; the required knowledge and skills had to represent the heart of the discipline and the discipline had to accept responsibility for instruction and assessment associated with the required learning. During this preliminary stage, teachers wrote 141 statements that were reviewed by a group of people representing postsecondary education, business, and community interests.

During the second stage, which lasted from April to May 1994, the teachers used the statements to construct detailed content standards. Statements were collapsed and combined and each became the first summary sentence of an individual content standard. The result was the creation of 60 content standards, with four being added later in the process.

In July 1994 a team of administrators and curriculum specialists from throughout the state met to review the standards and draft a proposal for graduation requirements based on the profile of learning. To solicit feedback, the department issued the first draft of the profile of learning and accompanying graduation requirements and requested feedback from school districts throughout the state, from representatives of the state's educational organizations, and from the general public. A second series of town meetings were held, and, based on the testimony, two more drafts were written.

While the department engaged in the process of reviewing and revising the content standards and proposed graduation requirements, groups of teachers working in 14 pilot sites across the state began the process of writing test specifications for the base requirements and assessment packages. These test specifications included performance assessments drawn from the 64 standards outlined in the profile of learning. Basic tests in reading and math were administered to students in 24 pilot sites during the 1995-96 school year and served as models for other schools. Schools that did not adopt the state-developed assessments had to create their own alternative set of assessments.

In order to ensure that school administrators and teachers were well-versed in the graduation rule, the department assigned a coordinator to each of the state's 11 regions. The coordinator was responsible for providing training and disseminating information to teachers and staff in local schools. In addition, the department allocated an assessment trainer to each of the 24 pilot sites experimenting with the draft assessments. The trainer was to help facilitate the implementation of the assessments.

## **Costs**

The development and implementation of the new graduation standards was funded by \$18 million in legislative appropriations over four years. The money covered the costs of developing the standards and funded a commission that was responsible for estimating the cost of implementing the new requirements statewide.

## **South Carolina**

During the 1970s, the South Carolina Department of Education instituted minimum competency levels for students in kindergarten through grade 12. These reforms focused on improving students' basic skills and ensuring that student achievement reached minimum levels. By the early 1990s, many teachers, parents, and business leaders believed South Carolina

students were ready for greater challenges. When Barbara Stock Nielsen was elected South Carolina's State Superintendent of Education in 1991, she set goals of raising academic standards and shifting the schools' focus to high-level skills. To facilitate these goals, she launched a multiyear effort to develop and adopt statewide curriculum frameworks--documents that communicate the core academic knowledge and skills all students are expected to learn.

## **Development of Standards**

South Carolina adopted a clustered approach to the development of curriculum frameworks. Based on nominations provided by professional associations representing teachers and curriculum experts, the State Superintendent of Education appointed a curriculum framework writing team to draft a curriculum framework in an assigned subject area. The writing team consisted of 10 to 20 individuals, all of whom had taught, lectured, written, or practiced in their respective disciplines and were knowledgeable in the most current thinking on learning and teaching in their curriculum field. Staff from the South Carolina Department of Education provided support for each writing team and took care of logistics and the gathering of information. Each of the writing teams was also assisted by a professional writer who helped draft the documents.

The writing teams met regularly to build consensus about the direction of and the major components of their draft frameworks. This phase continued from 6 to 24 months, depending on the degree of consensus that existed within a particular group.

When a draft framework was completed, the writing team submitted it to the State Superintendent who forwarded it to the South Carolina Curriculum Review Panel. This panel consisted of 11 members appointed by the State Board of Education. Candidates for the Curriculum Review Panel had to have taught, lectured, written, or practiced in one of the academic areas slated for a curriculum framework or in a related education field. At least three members had to be full-time classroom teachers, and all members had to submit a statement declaring that they have no association with curriculum material providers and have no other conflicts of interest. The Curriculum Review Panel members could not be current members of a curriculum framework writing team or employees of the South Carolina Department of Education. The panel's role in the curriculum process was to oversee a field review, make revisions, and recommend adoption of the curriculum framework to the State Board of Education. This was accomplished by the panel appointing a five-member subcommittee to conduct a framework field review.

The subcommittee was to allow at least 60 days for public comment, with all comments required to be submitted in writing. Based on public input, the subcommittee revised the field review draft in collaboration with members of the framework writing team. The subcommittee consisted of at least two panel members and other specialists in the curriculum area under review. Again, no State Department of Education employee or person with a commercial interest in particular curriculum materials could serve on the subcommittee. The subcommittee was responsible for sending the draft framework to district superintendents, principals, teachers, parents, students, business leaders, civic groups, colleges and universities, and other individuals who requested copies. Principals were asked to facilitate a school level review of each framework with teachers and parents and to summarize their input. After the subcommittee finished its work, the Curriculum Review Panel would recommend state approval of the revised curriculum framework. A framework was considered final when the state board voted to adopt it. South Carolina's initial curriculum frameworks covered mathematics, the visual and performing arts, and foreign languages. The second round included frameworks covering standards in English language arts, science, and health and safety. The final round was reserved for social studies and physical education.

Approximately 40,000 copies of the first three frameworks<sup>52</sup>; those for mathematics, foreign languages, and visual and performing arts<sup>52</sup>; were distributed to the public. Approximately 3,200 responses were returned to the Curriculum Review Panel. The public's comments were then summarized and incorporated into the frameworks.

In the second stage of the review process, the Curriculum Review Panel conducted a series of public input sessions to give citizens a final opportunity to express their opinions. Six such sessions were held for each framework at locations throughout the state. However, generally fewer than 100 people attended these sessions. With few new comments to be incorporated, the frameworks were finalized quickly, and two years after the process was initiated, the frameworks were approved by the State Superintendent of Education and formally adopted by the State Board of Education.

## **Costs**

Funding for the development of South Carolina's curriculum frameworks originally came from the State Department of Education's regular operating budget. A department spokesman stated: "We believe that curriculum revision is part of the Department's charge, so we did not get a new allocation of money from the legislature to do this."

Since the effort began in 1991, an average of three writing teams have worked at one time, with each team's expenses amounting to about \$30,000 per year. This includes travel and lodging, resource materials, consultants, pay for substitute teachers, and a professional writer for each team. Printing costs and costs associated with Department of Education staff support are not included in these figures.



## North Dakota

With seemingly minimal statutory guidance and a constitutional reference to the need for "a high degree of intelligence, patriotism, integrity and morality," North Dakota has attempted to develop its own standards governing what a student should know and be able to do.

### Curriculum Guidebooks

Prior to the 1990s, the Department of Public Instruction developed and made available to local districts *Curriculum Guidebooks*. The *Guidebooks* were written specifically for each subject area and included extensive detail regarding the development of a subject area's curriculum. Over time, the *Guidebooks* fell out of favor. Some local districts found the level of detail to be burdensome. Others believed that the state was too involved in that which had been a local concern--curriculum design. The department determined that the *Guidebooks* should be replaced with smaller, leaner documents, which only outlined general areas of competence.

### Curriculum Frameworks

In 1993 the department released volumes 1 and 2 of the *North Dakota Curriculum Frameworks*. These *Frameworks* marked a dramatic change in the development of content guides. Both smaller in size and considerably more general than the preceding *Guidebooks*, the *Frameworks* offered a practical solution to the need for content guidance. What they did not include, however, were performance indicators. This shortcoming, coupled with the national impetus toward more clearly defined content standards, prompted the department to move toward a new type of document.

### Content Standards

Following on its previous efforts with *Curriculum Guidebooks* and *Curriculum Frameworks*, the department developed content standards, first in the area of English language arts and then in the area of mathematics. Content standards governing science, social studies, and health are presently underway.

Content standards consist of five parts--standards, benchmarks, specific knowledge items, performance activities examples, and performance standards. A standard is a single, concise statement that identifies what students should know and be able to do. An English language arts standard requires students to "gather and organize information."

Benchmarks are a translation of standards. They identify what a student should know and be able to do at a specific developmental level. North Dakota has selected grades 4, 8, and 12 as its benchmark levels. If the standard requires students to gather and organize information, the accompanying benchmark would require students to "use organizational strategies and appropriate reference tools."

Specific knowledge items offer examples, and frequently lists, to clarify and embellish the intent of the standards and benchmarks. If a standard requires students to gather and organize information, its accompanying specific knowledge items would include "sequence patterns, lists, problem/solution patterns, and story maps."

Performance activities offer additional assistance to users by illustrating the standards, benchmarks, and specific knowledge items in terms of tangible, real-life scenarios. For the standard being illustrated, the performance activities might include "requiring students to use a variety of reference tools to research the history of a particular era and to use information gathered from the various research materials to create a timeline depicting the main events."

Performance standards take a content standard and translate it into terms that classify how well a student meets a content standard. They set a measurement scale for the assessment of students. The scale is based not on an A to F grading, but rather on levels such as novice, partially proficient, proficient, and advanced.

### Process for Content Development

The department has been pursuing the development and revision of content standards in English language arts, mathematics, science, health, social studies, the arts, physical education, and world languages. Its effort begins with the Standards, Assessments, Learning, and Teaching (SALT) team. The team is comprised of department and field staff, appointed by the Superintendent of Public Instruction. The team's goal is to create content standards based on best practices. The team's activities and recommendations are reported to the Superintendent of Public Instruction for final approval.

The SALT team is advised by the State Curriculum Council. This council consists of representatives from approximately 40 curriculum specialist organizations. The SALT team is also assisted by writing teams whose members represent school districts

across the state. The writing team members actually develop the components of the final content standards document. Their efforts are guided by working protocols that involve reviews of other state and national standards, the generation of state priorities, the drafting of the content standards, the development of supporting documents, the development of possible assessment tools, and the generation of professional development guides.

All state content standards are reviewed by the SALT team and ultimately by the Superintendent. Once approved by the Superintendent, the content standards are distributed to local school districts for their voluntary use.

### **Committee Conclusion**

The committee concluded that, in theory, the development of content standards should involve the best and the brightest teachers in the state and that, in theory, the development of content standards should take place at the local level, rather than being state-driven. The committee found that the two theoretical beliefs were not congruent. Because of size, limited economics, and limited personnel, not all school districts would be able to develop their own standards.

The committee also found that one consequence to be anticipated from the establishment of statewide content standards would be the subsequent establishment of statewide assessment standards. The committee was not certain to what degree the establishment of such assessment standards would or could affect accountability at all levels of the educational process. The committee makes no recommendation regarding the desirability of requiring that a core curriculum be taught from kindergarten through grade 12.

### **Miscellaneous Reports Receipt of County Plan Assigning the Duties of County Superintendent of Schools**

The North Dakota Century Code provides that a board of county commissioners may eliminate the position of county superintendent of schools and reassign the duties of the county superintendent to one or more qualified persons. The statute requires that the assignment be set forth in a written plan, that the plan be approved by a majority of school board presidents whose districts include land in the county, and that the plan be filed with the Legislative Council. As of September 1998, 19 of the 53 counties employed a part-time county superintendent of schools, and 12 counties participated in the multicounty employment of a county superintendent. The remaining 22 counties no longer employed a county superintendent of schools. Contrary to statute, however, only 13 of those counties had filed a plan with the Legislative Council. Even among those that reassigned the duties and filed a plan, there were incomplete or inappropriate assignments of duties.

This has presented a problem for the Department of Public Instruction staff because they do not know which county official should receive correspondence applicable to the office of county superintendent or which county official or individual should perform the statutory duties of a county superintendent. Department of Public Instruction staff, however, indicated that their concerns would be addressed by the stricter assignment provisions included within the bill to rewrite portions of Title 15, as recommended by the committee.

### **Home Education of Children With Autism**

North Dakota Century Code Section 15-34.1-01 requires the attendance at school of every educable child between the ages of 7 and 16. Section 15-34.1-03 establishes various exceptions to the compulsory attendance requirements, one of which is for children receiving home education. That exception is not, however, extended to children with developmental disabilities. Children with developmental disabilities, generally, have substantial functional limitations, and the law was enacted to ensure that such children would not be "closeted" or denied adequate and appropriate stimulation and instruction.

During the 1997 legislative session, the Legislative Assembly considered the case of one North Dakota family who wanted to provide home education for their autistic child. The Legislative Assembly subsequently enacted Sections 15-34.1-12 and 15-34.1-12.1, which allow that family, and others similarly situated, to provide home education. As a safeguard, the sections also require the preparation and filing of progress reports by a licensed psychologist, an occupational therapist, a speech pathologist, and a certificated teacher.

Because the concept was introduced rather late in the session, the Legislative Assembly provided that the two sections would remain effective only until June 30, 1999. This provided an opportunity for the Superintendent of Public Instruction to evaluate the efforts of the family for whom the legislation was crafted and to determine whether or not the legislation should be extended or made permanent.

The Superintendent of Public Instruction maintains that specialized expertise generally is required to assist children with autism in educational endeavors. The Superintendent also maintains that most families do not have the necessary expertise or the desire to provide the intensity of instruction required by children with any kind of developmental disability. Consequently, the Superintendent concluded that this is not an area in which the state should expect a tremendous increase in participants. However, the state should, through local school districts, support the provision of services to each student in the most

appropriate manner.

### **Leadership in Educational Administration Development Consortium - Training Programs for Teachers and Administrators**

Subsequent to the 1997 legislative session, the leadership in educational administration development (LEAD) consortium and the teacher learning centers agreed to work cooperatively in the development of training programs for teachers and administrators. Their joint goal was the creation of programs that would serve as models for professional development and increase student learning by increasing the effectiveness of teachers and administrators.

The guiding principles agreed to by both the LEAD consortium and the teacher learning centers required that the joint projects benefit both groups and be supported by the North Dakota Education Association and the North Dakota Council of Educational Leaders. The projects undertaken were to be refined in two or three schools before being made available more broadly and the project activities were to be of high quality. Both the LEAD consortium and the teacher learning centers agreed that participation should be voluntary. However, they determined that in a given school, participation must include the principal and a significant number of the teaching staff.

Applications for pilot schools were solicited in April and May, 1998. The Fargo, Devils Lake, and Carrington School Districts were chosen as pilot sites. Approximately 80 teachers and four administrators will be involved in newly developed programs that emphasize peer coaching and mentor training.

The cooperative effort is designed not to subvert or replace the present teacher supervision and evaluation process but rather to help good teachers become better teachers and to assist struggling teachers. The groups anticipate an ongoing review at the pilot stage and eventual employment of a train-the-trainer approach, in which staff members from pilot schools would work with other schools seeking to adopt the model. While early results will be measured by the end of the first pilot year in June 1999, conclusive results will not be available until peer coaching and mentoring have been utilized by schools for several years.

### **Coordinating Statewide Access to Work Force Training Programs**

The mission of the State Board for Vocational and Technical Education is to cooperate with other state agencies and private organizations to provide work force training programs in a manner that allows statewide access. This mission is being pursued both through technological intervention and through partnering activities. Public sector partners include the institutions of higher education, Job Service North Dakota, the Department of Economic Development and Finance, the Department of Public Instruction, and the Workforce Development Council. Private sector partners include entities such as the North Dakota Home Builders Association, the Association of Heavy Equipment Dealers, the North Dakota Implement Dealers, and the North Dakota Home Building and Trades Association.

Work force training is perceived to be a long-term commitment. It begins at kindergarten and progresses through grade 12 and into both undergraduate and graduate programs. It is geared toward serving the individual and toward meeting critical skilled labor needs in virtually every area.

Attempts are being made to constantly monitor both short-term and long-term work force needs and to improve the dialogue between a variety of public and private sector service providers.