

June 2007

TITLE 15.1

Education

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code (NDCC) Title 15.1. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

APPROPRIATIONS AND FINANCE

Senate Bill No. 2013 provides a general fund appropriation of \$710,426,726 to the Superintendent of Public Instruction to defray the expenses of the Department of Public Instruction, \$3,979,712 to defray the expenses of the State Library, \$5,388,502 to defray the expenses of the School for the Deaf, and \$2,916,200 to defray the expenses of the North Dakota Vision Services - School for the Blind. The bill also provides that the 2005-07 contingency payments must be used to fund English language learners, regional education associations, increases in the minimum percentage of state aid payable to a district in the 2007-09 biennium, transportation grants, the enhancement of civic education, the Snow Country Prison Exhibit, consultants for the Commission on Education Improvement, national board certification scholarships, adult education, automated external defibrillators, educational television program licensing, the state school aid computer system, the teacher licensure application system, reimbursement of school districts for accounting errors, educational leadership grants, and the Atlantik-Brucke teacher exchange program. Any remaining amounts are to be distributed as per student payments.

Senate Bill No. 2200 establishes a new manner of funding elementary and secondary education and sets the per student payment rate at \$3,250 during the first year of the biennium and at \$3,325 during the second year of the biennium. The bill also provides for the continuation of the North Dakota Commission on Education Improvement and directs that the commission pursue issues of educational adequacy as well as other matters that could result in the improvement of education in this state.

Senate Bill No. 2388 appropriates \$25,748 for reimbursement of the Glenburn School District due to an accounting error.

House Bill No. 1178 provides that money which was set aside to pay bonuses for reorganizations effective on July 1, 2005, could also be spent to pay bonuses for reorganizations that failed to meet the previous size or student number criteria.

Senate Bill No. 2028 removes the requirement that the Superintendent of Public Instruction annually report the transfer of duplicative money to the state tuition fund.

SCHOOL DISTRICTS AND SCHOOL BOARDS

House Bill No. 1033 extends the provisions governing public improvement contracts to school district construction projects.

House Bill No. 1248 establishes criteria for the State Board of Public School Education to use in reviewing school construction projects that were appealed to the board following denial by the Superintendent of Public Instruction.

House Bill No. 1261 provides that school district name changes must include the phrase "school district" or "public school district" and may include no more than two additional words.

House Bill No. 1383 requires that all school board candidate filings be in the possession of the school district business manager by the 60th day before the election regardless of whether the school board election is held in conjunction with a statewide election.

House Bill No. 1305 provides that a school district reorganization plan may provide for school board membership that differs from the current statutory requirements pertaining to rural representation on the board.

House Bill No. 1281 provides that tuition payments may not exceed 150 percent of the state average cost of education per student.

House Bill No. 1046 requires that a school district notify the Superintendent of Public Instruction if a tuition bill is not paid within 60 days of its due date.

House Bill No. 1199 removes the requirement that a student's school district of residence approve an application for open enrollment.

Senate Bill No. 2344 authorizes a school district to prepare and provide meals, snacks, or other food services for events that are hosted by or under the auspices of the school district or which involve child care centers participating in the federal child and adult care food program.

Senate Bill No. 2313 directs the Superintendent of Public Instruction to purchase automated external defibrillators and distribute them to school districts for placement in schools or at the site of school-related activities.

Senate Bill No. 2314 provides that eminent domain proceedings undertaken by the board of a school district must be conducted in accordance with NDCC Chapter 32-15.

REGIONAL EDUCATION ASSOCIATIONS

Senate Bill No. 2030 creates a separate chapter for regional education associations, formerly known as educational associations governed by joint powers agreements. The bill allows state aid payable as a result of a district's participation in a regional education association to be forwarded directly to the association and the bill allows the association to receive and expend money for administrative functions, student services, and other lawful purposes. The bill also authorizes regional education associations to provide special education and related services.

COURSES

Senate Bill No. 2309 provides that beginning with the 2008-09 school year, no student may graduate from high school unless the student demonstrates successful completion of four units of English language arts, two units of mathematics, two units of science, three units of social studies, one unit of physical education, and one unit of a foreign or native language, fine arts, or career and technical education.

Senate Bill No. 2354 provides that one-half unit of physical education must be offered during each school year and that once every four years, the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness.

House Bill No. 1172 requires elementary and middle schools to provide instruction in North Dakota studies and requires high schools to provide one-half unit of North Dakota studies at least once every two years.

House Bill No. 1076 removes the requirement that the Youth Correctional Center provide two units of the same foreign language and two units of fine arts.

House Bill No. 1491 provides that beginning July 1, 2009, the Superintendent of Public Instruction annually must approve any person that provides elementary or high school courses electronically to a student, school, or school district in this state.

Senate Bill No. 2127 changes statutory references from the Division of Independent Study to the Center for Distance Education.

TEACHERS

House Bill No. 1177 authorizes the board of a school district to increase the salary for certain teaching positions beyond the terms of any negotiated agreement in order to attract a suitable and highly qualified individual.

Senate Bill No. 2287 authorizes the Education Standards and Practices Board to take action against an individual who teaches in violation of NDCC Chapter 15.1-18 and against an administrator who allows an individual to teach in violation of Chapter 15.1-18.

House Bill No. 1270 defines a day for professional development activities as being six hours in length if conducted within a single day and as being two 4-hour periods if conducted over two days.

Senate Bill No. 2057 directs the Education Standards and Practices Board to pay to each individual who received national board certification before July 1, 2007, \$1,000 for each year the individual has maintained and continues to maintain the certification, provided the individual continues to be employed by a school district in this state. The payment is limited to \$4,000.

TRANSPORTATION

House Bill No. 1081 clarifies that in order to transport students or other passengers in a schoolbus or other school vehicle, the individual must hold the appropriate class of North Dakota driver's license, together with any special endorsement otherwise required by law.

House Bill No. 1334 provides that if an individual transports students or other passengers in a school vehicle that seats 10 to 15 passengers, but for which a commercial driver's license is not required, the individual must hold a North Dakota driver's license, meet the physical and medical requirements established for commercial vehicle drivers, complete annual training required by the Superintendent of Public Instruction, and meet the age requirements established by the board of the employing school district.

MISCELLANEOUS

House Bill No. 1169 removes the statutory requirement that the Superintendent of Public Instruction hold a North Dakota teaching license.

Senate Bill No. 2108 clarifies the definition of a student with a disability and defines a child with a noncategorical delay as a child between the ages of 3 and 10 who exhibits a developmental profile in which cognitive, fine motor, vision, hearing, communication, preacademic, socialization, or adaptive skill acquisitions are significantly below that of same-age peers. The bill also provides that a school district may determine that a child with a noncategorical delay is a student with a disability and provide appropriate services to the child.

House Bill No. 1021 provides for the appointment of a Statewide Longitudinal Data System Committee and directs that the committee provide a report to the interim Education Committee, among others, on the statewide longitudinal data system.

House Bill No. 1092 changes a statutory reference from the juvenile supervisor to the director of juvenile court.

Senate Bill No. 2260 authorizes the governing board of a school or the Superintendent of Public Instruction for a nonpublic school to request and receive criminal history record checks for designated employees.

Senate Bill No. 2130 provides that a child placed in a psychiatric residential treatment facility, for purposes other than education, is not eligible for open enrollment.