

June 2009

TITLE 15.1

Education

Summary of Bills Enacted by 2009 Legislative Assembly

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 15.1. Bills primarily affecting other titles also affect this title and relevant provisions of those bills are summarized in this memorandum.

EDUCATION FINANCE

House Bill No. 1400 increases the length of the school calendar; requires career advisors, counselors, and student performance strategists; requires professional development plans; creates a national board certification fund; establishes high school graduation requirements; provides scholarships; requires various assessments; repeals the North Dakota Commission on Education Improvement as of December 31, 2010; creates the North Dakota Early Childhood Education Council; provides for the distribution of grants from federal and state sources; and provides approximately \$110 million in new state funding for kindergarten through grade 12 education.

House Bill No. 1013 provides a state general fund appropriation of \$811,480,590 for the Department of Public Instruction and a contingent appropriation of \$5,000,000 for supplemental transportation payments. The bill also raises the salary of the Superintendent of Public Instruction from \$90,587 to \$95,116 during the first year of the biennium and \$99,872 thereafter.

Senate Bill No. 2199 appropriates \$295 million for mill levy reduction grants to school districts and repeals a section calling for a reduction in a school district's state aid if its general fund levy is less than 155 mills.

Senate Bill No. 2212 appropriates \$40,000 from available federal stimulus funds to the Superintendent of Public Instruction for the purpose of providing an English language learner grant to a regional education association. The bill also requires the Superintendent to establish caseload criteria for English language learner teachers, but provides that deviation from the criteria may not affect accreditation or funding.

SCHOOL DISTRICT ELECTIONS

Senate Bill No. 2324 requires that ballots for school district elections be printed at least 40 days before the election. Current law requires only 20 days.

CORPORAL PUNISHMENT

Senate Bill No. 2289 prohibits a school from defining what constitutes corporal punishment in a broader fashion than that set forth in the North Dakota Century Code and it requires each school board to ensure that its policies, procedures, and guidelines are identical for all similarly graded schools in the district.

DISCHARGE OF CERTAIN EMPLOYEES

Senate Bill No. 2357 provides that if a teacher, a principal, or an assistant or associate superintendent is to be discharged, an administrative law judge must preside over the discharge hearing. At the conclusion of the hearing, the school board is to make a determination regarding the discharge. A determination by the board is appealable to the district court.

SCHOOL ATTENDANCE AND PARTICIPATION

House Bill No. 1378 requires that, beginning with the 2010-11 school year, children must have reached the age of five for admission to kindergarten and the age of six for admission to the first grade by August 1, rather than September 1, of the year of enrollment.

Senate Bill No. 2217 provides that if a person fails to ensure that a child is in attendance at school, as required by the compulsory attendance laws, that person is guilty of an infraction for a first offense and a class B misdemeanor for a subsequent offense. The bill also requires that the Superintendent of Public Instruction appoint an Advisory Committee on Truancy to review existing school district policies and responses to truancy and to explore counseling and intervention options and alternative learning environments, the effectiveness of imposing punitive measures on truant students and their parents, and any other solutions designed to decrease incidences of truancy.

House Bill No. 1273 allows students in grade 10 as well as students in grades 11 and 12 to participate in the postsecondary enrollment options program.

HOME EDUCATION

House Bill No. 1171 allows a parent who has only a high school diploma or a general educational development diploma to supervise home education.

MISCELLANEOUS

House Bill No. 1360 provides that individuals employed by regional education associations have the same statutory rights as those accorded to individuals employed by school districts.

House Bill No. 1309 calls for a study of the Interstate Compact on Educational Opportunity for Military Children, with a view to determining whether North Dakota should become a participating member of the compact.

House Bill No. 1042 repeals obsolete provisions, including one directing the Education Standards and Practices Board to enter discussions with officials from bordering states regarding licensure and credentialing reciprocity.

Senate Bill No. 2003 is the appropriation for the North Dakota University System. The bill also requires that when the State Board of Public School Education, the State Board of Higher Education, and the Education Standards and Practices Board hold their statutorily required joint meetings, they address the establishment of high standards and expectations of students at all levels of the education continuum, ensure that all students have access to challenging curricula, ensure that the individuals instructing students at all levels of the education continuum are highly qualified and capable, and cooperate in the provision of professional growth and development opportunities for individuals instructing students at all levels of the education continuum.

Senate Bill No. 2021 is the appropriation bill for the Information Technology Department. The bill directs the Information Technology Department to maintain a statewide longitudinal data system and it adds to the Statewide Longitudinal Data System Committee the director of the North Dakota Educational Technology Council, the director of the North Dakota Council of Educational Leaders, the director of the North Dakota Workforce Development Council, and two members of the Legislative Assembly.

House Bill No. 1436 changes statutory references from the Legislative Council to Legislative Management.