

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1162

Introduced by

Representatives Nathe, Dosch

Senator Poolman

1 A BILL for an Act to amend and reenact sections 15.1-02-13, 15.1-08-06, 15.1-14-04,
2 15.1-21-12, 15.1-21-19, and 15.1-27-02 of the North Dakota Century Code, relating to the
3 provision of statutorily required school district data; and to repeal sections 15.1-06-18 and
4 15.1-09-35 of the North Dakota Century Code, relating to school data reports.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-02-13 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-02-13. School district employee compensation report.**

- 9 1. ~~Before~~On or before September eleventh~~tenth~~ of each year, each school district shall
10 report the following information to the superintendent of public instruction, with respect
11 to each teacher and class of teachers and with respect to each administrator and class
12 of administrators:
- 13 a. The number of days each was employed during the preceding school year.
 - 14 b. The base salaries.
 - 15 c. The amount of compensation provided for extended contracts.
 - 16 d. The amount of compensation provided for cocurricular activities.
 - 17 e. The amount expended for contract buyouts.
 - 18 f. The amount of compensation provided in lieu of salaries.
 - 19 g. The amount paid for signing bonuses.
 - 20 h. The amount of compensation provided for substitute teaching and workload
21 adjustment.
 - 22 i. The amount of compensation provided for any other purposes.
 - 23 j. The amount expended for health insurance benefits.
 - 24 k. The amount expended for dental, vision, and cancer insurance benefits.

- 1 l. The amount expended for life and long-term disability insurance benefits.
- 2 m. The amount of retirement contributions and assessments, including individual
- 3 shares if paid by the district.
- 4 n. The district's share of Federal Insurance Contributions Act taxes.
- 5 o. The amount of dues or membership fees paid by the district.
- 6 p. Any other benefits provided by the district.
- 7 2. In addition to the requirements of subsection 1, each school district shall also indicate:
- 8 a. Whether each teacher and administrator is employed on a full-time or a part-time
- 9 basis.
- 10 b. The number of days used to determine the base salary of each teacher and
- 11 administrator.
- 12 3. The superintendent of public instruction shall:
- 13 a. Compile the information required by this section in a manner that allows for
- 14 accurate comparisons; and
- 15 b. Forward a copy of the compiled information to the governor and the legislative
- 16 council.
- 17 4. The superintendent of public instruction may not expand the reporting requirements of
- 18 this section.
- 19 5. ~~If any school district fails without good cause to provide the information required by~~
- 20 ~~this section on or before September tenth and in the manner directed by the~~
- 21 ~~superintendent of public instruction, the superintendent shall withhold all state aid until~~
- 22 ~~the information is received.~~On August twenty-seventh, the superintendent of public
- 23 instruction shall provide to each school district superintendent electronic notification
- 24 regarding the date on which the employee compensation report required by this
- 25 section is due.
- 26 6. If because of unforeseen or other extenuating circumstances a school district is unable
- 27 to file the district's employee compensation report with the superintendent of public
- 28 instruction before five p.m. on September tenth, the school district superintendent may
- 29 request one extension from the superintendent of public instruction. The
- 30 superintendent of public instruction shall grant the extension provided the request was

received before five p.m. on September tenth. An extension under this section terminates at five p.m. on September twenty-fourth.

7. If an extension is not requested as provided for in subsection 6, or if the school district's employee compensation report is not filed within the extended time period, as set forth in subsection 6, the superintendent of public instruction shall subtract from any state aid otherwise payable to the school district the prorated amount for each day beyond September tenth that the report is not on file with the superintendent of public instruction.

~~6-8.~~ For purposes of this section:

a. "Administrator" includes an individual who is employed by a school district in an administrative position and who is classified by the superintendent of public instruction as:

- (1) A class 67 school district superintendent;
- (2) A class 66 assistant or associate superintendent;
- (3) A class 53 principal;
- (4) A class 05 assistant principal;
- (5) A class 29 director, including a special education director and a career and technical education director;
- (6) A class 04 assistant director; and
- (7) Any other individual whose position requires an administrator's credential.

b. "Teacher" means an individual, other than an administrator, who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and who is employed by the board of a school district in a position classified by the superintendent of public instruction as:

- (1) A class 22 coordinator;
- (2) A class 37 guidance counselor or school counselor;
- (3) A class 38 guidance counselor designate;
- (4) A class 40 instructional programmer;
- (5) A class 41 library media specialist;
- (6) A class 56 pupil personnel service provider;

- 1 (7) A class 59 school psychologist;
- 2 (8) A class 62 speech-language pathologist;
- 3 (9) A class 68 supervisor;
- 4 (10) A class 70 teacher or special education teacher; or
- 5 (11) A class 72 tutor in training.

6 **SECTION 2. AMENDMENT.** Section 15.1-08-06 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-08-06. Military installation - School districts - Application of other laws.**

- 9 1. The duties set forth in section 15.1-09-28 are applicable to the president of a school
10 board governing a military installation school district established under this chapter.
- 11 2. The duties set forth in ~~sections~~section 15.1-09-33 and ~~15.1-09-35~~ are applicable to a
12 school board governing a military installation school district established under this
13 chapter unless other agreements have been reached.
- 14 3. The duties set forth in sections 15.1-07-21, 15.1-07-23, and 15.1-07-24 are applicable
15 to the business manager of a military installation school district established under this
16 chapter.
- 17 4. The compensation and expense reimbursement levels set forth in section 15.1-09-06
18 are applicable to members of a school board governing a military installation school
19 district established under this chapter.
- 20 5. Sections 15.1-07-10 through 15.1-07-13 and section 15.1-07-25 are applicable to
21 military installation school districts established under this chapter.

22 **SECTION 3. AMENDMENT.** Section 15.1-14-04 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **15.1-14-04. School district superintendent - Grounds for dismissal.**

25 The board of a school district may dismiss a school district superintendent prior to the
26 expiration of the individual's contract for any of the following causes:

- 27 1. Immoral conduct-;_
- 28 2. Insubordination-;_
- 29 3. Conviction of a felony-;_
- 30 4. Conduct unbecoming the position of superintendent-;_
- 31 5. Failure to perform contracted duties without justification-;_

- 1 6. Failure to file a statutorily mandated report or statutorily mandated information, at the
2 required time and in the required manner;
- 3 7. Gross inefficiency that the superintendent has failed to correct after written notice;
- 4 7.8. Continuing physical or mental disability that renders the superintendent unfit or unable
5 to perform the superintendent's duties; or
- 6 9. Any act or omission that results in a loss of state aid payments to which the district is
7 otherwise entitled.

8 **SECTION 4. AMENDMENT.** Section 15.1-21-12 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15.1-21-12. Professional development - Use of available funds.**

- 11 1. On or before October first of each year, each school district shall file a report with the
12 superintendent of public instruction ~~indicating~~which:
 - 13 a. ~~The~~Indicates the amount and source of funds that were made available to the
14 district for professional development during the preceding school year;
 - 15 b. ~~The~~Indicates the amount and source of funds that were expended by the district
16 for professional development during the preceding school year; and
 - 17 c. ~~A separate~~Includes a list of the professional development activities in which the
18 district participated during the preceding school year and the amount of time
19 committed to the activities.
- 20 2. The superintendent of public instruction shall compile the information submitted under
21 this section to determine how much of the available funding for professional
22 development was used by school districts in this state and, ~~beginning with the reports~~
23 ~~due on or before October 1, 2002,~~ whether the expenditure correlated with increased
24 student achievement on the reading and mathematics tests required by section
25 15.1-21-08.
- 26 3. On September seventeenth, the superintendent of public instruction shall provide to
27 each school district superintendent electronic notification regarding the date on which
28 the professional development report required by this section is due.
- 29 4. If because of unforeseen or other extenuating circumstances a school district is unable
30 to file the district's professional development report with the superintendent of public
31 instruction before five p.m. on October first, the school district superintendent may

1 request one extension from the superintendent of public instruction. The
2 superintendent of public instruction shall grant the extension provided the request was
3 received before five p.m. on October first. An extension under this section terminates
4 at five p.m. on October fifteenth.

5 5. If an extension is not requested as provided for in subsection 4, or if the district's
6 professional development report is not filed within the extended time period, as set
7 forth in subsection 4, the superintendent of public instruction shall subtract from any
8 state aid otherwise payable to the school district the prorated amount for each day
9 beyond October first that the report is not on file with the superintendent of public
10 instruction.

11 **SECTION 5. AMENDMENT.** Section 15.1-21-19 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15.1-21-19. Summative assessment - Selection - Cost - Exemptions.**

- 14 1. Except as otherwise provided, each public and nonpublic school student in grade
15 eleven shall take the ACT, including the writing test, or three WorkKeys assessments
16 recommended by the department of career and technical education and approved by
17 the superintendent of public instruction. The student shall determine which summative
18 assessment to take. The superintendent of public instruction is responsible for the cost
19 of procuring and administering one summative assessment per student.
- 20 2. The student's career advisor or guidance counselor shall meet with the student to
21 review the student's assessment results.
- 22 3. A school district superintendent or a school administrator in the case of a nonpublic
23 school student may exempt a student from the requirements of this section if taking
24 the test is not required by the student's individualized education program plan or if
25 other special circumstances exist.
- 26 4. At the time and in the manner determined by the superintendent of public instruction,
27 each school district superintendent and each school administrator in the case of a
28 nonpublic school shall report the number of eleventh grade students who:
- 29 a. Took the ACT, including the writing test;
- 30 b. Took the three WorkKeys assessments; and

c. Were exempted from the requirements of this section, together with the reason for each exemption.

5. Fourteen days before the date on which the information required by this section is to be reported, the superintendent of public instruction shall provide to each school district superintendent and to the administrator of each nonpublic school electronic notification regarding the date by which the information is due.

6. a. If because of unforeseen or other extenuating circumstances a school district is unable to report the required information to the superintendent of public instruction before five p.m. on the date by which the information is due, the school district superintendent may request one extension from the superintendent of public instruction. The superintendent of public instruction shall grant the extension provided the request was received before five p.m. on the due date. An extension under this section terminates at five p.m. on the fourteenth day after the due date.

b. If because of unforeseen or other extenuating circumstances a nonpublic school is unable to report the required information to the superintendent of public instruction before five p.m. on the date by which the information is due, the administrator of the nonpublic school may request one extension from the superintendent of public instruction. The superintendent of public instruction shall grant the extension provided the request was received before five p.m. on the due date. An extension under this section terminates at five p.m. on the fourteenth day after the due date.

7. a. If an extension is not requested by a school district superintendent as provided for in subdivision a of subsection 6, or if the report is not filed within the extended time period, as set forth in subdivision a of subsection 6, the superintendent of public instruction shall subtract from any state aid otherwise payable to the school district the prorated amount for each day beyond the due date that the report is not on file with the superintendent of public instruction.

b. If an extension is not requested by the administrator of a nonpublic school as provided for in subdivision b of subsection 6, or if the report is not filed within the extended time period, as set forth in subdivision b of subsection 6, the

1 superintendent shall cause an audit to be conducted in order to obtain the
2 information. All costs of the audit are the responsibility of the nonpublic school.

3 **SECTION 6. AMENDMENT.** Section 15.1-27-02 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **15.1-27-02. Per student payments - Required reports.**

6 1. a. ~~The~~On or before October first of each year, the superintendent of a school district
7 shall file with the superintendent of public instruction ~~may not forward state aid~~
8 ~~payments to a school district beyond the October payment unless the district has~~
9 ~~filed the following with the superintendent:~~

10 a. (1) ~~The June thirtieth~~A student membership and attendance report, for the
11 school year ending on the preceding June thirtieth;

12 b. (2) An annual school district financial report, for the school year ending on the
13 preceding June thirtieth;

14 e. (3) ~~The September tenth fall~~A student enrollment report, as of September tenth
15 in the current school year; and

16 d. (4) ~~The personnel~~Personnel report forms for licensed and nonlicensed
17 employeesindividuals, employed by the district for the current school year.

18 b. Fourteen days before the date on which a report required by this section is due,
19 the superintendent of public instruction shall provide to each school district
20 superintendent electronic notification regarding the date by which the report is
21 due.

22 c. If because of unforeseen or other extenuating circumstances a school district is
23 unable to provide the report to the superintendent of public instruction before
24 five p.m. on the date by which the report is due, the school district superintendent
25 may request one extension from the superintendent of public instruction. The
26 superintendent of public instruction shall grant the extension provided the request
27 was received before five p.m. on the due date. An extension under this section
28 terminates at five p.m. on the fourteenth day after the due date.

29 d. If an extension is not requested as provided for in subdivision c, or if the report is
30 not filed within the extended time period, as set forth in subdivision c, the
31 superintendent of public instruction shall subtract from any state aid otherwise

1 payable to the school district the prorated amount for each day beyond the initial
2 due date that the report is not on file with the superintendent of public instruction.

- 3 2. a. On or before December fifteenth, each school district shall file with the
4 superintendent of public instruction the taxable valuation and mill levy
5 certifications. If a district fails to file the taxable valuation and mill levy
6 certifications by the required date, the superintendent of public instruction may
7 not forward to the district any state aid payments to which the district is entitled,
8 until the taxable valuation and mill levy certifications are filed.
- 9 b. On December first, the superintendent of public instruction shall provide to each
10 school district superintendent electronic notification regarding the date on which
11 the taxable valuation and mill levy certifications required by this section are due.
- 12 c. If because of unforeseen or other extenuating circumstances a school district is
13 unable to file the taxable valuation and mill levy certifications with the
14 superintendent of public instruction before five p.m. on December fifteenth, the
15 school district superintendent may request one extension from the
16 superintendent of public instruction. The superintendent of public instruction shall
17 grant the extension provided the request was received before five p.m. on
18 December fifteenth. An extension under this section terminates at five p.m. on
19 December twenty-ninth.
- 20 d. If an extension is not requested by the school district superintendent as provided
21 for in subdivision c or if the district's taxable valuation and mill levy certifications
22 are not filed within the extended time period, as set forth in subdivision c, the
23 superintendent of public instruction shall subtract from any state aid otherwise
24 payable to the school district the prorated amount for each day beyond
25 December fifteenth that the certifications are not on file with the superintendent of
26 public instruction.

27 **SECTION 7. REPEAL.** Sections 15.1-06-18 and 15.1-09-35 of the North Dakota Century
28 are repealed.