

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1461

Introduced by

Representatives Kasper, Rick C. Becker, Belter, Dosch, Kempenich, Ruby, Streyle,
Thoreson, Vigesaa

Senators Bowman, Dever, Larsen

1 A BILL ~~for an Act to create and enact a new section to chapter 15.1-02, two new sections to~~
2 ~~chapter 15.1-21, and a new section to chapter 54-06 of the North Dakota Century Code, relating~~
3 ~~to the authority of the superintendent of public instruction and other state officials and agencies,~~
4 ~~and to standards and assessments; to amend and reenact sections 15.1-02-04 and 15.1-21-12~~
5 ~~of the North Dakota Century Code, relating to the duties of the superintendent of public~~
6 ~~instruction and professional development; to repeal sections 15.1-21-08, 15.1-21-09,~~
7 ~~15.1-21-10, and 15.1-21-11 of the North Dakota Century Code, relating to state assessments; to~~
8 ~~provide an appropriation; to provide for a legislative management study; to provide an effective~~
9 ~~date; and to declare an emergency.~~ for an Act to create and enact two new sections to chapter
10 15.1-02 and a new section to chapter 15.1-21 of the North Dakota Century Code, relating to
11 contractual obligations and the suspension of state assessments; to provide for the creation of a
12 North Dakota standards development committee; and to declare an emergency.

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

14 ~~— **SECTION 1. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is~~
15 ~~amended and reenacted as follows:~~

16 ~~— **15.1-02-04. Superintendent of public instruction -- Duties.**~~

17 ~~— The superintendent of public instruction:~~

18 ~~— 1. Shall supervise the provision of elementary and secondary education to the students~~
19 ~~of this state.;~~

20 ~~— 2. Shall supervise the establishment and maintenance of schools and provide advice and~~
21 ~~counsel regarding the welfare of the schools.;~~

22 ~~— 3. Shall supervise participate in the development of course content standards.;~~

23 ~~— 4. Shall supervise the assessment of students.;~~

~~5. Shall serve as an ex officio member of the board of university and school lands.;~~

~~6. Shall keep a complete record of all official acts and appeals.;~~

~~7. As appropriate, shall determine the outcome of appeals regarding education matters.;~~
~~and~~

~~8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.~~

~~**SECTION 2.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:~~

~~**Superintendent of public instruction – Authority – Limitation.**~~

~~1. Without statutory authorization by the legislative assembly, the superintendent of public instruction may not commit this state or any political subdivision of this state to participate, at any level, in any organization, consortium, association, or like entity, if the participation requires, will require, or potentially could require either an expenditure of public funds or changes in the laws of this state.~~

~~2. Without statutory authorization by the legislative assembly, the superintendent of public instruction may not be a signatory to any document that commits this state or any political subdivision of this state to participate, at any level, in any organization, consortium, association, or like entity, if the participation requires, will require, or potentially could require either an expenditure of public funds or changes in the laws of this state.~~

~~**SECTION 3. AMENDMENT.** Section 15.1-21-12 of the North Dakota Century Code is amended and reenacted as follows:~~

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

~~1. On or before October first of each year, each school district shall file a report with the superintendent of public instruction indicating:~~

~~a. The amount and source of funds that were made available to the district for professional development during the preceding school year;~~

~~b. The amount and source of funds that were expended by the district for professional development during the preceding school year; and~~

1 ~~———— c. — A separate list of the professional development activities in which the district~~
2 ~~participated during the preceding school year and the amount of time committed~~
3 ~~to the activities.~~

4 ~~———— 2. — The superintendent of public instruction shall compile the information submitted under~~
5 ~~this section to determine how much of the available funding for professional~~
6 ~~development was used by school districts in this state and, beginning with the reports~~
7 ~~due on or before October 1, 2002, whether the expenditure correlated with increased~~
8 ~~student achievement on the reading and mathematics tests required by section~~
9 ~~15.1-21-08.~~

10 ~~———— **SECTION 4.** A new section to chapter 15.1-21 of the North Dakota Century Code is created~~
11 ~~and enacted as follows:~~

12 ~~———— **Withdrawal from smarter balanced consortium.**~~

13 ~~———— On the effective date of this Act, the governor and the superintendent of public instruction~~
14 ~~shall provide written notification to the smarter balanced consortium indicating that this state is~~
15 ~~no longer a participant in the smarter balanced consortium.~~

16 ~~———— **SECTION 5.** A new section to chapter 15.1-21 of the North Dakota Century Code is created~~
17 ~~and enacted as follows:~~

18 ~~———— **Interim standards and assessments.**~~

19 ~~———— 1. — Beginning with the 2015-16 school year and extending until such time as North Dakota~~
20 ~~content standards for the areas of English language arts and mathematics have been~~
21 ~~developed, approved by the legislative assembly, and fully implemented, the board of~~
22 ~~each school district shall determine the English language arts and mathematics~~
23 ~~content standards that will be used in the schools of the district and shall determine~~
24 ~~the manner in which students will be assessed.~~

25 ~~———— 2. — A school district may act independently, jointly with one or more school districts, or as~~
26 ~~a member of a regional education association, to meet the requirements of this~~
27 ~~section.~~

28 ~~———— **SECTION 6.** A new section to chapter 54-06 of the North Dakota Century Code is created~~
29 ~~and enacted as follows:~~

~~— **Use of state resources – Prohibition.**~~

~~— Beginning on the effective date of this Act, no state official or agency may directly or indirectly utilize state resources in support of or in advancement of:~~

~~— 1. The common core standards;~~

~~— 2. State standards that are aligned to the common core standards;~~

~~— 3. Assessments that are aligned to the common core standards; or~~

~~— 4. Assessments that are aligned to the state standards referenced in subsection 2.~~

~~— **SECTION 7. LEGISLATIVE MANAGEMENT STUDY – NORTH DAKOTA CONTENT**~~

~~**STANDARDS.** The legislative management shall appoint an interim committee to study the development and implementation of North Dakota content standards in the areas of English language arts and mathematics.~~

~~— 1. a. The interim committee shall appoint a working group that includes legislators, school district administrators, higher education faculty members who are content experts in the areas of English language arts or mathematics, teachers, parents, representatives of business, state officials, and governmental staff, to review existing English language arts and mathematics content standards from a variety of states and sources, including the standards used in California and Massachusetts prior to the adoption of common core standards, and based on its findings, provide for the development of North Dakota content standards for each grade from kindergarten through twelve, in the referenced areas. The North Dakota content standards must be internationally benchmarked to ensure that North Dakota students are prepared to achieve and succeed in a knowledge-based globally competitive society and economy.~~

~~— b. For purposes of this subsection, "internationally benchmarked" means highly correlated to standards used in high-performing countries, as defined in accordance with scholastic performance rankings published by the program for international student assessment and the trends in international mathematics and science study.~~

~~— 2. a. The interim committee may contract with individuals or organizations, in this state or outside of this state, to accomplish the study directives.~~

1 ~~b. The interim committee shall contract with an individual to serve as an executive-~~
2 ~~director for purposes of overseeing the managerial aspects of the standards-~~
3 ~~development process.~~
4 ~~c. The interim committee shall contract with necessary staff for purposes of~~
5 ~~addressing the clerical aspects of the standards development process.~~
6 ~~d. The interim committee may provide for the creation of any necessary~~
7 ~~professional and citizen review panels prior to finalization of the content~~
8 ~~standards.~~
9 ~~3. The interim committee shall receive regular progress reports from the working group~~
10 ~~referenced in subsection 1 and shall provide frequent opportunities for members of the~~
11 ~~public to provide input during the content standards development process.~~
12 ~~4. a. Once the working group has completed its charge in accordance with this~~
13 ~~section, the interim committee shall formally review the content standards~~
14 ~~proposed by the group and modify the standards as it deems necessary.~~
15 ~~b. The interim committee shall present the proposed North Dakota content~~
16 ~~standards to the legislative management at the biennial meeting of the legislative~~
17 ~~management in November 2016.~~
18 ~~5. The legislative management shall report its findings and recommendations, together~~
19 ~~with the completed content standards, and any legislation required to implement the~~
20 ~~recommendations and the content standards to the sixty-fifth legislative assembly.~~
21 ~~**SECTION 8. APPROPRIATION.** There is appropriated out of any moneys in the general~~
22 ~~fund in the state treasury, not otherwise appropriated, the sum of \$750,000, or so much of the~~
23 ~~sum as may be necessary, to the legislative council for the purpose of contracting with~~
24 ~~individuals and organizations necessary to complete the study directives set forth in section 7 of~~
25 ~~this Act, for the biennium beginning July 1, 2015, and ending June 30, 2017.~~
26 ~~**SECTION 9. REPEAL.** Sections 15.1-21-08, 15.1-21-09, 15.1-21-10, and 15.1-21-11 of the~~
27 ~~North Dakota Century Code are repealed.~~
28 ~~**SECTION 10. EFFECTIVE DATE.** This Act is effective on July 1, 2015.~~
29 ~~**SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure.~~
30 **SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created
31 and enacted as follows:

Withdrawal from contractual obligations.

1. On the effective date of this Act, the superintendent of public instruction shall provide written notification to any and all parties with whom the superintendent has contracted and indicate that the state of North Dakota, whether as a state or acting by and through the superintendent of public instruction, in the superintendent's capacity as the chief administrative officer of the North Dakota department of public instruction, is required by this section to withdraw immediately from all participation in or obligations otherwise incurred as a result of the contract, if the contract was signed before the effective date of this Act and if the contract in any way, directly or indirectly, pertains to content standards or the assessment of North Dakota students.

2. On the effective date of this Act, the superintendent of public instruction shall provide to the legislative management a certified copy of all notifications of immediate withdrawal required under subsection 1, together with a sworn or affirmed statement that the superintendent of public instruction has no knowledge of any other documents or commitments that fall within the expressed requirements or the expressed intent of this section.

SECTION 2. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Superintendent of public instruction - Authority - Limitation.

1. Without statutory authorization by the legislative assembly, the superintendent of public instruction may not commit this state or any political subdivision of this state to participate, at any level, in any organization, consortium, association, or like entity, if the participation requires, will require, or potentially could require either an expenditure of public funds or changes in the laws of this state.

2. Without statutory authorization by the legislative assembly, the superintendent of public instruction may not be a signatory to any document that commits this state or any political subdivision of this state to participate, at any level, in any organization, consortium, association, or like entity, if the participation requires, will require, or potentially could require either an expenditure of public funds or changes in the laws of this state.

SECTION 3. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

State assessments - Administration - Suspension.

Notwithstanding any other law, the administration of state assessments is suspended for the period beginning with the effective date of this Act and ending on June 30, 2017.

**SECTION 4. NORTH DAKOTA CONTENT STANDARDS DEVELOPMENT
COMMITTEE - DUTIES.**

1. The North Dakota content standards development committee consists of:
 - a. One individual who is a content expert in the area of English language arts and currently employed at an institution of higher education in this state;
 - b. One individual who is a content expert in the area of mathematics and currently employed at an institution of higher education in this state;
 - c. One school district superintendent employed by a district that is not similar in size to that which employs the individual referenced in subdivision d;
 - d. One school or school district administrator other than a superintendent;
 - e. One individual with a master's degree currently employed by the board of a school district in this state to teach English language arts at the high school level;
 - f. One individual with a master's degree currently employed by the board of a school district in this state to teach mathematics at the high school level;
 - g. One individual with a master's degree currently employed by the board of a school district in this state to teach English language arts at the elementary level;
 - h. One individual with a master's degree currently employed by the board of a school district in this state to teach mathematics at the elementary level;
 - i. One individual who by education and experience is familiar with educational technology; and
 - k. Four members of the legislative assembly.
2. a. Each individual referenced in subsection 1 must be selected by a panel consisting of the speaker of the house of representatives, the president pro tempore of the senate, the majority and the minority leader of the house of representatives, and the majority and the minority leader of the senate.

b. Each individual referenced in subsection 1 must be selected with due regard to the creation of a committee that has balanced perspectives and the capability of fairly and objectively assessing all information to come before it.

3. The committee shall meet at the call of the superintendent of public instruction, who shall serve as the chairman. The superintendent of public instruction may cast a vote only if needed to break a tie.

4. a. The committee shall develop North Dakota content standards for each grade from kindergarten through twelve, in the areas of English language arts and mathematics.

b. The standards must be internationally benchmarked to ensure that North Dakota students are prepared to achieve and succeed in a knowledge-based globally competitive society and economy. For purposes of this subdivision, "internationally benchmarked" means highly correlated to standards used in high-performing countries, as defined in accordance with scholastic performance rankings published by the program for international student assessment and the trends in international mathematics and science study.

5. Before August 1, 2016, the committee shall present the completed content standards to the legislative management, together with any recommendations regarding the adoption of the standards.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure.