

**HOUSE BILL NO. 1172**

Introduced by

Education Committee

(At the request of the Superintendent of Public Instruction)

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota  
2 Century Code, relating to authorizing the superintendent of public instruction to waive any  
3 statutes or rules relating to education to encourage innovative schools.

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

5 **SECTION 1.** A new section to chapter 15.1-06 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Comprehensive waiver for innovative schools.**

- 8 1. The superintendent of public instruction may waive any statutes or administrative  
9 rules, except those relating to health, safety, civil rights, and teacher licensure, for  
10 the purpose of creating an innovative school. An innovative school is any public  
11 school district, school within a public school district, identified student group within  
12 a public school, or any state institution operating an educational program approved  
13 by the superintendent of public instruction, open and free to all students, which  
14 seeks a waiver from statutes and administrative rules in return for establishing an  
15 alternate model for accountability based on a clearly evidenced high level of  
16 student performance. A designated innovative school in good standing is eligible  
17 to apply for any dedicated allocation appropriated by the legislative assembly in  
18 addition to the usual state funding for schools.
- 19 2. The superintendent of public instruction shall develop and implement  
20 administrative rules that outline the process school districts or state institutions will  
21 follow to prepare an application proposal that details the purpose, administrative  
22 organization, instructional program, and matters associated with the development  
23 of an innovative school. To be considered for an innovative school status, a local

1 school district or state institution shall prepare an application proposal that  
2 develops all of the following components:

3 a. A description of the educational program to be implemented by the proposed  
4 innovative school, including:

5 (1) How the program will enable all students to meet challenging state  
6 student performance standards;

7 (2) The grade levels or ages of children to be served; and

8 (3) The curriculum and instructional practices to be used;

9 b. A description of how the innovative school will be managed;

10 c. A description of the goals of the innovative school, including:

11 (1) The objectives of the innovative school; and

12 (2) The methods by which the innovative school will determine its progress  
13 toward achieving those objectives;

14 d. A description of the administrative relationship between the innovative school  
15 and the public school district or state institution;

16 e. A description of how parents and other members of the community will be  
17 involved in the design and implementation of the innovative school;

18 f. A description of how the authorized public school district or state institution  
19 will provide for the continued operation of the innovative school following the  
20 completion of its approved waiver period;

21 g. A request and justification for waivers of any allowable federal or state  
22 statutory or regulatory provisions that the applicant believes are necessary for  
23 the successful operation of the innovative school, and a description of any  
24 other state or local rules, generally applicable to public schools or a state  
25 institution operating an educational program approved by the superintendent  
26 of public instruction, which will be waived for, or otherwise not apply to, the  
27 innovative school;

28 h. A description of how many federal, state, local, or other funds, as appropriate,  
29 will be used, including a description of how such funds will be used in  
30 conjunction with other federal or state programs;

- i. A description of how students in the community will be allowed access, including:
      - (1) Information about the innovative school; and
      - (2) An equal opportunity to attend the innovative school;
    - j. An assurance that the eligible applicant will annually provide the superintendent of public instruction such information as may be required to determine if the innovative school is making satisfactory progress toward achieving the objectives described in the innovative school's plan;
    - k. An assurance that the applicant will cooperate with the superintendent of public instruction in evaluating the progress of the innovative school; and
    - l. Such other information and assurances as the superintendent of public instruction may require, as prescribed through administrative rules.
  3. The superintendent of public instruction may waive any statutes or administrative rules and issue an award designation of innovative school status to any applicant that meets the application requirements and achieves the concurrence of a majority of a waiver committee. The waiver committee must be composed of one member appointed by the North Dakota education association, one member appointed by the North Dakota council of educational leaders, one member appointed by the North Dakota school boards association, two legislators appointed jointly by the speaker of the house and the senate pro tempore, one member appointed by the superintendent of public instruction, and one member appointed by the governor.
  4. The superintendent of public instruction shall develop administrative rules that outline the selection criteria used by the waiver committee for determining meritorious applications. These selection criteria must include the following:
    - a. The quality of the proposed curriculum and instructional practices;
    - b. The contribution that the innovative school will make in assisting educationally disadvantaged and other students to achieve state content standards and state student performance standards and, in general, continuous educational improvement;

- 1                   c.    The degree of flexibility afforded to the innovative school to assure its
- 2                        success;
- 3                   d.    The extent of community support demonstrated for the application;
- 4                   e.    The degree of innovation of the objectives for the innovative school;
- 5                   f.    The quality of the strategy for assessing achievement of those objectives; and
- 6                   g.    The likelihood that the innovative school will meet those objectives and
- 7                        improve educational results for students.
- 8           5.    Upon approval, an innovative school award may be granted for a period not to
- 9                   exceed three years. An awardee may resubmit its application for continuation,
- 10                  through the application process, without limitation following each of its three-year
- 11                  approval cycles. The superintendent of public instruction may limit the total
- 12                  number of innovative schools to no more than twenty awards during any given time
- 13                  period.