

SENATE BILL NO. 2040

Introduced by

Legislative Council

(Information Technology Committee)

1 A BILL for an Act to amend and reenact sections 15-19-01, 15-19-02, 15-19-04, and 15-19-06
2 of the North Dakota Century Code, relating to the division of independent study.

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

4 **SECTION 1. AMENDMENT.** Section 15-19-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15-19-01. Correspondence courses - Establishment - Enrollment of students -**
7 **Courses of instruction.** The state shall provide correspondence courses through the division
8 of independent study under the following provisions:

- 9 1. A complete curriculum by correspondence which has been specifically determined
10 by the ~~state board~~ superintendent of public ~~school-education~~ instruction as proper
11 and suitable for instruction under correspondence methods, such determination
12 and approval to be made not less than once in each school year, must be
13 maintained upon the campus of one of the state institutions of higher education ~~by~~
14 ~~the state board of public school education.~~
- 15 2. Unless specifically excused in writing upon the course application forms by the
16 superintendent or an administrator of the school approving the enrollment
17 application, or as provided in subsection ~~6~~ 5, all students under the age of sixteen
18 taking advantage of the provisions of this chapter must be required to attend their
19 local district schools and to study their correspondence lessons under the
20 supervision of a local supervisor. If not required to attend their local schools, their
21 work may be done at a place designated by the state director ~~in accordance with~~
22 ~~the rules of the state board of public school education.~~ If in attendance at a local
23 school, students must be supplied with desk space in their respective school

- 1 without charge and shall attend school regularly and be under the same
2 disciplinary supervision of the teachers as the other school students.
- 3 3. The division of independent study may provide services to persons who are not
4 North Dakota residents.
- 5 4. ~~The correspondence work must be completed in accordance with the rules~~
6 ~~established by the state board of public school education.~~
- 7 5. Correspondence students shall pay for books and materials used by them, postage
8 required to mail reports to the division, and other fees as may be prescribed by the
9 ~~board of public school education~~ state director.
- 10 6- 5. Students exempt from the compulsory school attendance laws pursuant to
11 subdivision e of subsection 1 of section 15.1-20-02 may enroll in correspondence
12 courses offered through the division of independent study. These students may
13 study their correspondence lessons in their learning environment under the
14 supervision of a parent. The tests for the correspondence study must be
15 administered by an individual who is licensed to teach by the education standards
16 and practices board or approved to teach by the education standards and practices
17 board and employed either by the public school district in which the parent resides
18 or a state-approved private or nonpublic school.

19 **SECTION 2. AMENDMENT.** Section 15-19-02 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **15-19-02. Administration - Director of division of independent study -**
22 **Appointment and duties.** The program of and all activities related to the division of
23 independent study are the responsibility of and under the supervision of the educational
24 technology council. The educational technology council shall hire a state director of the division
25 of independent study who must be classified under the state personnel merit system. The
26 director shall carry out the director's responsibilities in the administration of the division of
27 independent study in the manner approved by the ~~state board of public school education~~
28 educational technology council.

29 **SECTION 3. AMENDMENT.** Section 15-19-04 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **15-19-04. Duty of teachers, ~~county and state officers, and institutions~~**
2 **superintendent - Advertising.** ~~The state board of public school education and the~~
3 ~~superintendent or a member an employee~~ of the department of public instruction designated by
4 the superintendent shall ~~approve~~ ensure that the ~~content of~~ courses offered; by the division of
5 independent study meet state content standards and shall monitor compliance with sections
6 15.1-18-02 and 15.1-18-03, ~~approve credits granted for each course, and do all other things~~
7 ~~necessary to integrate the correspondence program into other programs administered or~~
8 ~~supervised by the department of public instruction.~~ The division of independent study may
9 advertise its correspondence program, ~~however, the state board of public school education and~~
10 ~~the superintendent of public instruction shall ensure that the program in no way competes with~~
11 ~~the public schools of this state for the enrollment of students, encourages students to leave the~~
12 ~~public schools, or duplicates the facilities of the public schools through offering correspondence~~
13 ~~courses to students having access to such courses in the public schools.~~

14 **SECTION 4. AMENDMENT.** Section 15-19-06 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **15-19-06. Special funds - Deposit of collections - Transfers from general fund**
17 **appropriations.**

- 18 1. A special operating fund for the division of independent study must be maintained
19 within the state treasury and all income and fees collected by the division of
20 independent study from any source must be remitted monthly by the director to the
21 state treasurer and credited to the special operating fund. All expenditures from
22 the fund must be within the limits of legislative appropriations and must be made
23 upon vouchers, signed and approved by the technology director appointed by the
24 educational technology council. Upon approval of the vouchers by the office of the
25 budget, warrant-checks must be prepared by the office of management and
26 budget. The state treasurer shall make periodic transfers upon order of the
27 director of the office of management and budget from the division of independent
28 study general fund appropriation to the special operating fund whenever its
29 balance falls so low as to require supplementation.
- 30 2. The educational technology council may establish an administrative operational
31 fund, of not to exceed ten thousand dollars, out of the special operating fund for the

1 division of independent study. The administrative operational fund must be
2 deposited in the Bank of North Dakota and may be drawn upon by the state
3 director of the division of independent study for the payment of necessary
4 expenses in the administration and operation of the division of independent study
5 within the limits and rules prescribed by the educational technology council. The
6 director shall submit a full, minute, and itemized statement of every expenditure
7 made during the month to the council in accordance with the rules adopted by the
8 council, and thereafter the council may periodically authorize additional transfers to
9 the administrative operational fund, but the balance in the fund may never exceed
10 ten thousand dollars, and any unencumbered balance at the end of any biennium
11 must revert to the state treasury. The administrative operational fund may not be
12 used to pay salaries or expenses of the director. The council shall determine the
13 amount of the bond to be posted by the director.

14 3. The ~~state board of public school education~~ educational technology council may
15 establish a scholarship fund to provide financial grants to students enrolled in
16 courses offered through the division of independent study. The scholarship fund
17 may consist only of those funds specifically appropriated by the legislative
18 assembly and property received by the ~~board~~ council or the division of independent
19 study as a gift, devise, or bequest. Any gift, devise, or bequest of property
20 received by the ~~board~~ council or division of independent study which is designated
21 by the ~~board~~ council and donor for the scholarship fund must be deposited in the
22 scholarship fund at the Bank of North Dakota. The state director of the division of
23 independent study may draw only on the interest earned by the scholarship fund
24 for the award of scholarships within the limits and rules adopted by the ~~state board~~
25 ~~of public school education~~ educational technology council. The interest earned by
26 the scholarship fund is appropriated to the division of independent study.