

Introduced by

Representatives R. Kelsch, Berg, Wall

Senators Cook, Freborg, Stenehjem

1 A BILL for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota
2 Century Code, relating to amendment of the state accountability plan under the No Child Left
3 Behind Act; and to amend and reenact section 54-35-21 of the North Dakota Century Code,
4 relating to the interim no child left behind committee.

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

6 **SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is
7 created and enacted as follows:

8 **State accountability plan - Legislative review.** Before the superintendent of public
9 instruction may submit to the United States secretary of education any proposed changes in the
10 state accountability plan required under the No Child Left Behind Act of 2001 [Pub. L. 107-110;
11 115 Stat. 1425; 20 U.S.C. 6301, et seq.], the superintendent shall present the proposed
12 changes to the interim no child left behind committee. The committee shall review the
13 proposed changes; accept testimony and documentary evidence regarding the impact of the
14 proposed changes on the students, schools, school districts, and taxpayers of this state; and
15 provide advice and recommendations regarding the proposed changes to the superintendent.

16 **SECTION 2. AMENDMENT.** Section 54-35-21 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **54-35-21. No Child Left Behind Act of 2001 - ~~Select~~ Interim committee -**
19 **Appointment - Duties.**

20 1. The legislative council shall appoint a ~~select~~ an interim committee consisting of
21 ~~five~~ four members of the senate and ~~six~~ five members of the house of
22 representatives ~~for the purpose of investigating the adoption of.~~ The committee
23 shall study the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425;
24 20 U.S.C. 6301 et seq.], ~~its rationale, the promulgation of any~~ including

1 amendments to the Act, changes to federal regulations implementing the ~~No Child~~
2 Left Behind Act of 2001, the direct and indirect impact of the Act and its regulations
3 on the school districts of this state, and the financial impact of the Act and its
4 regulations on the budget of this state and on the taxpayers of this state Act, and
5 any policy changes and letters of guidance issued by the United States secretary
6 of education.

7 2. The legislative council shall designate the chairman and vice chairman of the
8 committee.

9 3. The committee shall operate under the rules applicable to other legislative council
10 committees, except that the committee has the power to may communicate directly
11 with the United States secretary of education, employees of the United States
12 department of education, and any other federal officials, both elected and
13 appointed, regarding implementation of the ~~No Child Left Behind Act of 2001.~~

14 4. ~~When an agency files a notice of proposed rulemaking with the office of the~~
15 ~~legislative council under subsection 1 of section 28-32-10 on any matter governed~~
16 ~~by the No Child Left Behind Act of 2001, the agency shall provide a copy of the~~
17 ~~notice to the chairman of the committee. The chairman shall convene the~~
18 ~~committee within sixty days of receiving the notice, or as soon thereafter as~~
19 ~~practicable, for the purpose of receiving a presentation by the agency regarding~~
20 ~~the nature and scope of the proposed rules and for the purpose of receiving~~
21 ~~presentations by members of the public regarding the nature and scope of the~~
22 ~~proposed rules. The committee shall work with and encourage the testimony of~~
23 public and private officials, including the superintendent of public instruction, the
24 education standards and practices board, the state board of higher education, the
25 North Dakota council of educational leaders, the North Dakota education
26 association, the North Dakota school boards association, and the North Dakota
27 Indian affairs commission. In addition, the committee shall actively seek the
28 participation of students, parents, classroom teachers, school administrators, and
29 other citizens of this state. The committee shall direct its efforts to ensuring that no
30 child in this state is left behind and to further ensuring that no law or rule, be it

- 1 federal or state, hinders or otherwise impedes the ability of this state's teachers,
2 schools, and school districts to achieve this goal.
3 5. The committee shall report ~~to the fifty-ninth~~ its findings and recommendations,
4 together with any legislation required to implement the recommendations, to the
5 legislative assembly if the committee determines the state is not in compliance with
6 any requirement of the No Child Left Behind Act of 2001.