

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2030

That the House recede from its amendments as printed on pages 1214-1217 of the Senate Journal and pages 1247-1250 of the House Journal and that Engrossed Senate Bill No. 2030 be amended as follows:

Page 1, line 1, after "enact" insert "a new section to chapter 15.1-09," and after "15.1-09.1" insert ", and a new section to chapter 15.1-13"

Page 1, line 2, replace "area service providers" with "authorization for prekindergarten programs, regional education associations, and student teaching requirements" and after "sections" insert "12.1-06-05,"

Page 1, line 3, after "Code" insert "and section 28 of chapter 167 of the 2005 Session Laws" and after "to" insert "the renouncement of criminal intent,"

Page 1, line 4, replace "and" with a comma and after "managers" insert ", and contingent distributions of per student payments"

Page 1, line 5, remove the first "and" and after "15.1-27-40" insert ", and 54-35-21"

Page 1, line 6, after "agreements" insert "and the no child left behind statutory committee", remove "and", and after "provide" insert "for legislative council studies; to provide"

Page 1, line 7, after "council" insert "; to provide an effective date; and to declare an emergency"

Page 1, after line 8, insert:

**"SECTION 1. AMENDMENT.** Section 12.1-06-05 of the North Dakota Century Code, as amended by section 1 of Senate Bill No. 2262, as approved by the sixtieth legislative assembly, is amended and reenacted as follows:

**12.1-06-05. General provisions.**

1. The definition of an offense in sections 12.1-06-01 to 12.1-06-04 does not apply to another offense also defined in sections 12.1-06-01 to 12.1-06-04.
2. Whenever "attempt" or "conspiracy" is made an offense outside this chapter, it means attempt or conspiracy, as the case may be, as defined in this chapter.
3. a. Other than as provided in subsection 4, in a prosecution under section 12.1-06-01, it is an affirmative defense that, under circumstances manifesting a voluntary and complete renunciation of criminal intent, the defendant avoided the commission of the crime attempted by abandoning any criminal effort and, if mere abandonment was insufficient to accomplish such avoidance, by taking further and affirmative steps which prevented the commission thereof.  
b. Other than as provided in subsection 4, in a prosecution under section 12.1-06-03 or 12.1-06-04, it is an affirmative defense that, under circumstances manifesting a voluntary and complete renunciation of

criminal intent, the defendant prevented the commission of the crime solicited or of the crime or crimes contemplated by the conspiracy.

- c. A renunciation is not "voluntary and complete" within the meaning of this section if it is motivated in whole or in part by (1) a belief that a circumstance exists which increases the probability of detection or apprehension of the defendant or another participant in the criminal operation, or which makes more difficult the consummation of the crime, or (2) a decision to postpone the criminal conduct until another time or to substitute another victim, or another but similar objective.
4. An individual ~~under the age of twenty one~~ is immune from prosecution under this chapter if:
    - a. The individual voluntarily and completely renounced the individual's criminal intent;
    - b. The individual is a student enrolled in an elementary school, middle school, or a high school in this state or is enrolled at an institution of higher education in this state;
    - c. The offense would have resulted in:
      - (1) Harm to another student enrolled in an elementary school, middle school, or a high school in this state;
      - (2) Harm to another student enrolled in an institution of higher education in this state;
      - (3) Harm to an employee of a school district or a nonpublic school in this state; ~~or~~
      - ~~(3)~~ (4) Harm to an employee of an institution of higher education in this state; or
      - (5) Damage to a school building or school property of a school district in this state or property of an institution of higher education in this state; and
    - d. The renunciation was given to a law enforcement officer ~~or~~, to an administrator of a school or school district in this state, or to an official of an institution of higher education in this state before any harm to others or damage to property occurs."

Page 1, line 13, replace "area service providers" with "regional education associations"

Page 1, line 15, replace "area service providers" with "regional education associations"

Page 4, after line 4, insert:

**"SECTION 5.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

**Prekindergarten program - Authorization - Support.** The board of a school district may establish a prekindergarten program and may receive and expend any state moneys specifically appropriated for the program, any federal funds specifically appropriated or approved for the program, and any gifts, grants, and donations specifically given for the program."

Page 4, line 7, replace "area service provider" with "regional education association"

Page 4, line 11, replace "**Area service provider**" with "**Regional education association**"

Page 4, line 13, replace "an area service provider" with "a regional education association"

Page 5, line 1, replace "area service providers" with "regional education associations"

Page 5, line 2, replace "area service providers from providing" with "regional education associations to provide"

Page 5, line 9, replace "an area service provider" with "a regional education association"

Page 5, line 12, replace "an area service provider" with "a regional education association"

Page 5, line 15, replace "an area service provider" with "a regional education association"

Page 6, line 19, replace "an area service provider" with "a regional education association"

Page 7, line 9, replace "area service provider" with "regional education association"

Page 7, line 11, replace "area service provider" with "regional education association"

Page 7, line 12, replace "area service provider" with "regional education association"

Page 7, line 13, replace "area service provider" with "regional education association"

Page 7, line 14, remove "area service"

Page 7, line 15, remove "provider"

Page 7, line 16, replace "**Area service providers**" with "**Regional education association**"

Page 7, line 17, replace "An area service provider" with "A regional education association"

Page 7, line 20, replace "**Area service providers**" with "**Regional education association**"

Page 7, line 21, replace "An area service provider" with "A regional education association"

Page 7, line 28, replace "**Area service providers**" with "**Regional education association**"

Page 7, line 29, replace "An area service provider" with "A regional education association"

Page 7, after line 31, insert:

**15.1-09.1-06. Regional education associations - Receipt and use of moneys.** The board of a regional education association may receive and expend moneys for the provision of administrative functions, student services, and any other lawful activities."

Page 8, line 1, replace "**15.1-09.1-06**" with "**15.1-09.1-07**" and replace "an area" with "a regional education association"

Page 8, line 2, remove "service provider"

Page 8, line 3, replace "provider's" with "association's"

Page 8, line 4, replace "provider's" with "association's"

Page 8, line 5, replace "**15.1-09.1-07. Area service provider**" with "**15.1-09.1-08. Regional education association**"

Page 8, line 6, replace "an area service provider" with "a regional education association"

Page 8, line 8, replace "provider" with "association"

Page 8, line 10, replace "area service" with "regional education association"

Page 8, line 11, remove "provider" and replace "provider's" with "association's"

Page 8, line 12, replace "**15.1-09.1-08**" with "**15.1-09.1-09**"

Page 8, line 13, replace "an area service provider" with "a regional education association"

Page 8, line 18, replace "**15.1-09.1-09**" with "**15.1-09.1-10**" and replace "**area service provider**" with "**a regional education association**"

Page 8, line 21, replace "an area service provider" with "a regional education association" and replace "area service provider of" with "association in"

Page 8, line 22, replace "is a member" with "participates"

Page 8, line 27, replace "an area service provider" with "a regional education association"

Page 8, after line 29, insert:

**"SECTION 7.** A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

**Student teaching requirements - Teachers licensed in other states.** If an individual who is or was licensed to teach in another state applies for a license to teach in this state, the education standards and practices board may not impose on the individual any student teaching requirements as a condition of licensure. This section is applicable to an individual who graduated from a state-approved regular education program but not to an individual who completed an alternative education program as a condition of licensure.

Page 9, line 4, replace "an area service provider" with "a regional education association"

Page 9, after line 18, insert:

**"SECTION 10. AMENDMENT.** Section 28 of chapter 167 of the 2005 Session Laws is amended and reenacted as follows:

**SECTION 28. CONTINGENCY.** If any moneys appropriated for per student payments and transportation payments in the grants - state school aid line item in House Bill No. 1013, as approved by the fifty-ninth legislative assembly, remain after payment of all statutory obligations for per student and transportation payments during the biennium beginning July 1, 2005, and ending June 30, 2007, and after the superintendent of public instruction has fulfilled any directives contained in section 27 of this Act, the superintendent shall distribute the remaining moneys as follows:

1. The superintendent of public instruction shall use the first \$450,000, or so much of that amount as may be necessary, to provide additional payments to school districts serving English language learners in accordance with section 15.1-27-12.
2. The superintendent of public instruction shall use the next \$1,000,000, or so much of that amount as may be necessary, for the purpose of providing additional ~~per student~~ payments to school districts participating in eligible educational associations in accordance with section 32 of this Act.
  - a. The superintendent of public instruction shall distribute during the 2007-09 biennium \$45,000, or so much of that amount as may be necessary, as grants in the amount of five thousand dollars each to any educational association that commits to the development and implementation of a teacher mentoring program for first-year, second-year, and third-year teachers employed by school districts participating in the association. If any of this amount remains after meeting the requirements of this subdivision, the superintendent shall distribute those funds as additional per student payments on a prorated basis to school districts participating in educational associations.
  - b. The superintendent of public instruction shall distribute \$955,000, or so much of the sum as may be necessary, as additional per student payments to school districts participating in eligible educational associations as provided in section 32 of chapter 167 of the 2005 Session Laws.
3. The superintendent of public instruction shall use the remainder of the moneys to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

**SECTION 11. LEGISLATIVE COUNCIL STUDY - HIGH SCHOOL CURRICULA.** The legislative council shall consider studying, during the 2007-08 interim, the appropriateness and adequacy of high school curricula, with respect to preparing students for higher education and for the workplace. The study should examine curricular changes implemented in other states and expectations placed on students in other countries. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 12. LEGISLATIVE COUNCIL STUDY - SERVICES TO ENGLISH LANGUAGE LEARNERS.** The legislative council shall consider studying, during the 2007-08 interim, the delivery of services to English language learners, including federal requirements, instructional options, assistance from the private sector, and the short-term and long-term budgetary impacts on the school districts and taxpayers of the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 13. LEGISLATIVE COUNCIL STUDY - REAUTHORIZATION OF THE NO CHILD LEFT BEHIND ACT.** The legislative council shall consider studying, during the 2007-08 interim, the reauthorization of the No Child Left Behind Act, including the effect of proposed changes on the students, teachers, and school districts of this state, the manner in which state assessments are conducted, the reporting and utilization of assessment results, and the performance of North Dakota students. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 14. LEGISLATIVE COUNCIL STUDY - AFTERSCHOOL PROGRAMS.** The legislative council shall consider studying, during the 2007-08 interim, federally funded afterschool programs being offered to North Dakota students, including the content of the programs, applicable regulations, targeted students, and the direct and indirect costs and benefits of the programs. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 15. LEGISLATIVE COUNCIL STUDY - TEACHER MENTORING.** The legislative council shall consider studying, during the 2007-08 interim, the feasibility and desirability of supporting teacher mentoring programs in urban and rural school districts and the most effective and efficient ways teacher mentoring programs could be implemented and delivered, including consideration of the identification and preparation of mentors and the styles, strategies, and professional development needs that would assist novice teachers in surviving, thriving, and ultimately deciding to consider teaching as a lifelong career. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations to the sixty-first legislative assembly.

**SECTION 16. LEGISLATIVE COUNCIL STUDY - REGIONAL EDUCATION ASSOCIATIONS.** The legislative council shall consider studying, during the 2007-08 interim, the short-term and long-term evolution of regional education associations and shall include the feasibility and desirability of regional education associations becoming political subdivisions; whether teachers should be employed directly by regional education associations, and whether that employment should include bargaining rights, contract renewal and nonrenewal provisions, participation in the teachers' fund for retirement, and participation in the state's uniform group insurance program; the impact that allowing regional education associations to hire teachers directly would have on the recruitment and retention of teachers currently employed by school districts and on teacher salary levels; whether teacher employment contracts, if offered by regional education associations, would have to parallel those of participating school districts with respect to common school calendars, annual or personal leave provisions, and other contractual benefits; the conduct of evaluations, if teachers are employed directly by regional education associations, including who will conduct the evaluations, their frequency, and the criteria upon which the evaluations are based; the organizational structure of regional education associations, including the qualifications of administrative or supervisory personnel; the governance structure of regional education associations; and state level oversight. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Page 9, line 19, replace "**AREA SERVICE PROVIDERS**" with "**REGIONAL EDUCATION ASSOCIATIONS**"

Page 9, line 20, remove "**GOVERNED BY JOINT POWERS AGREEMENTS**"

Page 9, line 22, replace "area service provider" with "regional education association"

Page 9, line 24, replace "area service provider" with "regional education association"

Page 9, line 25, replace "area service providers" with "regional education associations"

Page 9, line 30, remove "and" and after "15.1-27-40" insert ", and 54-35-21"

Page 9, after line 31, insert:

**"SECTION 19. EFFECTIVE DATE.** Sections 2 through 9 and sections 11 through 18 of this Act become effective on July 1, 2007.

**SECTION 20. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly