

Introduced by

Legislative Council

(Education Committee)

1 A BILL for an Act to create and enact chapter 15.1-09.1 and a new section to chapter 15.1-13
2 of the North Dakota Century Code, relating to regional education associations and teacher
3 licensure requirements; to amend and reenact sections 15.1-02-08, 15.1-07-23, 15.1-09-33,
4 15.1-32-08, and 15.1-33-02 of the North Dakota Century Code, relating to accounting
5 procedures and school district business managers; to repeal sections 15.1-07-28, 15.1-07-30,
6 and 15.1-27-40 of the North Dakota Century Code, relating to criteria for and expenditures by
7 regional education associations governed by joint powers agreements; to provide for legislative
8 council studies; to provide for a report to the legislative council; and to declare an emergency.

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

10 **SECTION 1. AMENDMENT.** Section 15.1-02-08 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **15.1-02-08. Accounting and reporting system - Uniformity.** The superintendent of
13 public instruction shall implement a uniform system for the accounting, budgeting, and reporting
14 of data for all school districts in the state and for all regional education associations governed
15 by chapter 15.1-09.1. The superintendent of public instruction shall designate the software
16 standards to be used by the school districts and by the regional education associations in their
17 accounting, budgeting, and reporting functions.

18 **SECTION 2. AMENDMENT.** Section 15.1-07-23 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **15.1-07-23. School district business manager - Bond.** A Any person serving as a
21 school district business manager shall furnish to the school board a bond in an amount to be
22 fixed by the school board and equal to at least twenty-five percent of the maximum amount of
23 money subject to the business manager's control at any one time. The bond must be
24 conditioned for the faithful discharge of the business manager's duties, including the

1 maintenance of accurate financial records and the safekeeping and deliverance of all school
2 district property and funds that come into the business manager's control.

3 **SECTION 3. AMENDMENT.** Section 15.1-09-33 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **15.1-09-33. School board - Powers.** The board of a school district may:

- 6 1. Establish a system of free public schools for all children of legal school age
7 residing within the district.
- 8 2. Organize, establish, operate, and maintain elementary, middle, and high schools.
- 9 3. Have custody and control of all school district property and, in the case of the
10 board of education of the city of Fargo, have custody and control of all public
11 school property within the boundaries of the Fargo public school district and to
12 manage and control all school matters.
- 13 4. Acquire real property and construct school buildings and other facilities.
- 14 5. Relocate or discontinue schools and liquidate the assets of the district as required
15 by law; provided no site may be acquired or building constructed, or no school may
16 be organized, established, operated, maintained, discontinued, or changed in
17 location without the approval of the state board of public school education if
18 outside the boundary of the district.
- 19 6. Purchase, sell, exchange, and improve real property.
- 20 7. Lease real property for a maximum of one year except in the case of a career and
21 technical education facility constructed in whole or in part with financing acquired
22 under chapter 40-57, which may be leased for up to twenty years.
- 23 8. Exercise the power of eminent domain to acquire real property for school
24 purposes.
- 25 9. Purchase, sell, exchange, improve, and lease for up to one year, equipment,
26 furniture, supplies, and textbooks.
- 27 10. Recruit or contract with others to recruit homes and facilities which provide
28 boarding care for special education students.
- 29 11. Provide dormitories for the boarding care of special education students.
- 30 12. Insure school district property.

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- 1 13. Independently or jointly with other school districts, purchase telecommunications
2 equipment or lease a telecommunications system or network.
- 3 14. Provide for the education of students by another school district.
- 4 15. Contract with federal officials for the education of students in a federal school.
- 5 16. Prescribe courses of study in addition to those prescribed by the superintendent of
6 public instruction or by law.
- 7 17. Adopt rules regarding the instruction of students, including their admission,
8 transfer, organization, grading, and government.
- 9 18. Join the North Dakota high school activities association and pay membership fees.
- 10 19. Adopt alternative curricula for high school seniors who require fewer than four
11 academic units.
- 12 20. Contract with, employ, and compensate school district personnel.
- 13 21. Contract with and provide reimbursement for the provision of teaching services by
14 an individual certified as an instructor in the areas of North Dakota American
15 Indian languages and culture by the education standards and practices board.
- 16 22. Suspend school district personnel.
- 17 23. Dismiss school district personnel.
- 18 24. Participate in group insurance plans and pay all or part of the insurance premiums.
- 19 25. Contract for the services of a district superintendent, provided that the contract,
20 which may be renewed, does not exceed a period of three years.
- 21 26. Contract for the services of a principal.
- 22 27. Employ a an individual to serve as the school district business manager or contract
23 with any person to perform the duties assigned to a school district business
24 manager by law.
- 25 28. Suspend or dismiss a school district business manager for cause without prior
26 notice.
- 27 29. Suspend or dismiss a school district business manager without cause with thirty
28 days' written notice.
- 29 30. Defray the necessary and contingent expenses of the board.
- 30 31. Levy a tax upon property in the district for school purposes.
- 31 32. Amend and certify budgets and tax levies, as provided in title 57.

1 33. Pay dues allowing for the board to hold membership in city, county, state, and
2 national organizations and associations.

3 34. Designate, at its annual meeting, a newspaper of general circulation as the official
4 newspaper of the district.

5 **SECTION 4.** Chapter 15.1-09.1 of the North Dakota Century Code is created and
6 enacted as follows:

7 **15.1-09.1-01. Definition.** For purposes of this chapter, "regional education
8 association" means a group of school districts that have entered a joint powers agreement that
9 has been reviewed by the superintendent of public instruction and verified as meeting the
10 requirements of section 15.1-09.1-02.

11 **15.1-09.1-02. Regional education association - Joint powers agreement - Review**
12 **by superintendent of public instruction - Criteria.** Before a group of school districts may be
13 designated as a regional education association, the superintendent of public instruction shall
14 review the joint powers agreement that the districts have entered and verify that:

15 1. The school districts:

16 a. Have a combined total land mass of at least five thousand eight hundred
17 square miles [1502193 hectares];

18 b. (1) Have a combined total land mass of at least four thousand five hundred
19 square miles [1165494 hectares]; and

20 (2) Number at least twelve;

21 c. (1) Have a combined total land mass of at least four thousand square
22 miles [1035995 hectares]; and

23 (2) Have at least three thousand students in average daily membership; or

24 d. (1) Have a combined total land mass of at least one thousand five hundred
25 square miles [388498 hectares]; and

26 (2) Have at least seven thousand five hundred students in average daily
27 membership.

28 2. The school districts are contiguous to each other or, if the districts are not
29 contiguous to each other, the superintendent of public instruction shall verify that
30 the participating districts can provide sound educational opportunities to their
31 students in a fiscally responsible manner without injuring other school districts or

- 1 regional education associations and without negatively impacting the ability of
2 other school districts or regional education associations to provide sound
3 educational opportunities to their students in a fiscally responsible manner. A
4 decision by the superintendent of public instruction under this subsection may be
5 appealed to the state board of public school education. A decision by the state
6 board is final.
- 7 3. The joint powers agreement requires that the participating school districts maintain
8 a joint operating fund and share various administrative functions and student
9 services in accordance with subsection 4.
- 10 4. a. During the first two school years in which a regional education association is
11 operational, each participating school district shall share in at least two
12 administrative functions and two student services, selected by the district.
- 13 b. During the third and fourth school years in which a regional education
14 association is operational, each participating school district shall share in at
15 least three administrative functions and three student services, selected by
16 the district.
- 17 c. During the fifth school year in which a regional education association is
18 operational, and each year thereafter, each participating school district shall
19 share at least five administrative functions and five student services, selected
20 by the district.
- 21 d. For purposes of this subsection:
- 22 (1) "Administrative functions" means:
- 23 (a) Business management;
- 24 (b) Career and technical education services management;
- 25 (c) Curriculum mapping or development;
- 26 (d) Data analysis;
- 27 (e) Federal program support;
- 28 (f) Federal title program management;
- 29 (g) Grant writing;
- 30 (h) School improvement;
- 31 (i) School safety and environment management;

- 1 (j) Special education services management;
2 (k) Staff development;
3 (l) Staff retention and recruitment;
4 (m) Staff sharing;
5 (n) Technology support; and
6 (o) Any other functions approved by the superintendent of public
7 instruction.
- 8 (2) Student services means:
9 (a) Advanced placement classes;
10 (b) Alternative high schools or alternative high school programs;
11 (c) Career and technical education classes;
12 (d) Counseling services;
13 (e) Common elementary curricula;
14 (f) Distance learning classes;
15 (g) Dual credit classes;
16 (h) Foreign language classes;
17 (i) Library and media services;
18 (j) Summer programs;
19 (k) Supplemental instruction programs; and
20 (l) Any other services approved by the superintendent of public
21 instruction.
- 22 e. For purposes of this subsection, if a regional education association became
23 operational before July 1, 2005, the 2005-06 school year must be considered
24 the provider's first year of operation.
- 25 5. The joint powers agreement provides:
26 a. Criteria for the future participation of school districts that were not parties to
27 the original joint powers agreement;
28 b. An application process by which school districts that were not parties to the
29 original joint powers agreement can become participating districts; and

- 1 c. A process by which school districts that were not parties to the original joint
2 powers agreement and whose application to participate in the agreement was
3 denied can appeal the decision to the superintendent of public instruction.
- 4 6. The joint powers agreement provides for the employment and compensation of
5 staff.
- 6 7. The joint powers agreement:
- 7 a. Establishes the number of members on the governing board;
8 b. Establishes the manner in which members of the governing board are
9 determined;
- 10 c. Requires all members of the governing board or their designees to be
11 individuals currently serving on the board of a participating school district; and
- 12 d. Allows for the inclusion of ex officio nonvoting members on the governing
13 board.
- 14 8. The joint powers agreement provides that the board of the area service provider
15 shall meet at least quarterly.
- 16 9. The joint powers agreement does not permit the regional education association to
17 compensate members of the area service provider board for attending meetings of
18 the board and does not permit the regional education association to reimburse
19 members of the board for any expenses incurred in attending meetings of the area
20 service provider board.

21 **15.1-09.1-03. Regional education association - Provision of special education and**
22 **related services - Annual plan.** A regional education association may prepare an annual plan
23 regarding the provision of special education and related services on behalf of its members and
24 submit the plan to the superintendent of public instruction for approval.

25 **15.1-09.1-04. Regional education association - Provision of special education and**
26 **related services - Powers.** A regional education association that provides special education
27 and related services may:

- 28 1. Receive and expend state and federal moneys for the provision of special
29 education and related services to the students of its member districts;
- 30 2. Employ personnel necessary to carry out administrative services, itinerant
31 instruction, coordinative services, and related services; and

1 3. Receive and expend private and public moneys.

2 **15.1-09.1-05. Regional education associations - Provision of special education**
3 **and related services - Student transportation - Coordination.** A regional education
4 association shall plan and coordinate the transportation of students who are enrolled in its
5 member districts and to whom it provides special education and related services.

6 **15.1-09.1-06. Joint operating fund - Accounting functions.** The board of a regional
7 education association may contract with any person, including a school district, for the
8 maintenance of the association's joint operating fund and for the performance of any business
9 or accounting functions required by law or necessary for the provider's operation.

10 **15.1-09.1-07. Regional education association - Report of expenses.**

11 1. The board of a regional education association shall submit annually to the
12 superintendent of public instruction, at the time and in the manner designated by
13 the superintendent, a report detailing all expenses incurred by the association and
14 shall attribute the expenses on a per student basis by participating school district.

15 2. The board shall deposit any moneys received by or on behalf of the regional
16 education association into the association's joint operating fund.

17 **15.1-09.1-08. Compensation - Reimbursement - Extraordinary service.** The board
18 of a regional education association may provide compensation and reimbursement to any
19 board member who, at the direction of the board, performs extraordinary service on behalf of
20 the board. For purposes of this section, "extraordinary service" means duties beyond those
21 reasonably expected of members of the board and includes travel to and attendance at national
22 meetings or conventions.

23 **15.1-09.1-09. State aid - Payable to a regional education association - Obligation**
24 **of district.**

25 1. The superintendent of public instruction shall forward the portion of a school
26 district's state aid that is payable by the superintendent as a result of the district's
27 participation in a regional education association directly to the association in which
28 the district participates. The superintendent shall forward the amount payable
29 under this subsection at the same time and in the same manner as provided for
30 other state aid payments under section 15.1-27-01.

1 2. If the superintendent of public instruction determines that a school district failed to
2 meet any contractual or statutory obligation imposed upon it as a result of the
3 district's participation in a regional education association, the superintendent shall
4 subtract the amount for which the district was not eligible from any future
5 distribution of state aid to the district under section 15.1-27-01.

6 **SECTION 5.** A new section to chapter 15.1-13 of the North Dakota Century Code is
7 created and enacted as follows:

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

14 **SECTION 6. AMENDMENT.** Section 15.1-32-08 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **15.1-32-08. School districts - Provision of special education.** Each school district
17 shall provide special education, ~~singly or jointly with other districts,~~ and related services as a
18 single district, as a member of a multidistrict special education unit in accordance with this
19 chapter 15.1-33, or as a member of a regional education association approved by the
20 superintendent of public instruction under chapter 15.1-09.1. Each school district and entity
21 providing special education shall cooperate with the director of special education and with the
22 institutions of this state in the provision of special education.

23 **SECTION 7. AMENDMENT.** Section 15.1-33-02 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **15.1-33-02. Multidistrict special education units - School district participation.** A
26 school district may join a multidistrict special education unit or together with other school
27 districts form a multidistrict special education unit for purposes of planning and delivering
28 special education and related services. ~~Each school district shall participate in a multidistrict~~
29 ~~special education unit or have on file with the superintendent of public instruction a plan for~~
30 ~~providing special education and related services as a single district.~~ If a school district wishes
31 to join a multidistrict special education unit from which it has been excluded, the school district

1 may petition the superintendent of public instruction. A school district may appeal a decision of
2 the superintendent under this section to the state board of public school education.

3 **SECTION 8. LEGISLATIVE COUNCIL STUDY - HIGH SCHOOL CURRICULA.** The
4 legislative council shall consider studying, during the 2007-08 interim, the appropriateness and
5 adequacy of high school curricula, with respect to preparing students for higher education and
6 for the workplace. The study should examine curricular changes implemented in other states
7 and expectations placed on students in other countries. The legislative council shall report its
8 findings and recommendations, together with any legislation required to implement the
9 recommendations, to the sixty-first legislative assembly.

10 **SECTION 9. LEGISLATIVE COUNCIL STUDY - SERVICES TO ENGLISH**
11 **LANGUAGE LEARNERS.** The legislative council shall consider studying, during the 2007-08
12 interim, the delivery of services to English language learners, including federal requirements,
13 instructional options, assistance from the private sector, and the short-term and long-term
14 budgetary impacts on the school districts and taxpayers of the state. The legislative council
15 shall report its findings and recommendations, together with any legislation required to
16 implement the recommendations, to the sixty-first legislative assembly.

17 **SECTION 10. LEGISLATIVE COUNCIL STUDY - REAUTHORIZATION OF THE NO**
18 **CHILD LEFT BEHIND ACT.** The legislative council shall consider studying, during the 2007-08
19 interim, the reauthorization of the No Child Left Behind Act, including the effect of proposed
20 changes on the students, teachers, and school districts of this state, the manner in which state
21 assessments are conducted, the reporting and utilization of assessment results, and the
22 performance of North Dakota students. The legislative council shall report its findings and
23 recommendations, together with any legislation required to implement the recommendations, to
24 the sixty-first legislative assembly.

25 **SECTION 11. LEGISLATIVE COUNCIL STUDY - AFTERSCHOOL PROGRAMS.**
26 The legislative council shall consider studying, during the 2007-08 interim, federally funded
27 afterschool programs being offered to North Dakota students, including the content of the
28 programs, applicable regulations, targeted students, and the direct and indirect costs and
29 benefits of the programs. The legislative council shall report its findings and recommendations,
30 together with any legislation required to implement the recommendations, to the sixty-first
31 legislative assembly.

1 **SECTION 12. P-16 EDUCATION TASK FORCE - CONTINUATION OF STUDY -**
2 **REPORTS TO LEGISLATIVE COUNCIL.** The P-16 education task force, as created during
3 the 2005-06 interim through the joint efforts of the state board of public school education, the
4 state board of higher education, the education standards and practices board, and the state
5 board for career and technical education shall continue its study of the relationship between
6 providers of elementary and secondary education and providers of higher education, the
7 relationship between all education providers and employers, and the commonalities between
8 educational success, employment opportunities, worker advancement, and local, regional, and
9 statewide economic growth and development. The task force shall develop practical short-term
10 and long-term recommendations that will result in seamless transitions from school to work and
11 ultimately enable North Dakota students to compete efficiently and effectively in a global
12 environment. The task force shall present its recommendations, together with periodic updates
13 regarding its efforts, to the North Dakota commission on education improvement and the North
14 Dakota legislative council.

15 **SECTION 13. REPORT TO LEGISLATIVE COUNCIL - REGIONAL EDUCATION**
16 **ASSOCIATIONS.** At the conclusion of each school year during the 2007-09 biennium, the
17 superintendent of public instruction shall compile a report covering the operations of each
18 regional education association governed by chapter 15.1-09.1. The report must include the
19 administrative functions and student services in which members of each regional education
20 association participated and the direct and indirect benefits of that participation. The report
21 must specifically address the impact of regional education associations on course offerings,
22 student achievement, professional development opportunities, and the sharing of administrative
23 and instructional personnel. The report also must note other resulting benefits or efficiencies.
24 The superintendent of public instruction shall present the reports to an interim committee
25 designated by the legislative council.

26 **SECTION 14. LEGISLATIVE COUNCIL STUDY - REGIONAL EDUCATION**
27 **ASSOCIATIONS.** The legislative council shall consider studying, during the 2007-08 interim,
28 the short-term and long-term evolvement of regional education associations and shall include
29 the feasibility and desirability of regional education associations becoming political
30 subdivisions; whether teachers should be employed directly by regional education associations,
31 and whether that employment should include bargaining rights, contract renewal and

1 nonrenewal provisions, participation in the teachers' fund for retirement, and participation in the
2 state's uniform group insurance program; the impact that allowing regional education
3 associations to hire teachers directly would have on the recruitment and retention of teachers
4 currently employed by school districts and on teacher salary levels; whether teacher
5 employment contracts, if offered by regional education associations, would have to parallel
6 those of participating school districts with respect to common school calendars, annual or
7 personal leave provisions, and other contractual benefits; the conduct of evaluations, if
8 teachers are employed directly by regional education associations, including who will conduct
9 the evaluations, their frequency, and the criteria upon which the evaluations are based; the
10 organizational structure of regional education associations, including the qualifications of
11 administrative or supervisory personnel; the governance structure of regional education
12 associations; and state level oversight. The legislative council shall report its findings and
13 recommendations, together with any legislation required to implement the recommendations, to
14 the sixty-first legislative assembly.

15 **SECTION 15. REPEAL.** Sections 15.1-07-28, 15.1-07-30, and 15.1-27-40 of the North
16 Dakota Century Code are repealed.

17 **SECTION 16. EMERGENCY.** This Act is declared to be an emergency measure.