

SENATE BILL NO. 2127

Introduced by

Education Committee

(At the request of the Division of Independent Study)

1 A BILL for an Act to amend and reenact sections 15-19-01, 15-19-02, 15-19-03, 15-19-04,
2 15-19-06, and 15-19-08, subsection 11 of section 15-39.1-04, section 15.1-21-02.1,
3 subsections 1 and 2 of section 15.1-23-17, and subsection 8 of section 54-59-18 of the North
4 Dakota Century Code, relating to renaming the division of independent study the center for
5 distance education.

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

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

9 **15-19-01. ~~Correspondence~~ Distance education courses - Establishment -**
10 **Enrollment of students - Courses of instruction.** The state shall provide ~~correspondence~~
11 distance education courses through the ~~division of independent study~~ center for distance
12 education under the following provisions:

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

- 1 schools, their work may be done at a place designated by the state director. If in
2 attendance at a local school, students must be supplied with desk space in their
3 respective school without charge and shall attend school regularly and be under
4 the same disciplinary supervision of the teachers as the other school students.
- 5 3. The ~~division of independent study~~ center for distance education may provide
6 services to persons who are not North Dakota residents.
- 7 4. ~~Correspondence~~ Distance education students shall pay for books and materials
8 used by them, postage required to mail reports to the ~~division~~ center, and other
9 fees as may be prescribed by the state director.
- 10 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 distance education courses offered through the ~~division of independent study~~
13 center for distance education. These students may study their ~~correspondence~~
14 distance education lessons in their learning environment under the supervision of a
15 parent. The tests for the ~~correspondence~~ distance education study must be
16 administered by an individual who is licensed to teach by the education standards
17 and practices board or approved to teach by the education standards and practices
18 board and employed either by the public school district in which the parent resides
19 or a state-approved private or nonpublic school.

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

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

30 **SECTION 3. AMENDMENT.** Section 15-19-03 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **15-19-03. Duties of superintendents of schools - Authorization of enrollments.** All
2 applications for enrollment of persons under the age of sixteen years must be approved by the
3 superintendent or an administrator of a school in the district prior to acceptance of enrollment
4 by the ~~division of independent study~~ center for distance education. All applications for
5 enrollment of persons under the age of sixteen not residing in a high school district must be
6 approved by the county superintendent of schools prior to the acceptance of such enrollment.

7 **SECTION 4. AMENDMENT.** Section 15-19-04 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15-19-04. Duty of superintendent - Advertising.** The superintendent or an employee
10 of the department of public instruction designated by the superintendent shall ensure that the
11 courses offered by the ~~division of independent study~~ center for distance education meet state
12 content standards and shall monitor compliance with sections 15.1-18-02 and 15.1-18-03. The
13 ~~division of independent study~~ center for distance education may advertise its ~~correspondence~~
14 distance education program.

15 **SECTION 5. AMENDMENT.** Section 15-19-06 of the North Dakota Century Code is
16 amended and reenacted as follows:

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

19 1. A special operating fund for the ~~division of independent study~~ center for distance
20 education must be maintained within the state treasury and all income and fees
21 collected by the ~~division of independent study~~ center for distance education from
22 any source must be remitted monthly by the director to the state treasurer and
23 credited to the special operating fund. All expenditures from the fund must be
24 within the limits of legislative appropriations and must be made upon vouchers,
25 signed and approved by the technology director appointed by the educational
26 technology council. Upon approval of the vouchers by the office of the budget,
27 warrant-checks must be prepared by the office of management and budget. The
28 state treasurer shall make periodic transfers upon order of the director of the office
29 of management and budget from the ~~division of independent study~~ center for
30 distance education general fund appropriation to the special operating fund
31 whenever its balance falls so low as to require supplementation.

- 1 2. The educational technology council may establish an administrative operational
2 fund, of not to exceed ten thousand dollars, out of the special operating fund for
3 the ~~division of independent study~~ center for distance education. The administrative
4 operational fund must be deposited in the Bank of North Dakota and may be drawn
5 upon by the state director of the ~~division of independent study~~ center for distance
6 education for the payment of necessary expenses in the administration and
7 operation of the ~~division of independent study~~ center for distance education within
8 the limits and rules prescribed by the educational technology council. The director
9 shall submit a full, minute, and itemized statement of every expenditure made
10 during the month to the council in accordance with the rules adopted by the
11 council, and thereafter the council may periodically authorize additional transfers to
12 the administrative operational fund, but the balance in the fund may never exceed
13 ten thousand dollars, and any unencumbered balance at the end of any biennium
14 must revert to the state treasury. The administrative operational fund may not be
15 used to pay salaries or expenses of the director.
- 16 3. The educational technology council may establish a scholarship fund to provide
17 financial grants to students enrolled in courses offered through the ~~division of~~
18 ~~independent study~~ center for distance education. The scholarship fund may
19 consist only of those funds specifically appropriated by the legislative assembly
20 and property received by the council or the ~~division of independent study~~ center for
21 distance education as a gift, devise, or bequest. Any gift, devise, or bequest of
22 property received by the council or ~~division of independent study~~ center for
23 distance education which is designated by the council and donor for the
24 scholarship fund must be deposited in the scholarship fund at the Bank of North
25 Dakota. The state director of the ~~division of independent study~~ center for distance
26 education may draw only on the interest earned by the scholarship fund for the
27 award of scholarships within the limits and rules adopted by the educational
28 technology council. The interest earned by the scholarship fund is appropriated to
29 the ~~division of independent study~~ center for distance education.

30 **SECTION 6. AMENDMENT.** Section 15-19-08 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **15-19-08. ~~Correspondence~~ Distance education work.** The amount of money
2 appropriated by the legislative assembly for ~~correspondence~~ distance education work for a
3 biennium, or so much thereof as may be necessary, must be expended first for work by
4 ~~correspondence~~ distance education.

5 **SECTION 7. AMENDMENT.** Subsection 11 of section 15-39.1-04 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 11. "Teacher" means:

8 a. All persons licensed by the education standards and practices board who are
9 contractually employed in teaching, supervisory, administrative, or
10 extracurricular services by a state institution, special education unit, school
11 board, or other governing body of a school district of this state, including
12 superintendents, assistant superintendents, business managers, principals,
13 assistant principals, and special teachers. For purposes of this subdivision,
14 "teacher" includes persons contractually employed by one of the above
15 employers to provide teaching, supervisory, administrative, or extracurricular
16 services to a separate state institution, state agency, special education unit,
17 school board, or other governing body of a school district of this state under a
18 third-party contract.

19 b. The superintendent of public instruction, assistant superintendents of public
20 instruction, county superintendents, assistant superintendents, supervisors of
21 instruction, the professional staff of the department of career and technical
22 education, the professional staff of the ~~division of independent study~~ center
23 for distance education, the executive director and professional staff of the
24 North Dakota education association who are members of the fund on July 1,
25 1995, the professional staff of an interim school district, and the professional
26 staff of the North Dakota high school activities association who are members
27 of the fund on July 1, 1995.

28 c. The executive director and professional staff of the North Dakota council of
29 school administrators who are members of the fund on July 1, 1995, and
30 licensed staff of teachers centers, but only if the person was previously a
31 member of and has credits in the fund.

- 1 d. Employees of institutions under the control and administration of the state
2 board of higher education who are members of the fund on July 16, 1989.

3 **SECTION 8. AMENDMENT.** Section 15.1-21-02.1 of the North Dakota Century Code
4 is amended and reenacted as follows:

5 **15.1-21-02.1. High school coursework requirements.** Before a school district, a
6 nonpublic high school, or the ~~North Dakota division of independent study~~ center for distance
7 education issues a high school diploma to a student, the student must have successfully
8 completed at least twenty-one units of high school coursework from the minimum required
9 curriculum offerings established by section 15.1-21-02.

10 **SECTION 9. AMENDMENT.** Subsections 1 and 2 of section 15.1-23-17 of the North
11 Dakota Century Code are amended and reenacted as follows:

- 12 1. A child's school district of residence, an approved nonpublic high school, or the
13 ~~North Dakota division of independent study~~ center for distance education may
14 issue a high school diploma to a child who, through home education, has met the
15 issuing entity's requirements for high school graduation provided the child's parent
16 submits to the issuing entity a description of the course material covered in each
17 high school subject, a description of the course objectives and how the objectives
18 were met, and a transcript of the child's performance in grades nine through
19 twelve.
- 20 2. In the alternative, a high school diploma may be issued by the child's school district
21 of residence, an approved nonpublic high school, or the ~~North Dakota division of~~
22 ~~independent study~~ center for distance education provided the child, through home
23 education, has completed at least twenty-one units of high school coursework from
24 the minimum required curriculum offerings established by law for public and
25 nonpublic schools and the child's parent or legal guardian submits to the issuing
26 entity a description of the course material covered in each high school subject, a
27 description of the course objectives and how the objectives were met, and a
28 transcript of the child's performance in grades nine through twelve. The issuing
29 entity may indicate on a diploma issued under this subsection that the child was
30 provided with home education.

- 1 **SECTION 10. AMENDMENT.** Subsection 8 of section 54-59-18 of the North Dakota
2 Century Code is amended and reenacted as follows:
3 8. Hire the director of the ~~division of independent study~~ center for distance education.