

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2141

Introduced by

Senators Schaible, Davison

Representatives Heinert, Pyle

1 A BILL for an Act to amend and reenact sections 15-62.5-01, 15-62.5-03, 15.1-21-02.4,
2 15.1-21-02.5, 15.1-21-02.7, 15.1-21-08.1, 15.1-21-19, and 15.1-21-20 of the North Dakota
3 Century Code, relating to student assessment scores and vendor references; to repeal section
4 15.1-21-17 of the North Dakota Century Code, relating to interim assessments; to provide for a
5 superintendent of public instruction study; and to provide for a legislative management report.

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

7 **SECTION 1. AMENDMENT.** Section 15-62.5-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15-62.5-01. Scholars program.**

10 The state board of higher education shall administer the scholars program for the purpose
11 of providing a merit-based scholarship to an individual who:

- 12 1. a. Graduated from a high school in this state;
13 b. Graduated from a high school in a bordering state, pursuant to chapter 15.1-29;
14 c. Graduated from a nonpublic high school in a bordering state while residing with a
15 custodial parent in this state; or
16 d. Completed a program of home education supervised in accordance with chapter
17 15.1-23;
- 18 2. On the ACT or an equivalent nationally recognized standardized test approved by the
19 state board of higher education, achieved composite scores that ranked the individual
20 at or above the ninety-fifth percentile among those who took the ACT or an equivalent
21 nationally recognized standardized test approved by the state board of higher
22 education, prior to July first in the calendar year preceding the individual's enrollment;
- 23 3. a. Is enrolled at an accredited institution of higher education in this state that offers
24 a program of instruction equal to at least two academic years;

- 1 b. Because of a medically certifiable disability is enrolled at an accredited institution
2 of higher education outside of this state that offers the individual special services
3 or facilities not available in this state, provided the institution offers a program of
4 instruction equal to at least two academic years; and
- 5 4. Is pursuing a course of study determined by the board to be full-time.

6 **SECTION 2. AMENDMENT.** Section 15-62.5-03 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15-62.5-03. Scholars program - Ranking and selection of recipients.**

- 9 1. The state board of higher education shall rank scholars program applicants by their
10 ACT composite scores or equivalent scores on a nationally recognized standardized
11 test approved by the state board of higher education.
- 12 2. If two or more applicants have the same composite scores, they must be ranked by
13 the numeric sum of their four scale scores on the ACT or equivalent scores on a
14 nationally recognized standardized test approved by the state board of higher
15 education.
- 16 3. If two or more applicants have the same composite scores and the same numeric sum
17 of the four scale scores, they must be ranked by the numeric sum of their English and
18 mathematics scores.
- 19 4. The state board of higher education may establish additional criteria to rank applicants
20 who have the same numeric sum of their English and mathematics scores.
- 21 5. Scholarships must be offered to applicants in descending order according to this
22 ranking until available funds have been expended or until the pool of applicants has
23 been exhausted.

24 **SECTION 3. AMENDMENT.** Section 15.1-21-02.4 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **15.1-21-02.4. North Dakota career and technical education scholarship. (Effective**
27 **through July 31, 2021)**

28 Any resident student who graduates from a high school during or after the 2010-11 school
29 year and any resident student who completes a program of home education supervised in
30 accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a
31 North Dakota career and technical education scholarship provided the student:

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- 1 1. Completed four units of English language arts from a sequence that includes literature,
2 composition, and speech;
- 3 2. Completed three units of mathematics, including:
4 a. One unit of algebra II, as defined by the superintendent of public instruction; and
5 b. Two units of any other mathematics, which may include one unit of computer
6 science;
- 7 3. Completed three units of science, consisting of:
8 a. (1) One unit of biology;
9 (2) One unit of chemistry; and
10 (3) One unit of physics; or
11 b. (1) One unit of biology;
12 (2) One unit of physical science; and
13 (3) One unit or two one-half units of any other science;
- 14 4. Completed three units of social studies, including:
15 a. One unit of United States history;
16 b. (1) One-half unit of United States government and one-half unit of economics;
17 or
18 (2) One unit of problems of democracy; and
19 c. One unit or two one-half units of any other social studies, which may include
20 civics, civilization, geography and history, multicultural studies, North Dakota
21 studies, psychology, sociology, and world history;
- 22 5. a. Completed one unit of physical education; or
23 b. One-half unit of physical education and one-half unit of health;
- 24 6. Completed:
25 a. One unit selected from:
26 (1) Foreign languages;
27 (2) Native American languages;
28 (3) American sign language;
29 (4) Fine arts; or
30 (5) Career and technical education courses; and

- 1 b. Two units of a coordinated plan of study recommended by the department of
2 career and technical education and approved by the superintendent of public
3 instruction or an education pathway approved by the superintendent of public
4 instruction. The education pathway must consist of two units in teaching
5 profession and educational methodology and at least one additional unit in
6 advanced placement or dual-credit psychology, child development, peer-to-peer
7 leadership, or child-related careers;
- 8 7. Completed any five additional units, two of which must be in the area of career and
9 technical education;
- 10 8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
11 scale, as determined by the superintendent of public instruction, based on
12 all high school units in which the student was enrolled; and
13 (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- 14 b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
15 scale, as determined by the superintendent of public instruction, based only
16 on the units required by subsections 1 through 7; and
17 (2) Obtained a grade of at least "C" in each unit or one-half unit; and
- 18 9. Received:
- 19 a. A composite score of at least twenty-four on an ACT or an equivalent score on a
20 nationally recognized standardized test approved by the state board of higher
21 education; or
- 22 b. A score of at least five on each of three WorkKeys assessments or an equivalent
23 score on a nationally recognized standardized test, recommended by the
24 department of career and technical education and approved by the
25 superintendent of public instruction.

26 **North Dakota career and technical education scholarship. (Effective after July 31,**
27 **2021)**

28 Any resident student who graduates from a high school during or after the 2010-11 school
29 year and any resident student who completes a program of home education supervised in
30 accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a
31 North Dakota career and technical education scholarship provided the student:

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- 1 1. Completed four units of English language arts from a sequence that includes literature,
2 composition, and speech;
- 3 2. Completed three units of mathematics, including:
4 a. One unit of algebra II, as defined by the superintendent of public instruction; and
5 b. Two units of any other mathematics, which may include one unit of computer
6 science;
- 7 3. Completed three units of science, consisting of:
8 a. (1) One unit of biology;
9 (2) One unit of chemistry; and
10 (3) One unit of physics; or
11 b. (1) One unit of biology;
12 (2) One unit of physical science; and
13 (3) One unit or two one-half units of any other science;
- 14 4. Completed three units of social studies, including:
15 a. One unit of United States history;
16 b. (1) One-half unit of United States government and one-half unit of economics;
17 or
18 (2) One unit of problems of democracy; and
19 c. One unit or two one-half units of any other social studies, which may include
20 civics, civilization, geography and history, multicultural studies, North Dakota
21 studies, psychology, sociology, and world history;
- 22 5. a. Completed one unit of physical education; or
23 b. One-half unit of physical education and one-half unit of health;
- 24 6. Completed:
25 a. One unit selected from:
26 (1) Foreign languages;
27 (2) Native American languages;
28 (3) American sign language;
29 (4) Fine arts; or
30 (5) Career and technical education courses; and

- 1 b. Two units of a coordinated plan of study recommended by the department of
2 career and technical education and approved by the superintendent of public
3 instruction or an education pathway approved by the superintendent of public
4 instruction which may be governed by rules adopted by the superintendent of
5 public instruction;
- 6 7. Completed any five additional units, two of which must be in the area of career and
7 technical education;
- 8 8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
9 scale, as determined by the superintendent of public instruction, based on
10 all high school units in which the student was enrolled; and
11 (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- 12 b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
13 scale, as determined by the superintendent of public instruction, based only
14 on the units required by subsections 1 through 7; and
15 (2) Obtained a grade of at least "C" in each unit or one-half unit; and
- 16 9. Received:
 - 17 a. A composite score of at least twenty-four on an ACT or an equivalent score on a
18 nationally recognized standardized test approved by the state board of higher
19 education; or
 - 20 b. A score of at least five on each of three WorkKeys assessments or an equivalent
21 score on a nationally recognized standardized test, recommended by the
22 department of career and technical education and approved by the
23 superintendent of public instruction.

24 **SECTION 4. AMENDMENT.** Section 15.1-21-02.5 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **15.1-21-02.5. North Dakota academic scholarship.**

27 Any resident student who graduates from a high school during or after the 2010-11 school
28 year and any resident student who completes a program of home education supervised in
29 accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a
30 North Dakota academic scholarship provided the student:

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- 1 1. Completed four units of English language arts from a sequence that includes literature,
2 composition, and speech;
- 3 2. Completed three units of mathematics, including:
 - 4 a. One unit of algebra II, as defined by the superintendent of public instruction;
 - 5 b. One unit of mathematics for which algebra II, as defined by the superintendent of
6 public instruction, is a prerequisite; and
 - 7 c. One unit of any other mathematics, which may include computer science;
- 8 3. Completed three units of science, consisting of:
 - 9 a. (1) One unit of biology;
 - 10 (2) One unit of chemistry; and
 - 11 (3) One unit of physics; or
 - 12 b. (1) One unit of biology;
 - 13 (2) One unit of physical science; and
 - 14 (3) One unit or two one-half units of any other science;
- 15 4. Completed three units of social studies, including:
 - 16 a. One unit of United States history;
 - 17 b. (1) One-half unit of United States government and one-half unit of economics;
18 or
 - 19 (2) One unit of problems of democracy; and
 - 20 c. One unit or two one-half units of any other social studies, which may include
21 civics, civilization, geography and history, multicultural studies, North Dakota
22 studies, psychology, sociology, and world history;
- 23 5. a. Completed one unit of physical education; or
24 b. One-half unit of physical education and one-half unit of health;
- 25 6. a. Completed two units of:
 - 26 (1) The same foreign language;
 - 27 (2) The same native American language;
 - 28 (3) American sign language; or
 - 29 (4) Career and technical education from a coordinated plan of study
30 recommended by the department of career and technical education and
31 approved by the superintendent of public instruction or an education

- 1 pathway, approved by the superintendent of public instruction. The
2 education pathway must consist of two units in teaching profession and
3 educational methodology and at least one additional unit in advanced
4 placement or dual-credit psychology, child development, peer-to-peer
5 leadership, or child-related careers; and
- 6 b. One unit selected from:
- 7 (1) Foreign languages;
- 8 (2) Native American languages;
- 9 (3) American sign language;
- 10 (4) Fine arts; or
- 11 (5) Career and technical education;
- 12 7. Completed any five additional units;
- 13 8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
14 scale, as determined by the superintendent of public instruction, based on
15 all high school units in which the student was enrolled; and
- 16 (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- 17 b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading
18 scale, as determined by the superintendent of public instruction, based only
19 on the units required by subsections 1 through 7; and
- 20 (2) Obtained a grade of at least "C" in each unit or one-half unit;
- 21 9. Received a composite score of at least twenty-four on an ACT or an equivalent score
22 on a nationally recognized standardized test approved by the state board of higher
23 education; and
- 24 10. a. Fulfilled any one unit requirement set forth in subsections 1 through 7 by means
25 of an advanced placement course and examination;
- 26 b. Fulfilled any one unit requirement set forth in subsections 1 through 4 or 6 by
27 completion, through an early entrance program, of a nonremedial postsecondary
28 course offered for credit at an accredited institution of higher education which has
29 a physical presence in this state; or
- 30 c. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by
31 means of a dual-credit course.

1 **SECTION 5. AMENDMENT.** Section 15.1-21-02.7 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-21-02.7. North Dakota scholarship opportunities - 2009-10 high school**
4 **graduates.**

5 1. Except as provided in subsection 3, any resident student who graduates from a high
6 school during the 2009-10 school year is eligible to receive a North Dakota academic
7 scholarship, provided the student is certified by the superintendent of public instruction
8 as having obtained a composite score of at least twenty-four on an ACT or an
9 equivalent score on a nationally recognized standardized test approved by the state
10 board of higher education.

11 2. Except as provided in subsection 3, any resident student who graduates from a high
12 school during the 2009-10 school year is eligible to receive a North Dakota technical
13 scholarship, provided the student is certified by the superintendent of public instruction
14 as having obtained:

15 a. A composite score of at least twenty-four on an ACT or an equivalent score on a
16 nationally recognized standardized test approved by the state board of higher
17 education; or

18 b. A score of at least five on each of three WorkKeys assessments or an equivalent
19 score on a nationally recognized standardized test, recommended by the
20 department of career and technical education and approved by the
21 superintendent of public instruction.

22 3. A student is eligible to receive a scholarship under either subsection 1 or 2, but may
23 not receive a scholarship under both subsections.

24 **SECTION 6. AMENDMENT.** Section 15.1-21-08.1 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **15.1-21-08.1. Parental directive - Administration of tests and assessments - Report.**

27 1. A student's parent may direct the school district in which the student is enrolled not to
28 administer to the student any state test or state assessment required in accordance
29 with section 15.1-21-08.

30 2. In addition to the authority granted under subsection 1, a student's parent may direct
31 that the school district in which the student is enrolled not administer any other specific

- 1 test or assessment to the student, except a parental directive under this subsection
2 does not apply to:
- 3 a. Any test or assessment required by the student's school district of enrollment or
4 this state for the completion of any grade from kindergarten through twelve; or
 - 5 b. Any test or assessment required by the student's school district of enrollment or
6 this state for high school graduation;
 - 7 ~~e. The ACT; or~~
 - 8 ~~d. WorkKeys assessments.~~
- 9 3. a. A parental directive is valid only if it is presented to the school district using a
10 standardized form, prepared by the superintendent of public instruction, and
11 signed by the student's custodial parent.
- 12 b. A parental directive is valid only until the conclusion of the school year in which it
13 is received by the school district.
- 14 c. A parental directive submitted to a school district in accordance with this section
15 must be retained as part of the student's educational record.
- 16 4. A school district is not liable for any consequences incurred by a student as a result of
17 a parental directive submitted in accordance with this section.
- 18 5. A school district is not required to provide instruction or activities for a student during
19 the administration of any test or assessment referenced in the parental directive
20 submitted by the student's parent.
- 21 6. Each school district shall post the parental directive form on its website and make the
22 form available to a parent, upon request.
- 23 7. At the time and in the manner directed by the superintendent of public instruction,
24 each school district shall provide a report regarding:
- 25 a. The number of parental directives received;
 - 26 b. The number of parental directives applicable to students who are economically
27 disadvantaged, students from major racial and ethnic groups, students with
28 disabilities, and students with limited English proficiency; and
 - 29 c. Any loss of funding stemming from the parental directives.

30 **SECTION 7. AMENDMENT.** Section 15.1-21-19 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **15.1-21-19. Summative assessment - Selection - Cost - Exemptions.**

2 1. Except as otherwise provided, each public and nonpublic school student in grade
3 eleven ~~shall~~may take the:

4 a. The ACT or an equivalent nationally recognized standardized test approved by
5 the state board of higher education, including the writing test; ~~or three~~

6 b. Three WorkKeys assessments or an equivalent nationally recognized
7 standardized test, recommended by the department of career and technical
8 education and approved by the superintendent of public instruction. ~~The student~~
9 ~~shall determine which summative assessment to take. The superintendent of~~
10 ~~public instruction is responsible for the cost of procuring and administering one~~
11 ~~summative assessment per student.~~

12 2. The student's career advisor or guidance counselor shall meet with the student to
13 review the student's assessment results.

14 ~~3. A school district superintendent or a school administrator in the case of a nonpublic~~
15 ~~school student may exempt a student from the requirements of this section if taking~~
16 ~~the test is not required by the student's individualized education program plan or if~~
17 ~~other special circumstances exist.~~

18 ~~4. At the time and in the manner determined by the superintendent of public instruction,~~
19 ~~each school district superintendent and each school administrator in the case of a~~
20 ~~nonpublic school shall report the number of eleventh grade students who:~~

21 ~~a. Took the ACT, including the writing test;~~

22 ~~b. Took the three WorkKeys assessments; and~~

23 ~~c. Were exempted from the requirements of this section, together with the reason~~
24 ~~for each exemption.~~

25 **SECTION 8. AMENDMENT.** Section 15.1-21-20 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **15.1-21-20. Summative assessment - General educational development diploma -**
28 **Selection - Cost.**

29 1. Except as otherwise provided, each student pursuing a general educational
30 development diploma may take the:

- 1 a. The ACT or an equivalent nationally recognized standardized test approved by
2 the state board of higher education; or three
3 b. Three WorkKeys assessments or an equivalent nationally recognized
4 standardized test, recommended by the department of career and technical
5 education and approved by the superintendent of public instruction. ~~The student~~
6 ~~shall determine which summative assessment to take. The school district in~~
7 ~~which the student resides at the time the student takes the summative~~
8 ~~assessment is responsible for the cost of one summative assessment and its~~
9 ~~administration per student.~~
10 2. The student's career advisor or guidance counselor shall meet with the student to
11 review the student's assessment results.
12 3. This section is applicable only to a student who has not reached the age of twenty-one
13 before August first of the year of enrollment.

14 **SECTION 9. REPEAL.** Section 15.1-21-17 of the North Dakota Century Code is repealed.

15 **SECTION 10. SUPERINTENDENT OF PUBLIC INSTRUCTION STUDY - INTERIM**

16 **EDUCATION ASSESSMENTS - REPORT TO LEGISLATIVE MANAGEMENT.** During the
17 2021-22 interim, the superintendent of public instruction shall study interim education
18 assessment systems. The study must include consultation and collaboration with education
19 stakeholders and the kindergarten through grade twelve education coordination council. The
20 study also must include an evaluation and review of existing vendors, data standardization,
21 statewide longitudinal data system compatibility, the costs associated with the interim
22 assessment systems, and the benefits of local and statewide interim assessment systems.
23 Before June 1, 2022, the superintendent of public instruction shall report the findings and
24 recommendations of the study, including with any proposed legislation necessary to implement
25 the recommendations, to the legislative management.