

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

SENATE BILL NO. 2141
(Senators Schaible, Davison)
(Representatives Heinert, Pyle)

AN ACT to amend and reenact sections 15-62.5-01, 15-62.5-03, 15.1-21-02.4, 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 Century Code, relating to student assessment scores and vendor references; to repeal section 15.1-21-17 of the North Dakota Century Code, relating to interim assessments; to provide for a superintendent of public instruction study; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

15-62.5-01. Scholars program.

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

1. a. Graduated from a high school in this state;
- b. Graduated from a high school in a bordering state, pursuant to chapter 15.1-29;
- c. Graduated from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
- d. Completed a program of home education supervised in accordance with chapter 15.1-23;
2. On the ACT or an equivalent nationally recognized standardized test approved by the state board of higher education, achieved composite scores that ranked the individual at or above the ninety-fifth percentile among those who took the ACT or an equivalent nationally recognized standardized test approved by the state board of higher education, prior to July first in the calendar year preceding the individual's enrollment;
3. a. Is enrolled at an accredited institution of higher education in this state that offers a program of instruction equal to at least two academic years;
- b. Because of a medically certifiable disability is enrolled at an accredited institution of higher education outside of this state that offers the individual special services or facilities not available in this state, provided the institution offers a program of instruction equal to at least two academic years; and
4. Is pursuing a course of study determined by the board to be full-time.

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

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

1. The state board of higher education shall rank scholars program applicants by their ACT composite scores or equivalent scores on a nationally recognized standardized test approved by the state board of higher education.

2. If two or more applicants have the same composite scores, they must be ranked by the numeric sum of their four scale scores on the ACT or equivalent scores on a nationally recognized standardized test approved by the state board of higher education.
3. If two or more applicants have the same composite scores and the same numeric sum of the four scale scores, they must be ranked by the numeric sum of their English and mathematics scores.
4. The state board of higher education may establish additional criteria to rank applicants who have the same numeric sum of their English and mathematics scores.
5. Scholarships must be offered to applicants in descending order according to this ranking until available funds have been expended or until the pool of applicants has been exhausted.

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

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

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

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. Two units of any other mathematics, which may include one unit of computer science;
3. Completed three units of science, consisting of:
 - a. (1) One unit of biology;
 - (2) One unit of chemistry; and
 - (3) One unit of physics; or
 - b. (1) One unit of biology;
 - (2) One unit of physical science; and
 - (3) One unit or two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
 - (2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;

5. a. Completed one unit of physical education; or
- b. One-half unit of physical education and one-half unit of health;
6. Completed:
 - a. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education courses; and
 - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway approved by the superintendent of public instruction. The education pathway must consist of two units in teaching profession and educational methodology and at least one additional unit in advanced placement or dual-credit psychology, child development, peer-to-peer leadership, or child-related careers;
7. Completed any five additional units, two of which must be in the area of career and technical education;
8. a.
 - (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
 - (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- b.
 - (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
 - (2) Obtained a grade of at least "C" in each unit or one-half unit; and
9. Received:
 - a. A composite score of at least twenty-four on an ACT or an equivalent score on a nationally recognized standardized test approved by the state board of higher education; or
 - b. A score of at least five on each of three WorkKeys assessments or an equivalent score on a nationally recognized standardized test, recommended by the department of career and technical education and approved by the superintendent of public instruction.

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

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

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;

2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. Two units of any other mathematics, which may include one unit of computer science;
3. Completed three units of science, consisting of:
 - a. (1) One unit of biology;
(2) One unit of chemistry; and
(3) One unit of physics; or
 - b. (1) One unit of biology;
(2) One unit of physical science; and
(3) One unit or two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
(2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5.
 - a. Completed one unit of physical education; or
 - b. One-half unit of physical education and one-half unit of health;
6. Completed:
 - a. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education courses; and
 - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway approved by the superintendent of public instruction which may be governed by rules adopted by the superintendent of public instruction;
7. Completed any five additional units, two of which must be in the area of career and technical education;
8.
 - a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and

- (2) Obtained a grade of at least "C" in each unit or one-half unit; or
 - b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
 - (2) Obtained a grade of at least "C" in each unit or one-half unit; and
9. Received:
- a. A composite score of at least twenty-four on an ACT or an equivalent score on a nationally recognized standardized test approved by the state board of higher education; or
 - b. A score of at least five on each of three WorkKeys assessments or an equivalent score on a nationally recognized standardized test, recommended by the department of career and technical education and approved by the superintendent of public instruction.

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

15.1-21-02.5. North Dakota academic scholarship.

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

- 1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
- 2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction;
 - b. One unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite; and
 - c. One unit of any other mathematics, which may include computer science;
- 3. Completed three units of science, consisting of:
 - a. (1) One unit of biology;
 - (2) One unit of chemistry; and
 - (3) One unit of physics; or
 - b. (1) One unit of biology;
 - (2) One unit of physical science; and
 - (3) One unit or two one-half units of any other science;
- 4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
 - (2) One unit of problems of democracy; and

- c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5.
 - a. Completed one unit of physical education; or
 - b. One-half unit of physical education and one-half unit of health;
6.
 - a. Completed two units of:
 - (1) The same foreign language;
 - (2) The same native American language;
 - (3) American sign language; or
 - (4) Career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction or an education pathway, approved by the superintendent of public instruction. The education pathway must consist of two units in teaching profession and educational methodology and at least one additional unit in advanced placement or dual-credit psychology, child development, peer-to-peer leadership, or child-related careers; and
 - b. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education;
7. Completed any five additional units;
8.
 - a.
 - (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
 - (2) Obtained a grade of at least "C" in each unit or one-half unit; or
 - b.
 - (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
 - (2) Obtained a grade of at least "C" in each unit or one-half unit;
9. Received a composite score of at least twenty-four on an ACT or an equivalent score on a nationally recognized standardized test approved by the state board of higher education; and
10.
 - a. Fulfilled any one unit requirement set forth in subsections 1 through 7 by means of an advanced placement course and examination;
 - b. Fulfilled any one unit requirement set forth in subsections 1 through 4 or 6 by completion, through an early entrance program, of a nonremedial postsecondary course offered for credit at an accredited institution of higher education which has a physical presence in this state; or

- c. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by means of a dual-credit course.

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

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

1. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota academic scholarship, provided the student is certified by the superintendent of public instruction as having obtained a composite score of at least twenty-four on an ACT or an equivalent score on a nationally recognized standardized test approved by the state board of higher education.
2. Except as provided in subsection 3, any resident student who graduates from a high school during the 2009-10 school year is eligible to receive a North Dakota technical scholarship, provided the student is certified by the superintendent of public instruction as having obtained:
 - a. A composite score of at least twenty-four on an ACT or an equivalent score on a nationally recognized standardized test approved by the state board of higher education;
or
 - b. A score of at least five on each of three WorkKeys assessments or an equivalent score on a nationally recognized standardized test, recommended by the department of career and technical education and approved by the superintendent of public instruction.
3. A student is eligible to receive a scholarship under either subsection 1 or 2, but may not receive a scholarship under both subsections.

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

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

1. A student's parent may direct the school district in which the student is enrolled not to administer to the student any state test or state assessment required in accordance with section 15.1-21-08.
2. In addition to the authority granted under subsection 1, a student's parent may direct that the school district in which the student is enrolled not administer any other specific test or assessment to the student, except a parental directive under this subsection does not apply to:
 - a. Any test or assessment required by the student's school district of enrollment or this state for the completion of any grade from kindergarten through twelve; or
 - b. Any test or assessment required by the student's school district of enrollment or this state for high school graduation;
 - e. The ACT; or
 - d. ~~WorkKeys assessments.~~
3.
 - a. A parental directive is valid only if it is presented to the school district using a standardized form, prepared by the superintendent of public instruction, and signed by the student's custodial parent.
 - b. A parental directive is valid only until the conclusion of the school year in which it is received by the school district.

- c. A parental directive submitted to a school district in accordance with this section must be retained as part of the student's educational record.
4. A school district is not liable for any consequences incurred by a student as a result of a parental directive submitted in accordance with this section.
5. A school district is not required to provide instruction or activities for a student during the administration of any test or assessment referenced in the parental directive submitted by the student's parent.
6. Each school district shall post the parental directive form on its website and make the form available to a parent, upon request.
7. At the time and in the manner directed by the superintendent of public instruction, each school district shall provide a report regarding:
 - a. The number of parental directives received;
 - b. The number of parental directives applicable to students who are economically disadvantaged, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency; and
 - c. Any loss of funding stemming from the parental directives.

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

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

1. Except as otherwise provided, each public and nonpublic school student in grade eleven shall ~~may~~ take the:
 - a. The ACT or an equivalent nationally recognized standardized test approved by the state board of higher education, including the writing test; or three
 - b. Three WorkKeys assessments or an equivalent nationally recognized standardized test, recommended by the department of career and technical education and approved by the superintendent of public instruction. The student shall determine which summative assessment to take. The superintendent of public instruction is responsible for the cost of procuring and administering one summative assessment per student.
2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.
3. ~~A school district superintendent or a school administrator in the case of a nonpublic school student may exempt a student from the requirements of this section if taking the test is not required by the student's individualized education program plan or if other special circumstances exist.~~
4. ~~At the time and in the manner determined by the superintendent of public instruction, each school district superintendent and each school administrator in the case of a nonpublic school shall report the number of eleventh grade students who:~~
 - a. Took the ACT, including the writing test;
 - b. Took the three WorkKeys assessments; and
 - c. Were exempted from the requirements of this section, together with the reason for each exemption.

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

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

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

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

SECTION 10. SUPERINTENDENT OF PUBLIC INSTRUCTION STUDY - INTERIM EDUCATION ASSESSMENTS - REPORT TO LEGISLATIVE MANAGEMENT. During the 2021-22 interim, the superintendent of public instruction shall study interim education assessment systems. The study must include consultation and collaboration with education stakeholders and the kindergarten through grade twelve education coordination council. The study also must include an evaluation and review of existing vendors, data standardization, statewide longitudinal data system compatibility, the costs associated with the interim assessment systems, and the benefits of local and statewide interim assessment systems. Before June 1, 2022, the superintendent of public instruction shall report the findings and recommendations of the study, including any proposed legislation necessary to implement the recommendations, to the legislative management.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2141.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 88 Nays 3 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State