

## **Testimony House Bill 2269 – Senate Education Committee**

**Senator Elkin, Chairman**

**January 23, 2023**

Chair Elkin and members of the Senate Education Committee, for the record, my name is Dr. Alyssa Martin. I am the director of the North Dakota Center for Distance Education (CDE). I am here to support this bill with a request for a few friendly amendments developed and mutually agreed to by the Department of Public Instruction (DPI), Department of Career and Technical Education (CTE), and CDE.

CDE has been governed by several state agencies during its 88-year history, with each move intended to help the organization strengthen aspects of services or its overall operations. CDE is currently under the Department of Career and Technical Education (CTE), where it was moved in 2019 with the aim of CDE enhancing its CTE courses and identifying ways to partner with local CTE Centers. Then, in 2020, a pandemic hit. CDE shifted its focus to providing virtual education to nearly every school district in the state, adding a full elementary curriculum as part of the process and tipping the CDE course portfolio from 47% core courses, 3% electives, and 50% CTE courses to 55% core courses, 13% electives and fine arts, and 32% CTE courses. More recently, CDE has also been engaged in future planning and decided to focus on growth in our elementary and diploma programs, improving course quality through moving to standards-based learning, and helping students become choice ready through efforts such as expanding our dual credit courses. These changes in our portfolio of course offerings and our goals for the next biennium align closely with DPI's mission and goals. Upon introduction of this bill, CDE also checked with one of its national affiliate organizations, the Digital Learning Collaborative, on which state agency typically governs state-funded virtual schools in other states, finding that departments of education govern the vast majority. It's for these reasons that CDE, though it strongly values its relationship with CTE, believes that SB 2269 rightly moves CDE under the appropriate parent agency, the Department of Public Instruction.

As mentioned, CDE worked with DPI and CTE to draft amendments to this bill to ensure appropriate accountability structures are in place, to ensure the superintendent of public instruction's scope of oversight over CDE paralleled that of her supervisory authority over the School for the Blind, and to help clarify terminology throughout the bill. The amendments are included with my previously submitted testimony. To summarize them:

- Under the definitions section, we removed a vague reference to CDE administration, replaced it with the director, and updated the board definition to refer to the Board of Public Education instead of the CTE board. We decided that for clarity, any reference to the Superintendent of Public Instruction throughout this chapter of law should include this full title.
- On page two, lines 16-22, we updated the language to clarify that the Superintendent of Public Instruction hires the director of CDE, who is, in turn, responsible for overseeing

CDE operations; that the Board of Public Education approves CDE's operations; and the CDE staff and budget are independent of DPI-- language that mirrors the description of the School for the Blind's organizational structure in law. Incidentally, CDE was once governed by the Board of Public Education, and this is still reflected in Administrative Code section 68-01-01-01 (2). However, this section of code refers to CDE under its old name, the Division of Independent Study.

- The remainder of our edits add the phrase "public instruction" after superintendent for clarification purposes throughout the bill. We're also recommending that 15.1-02-04 not be amended as initially proposed. This section of law relates to the Superintendent of Public Instruction's duties, which we did not think needed amendment since this position's responsibilities over CDE are fully outlined in NDCC Ch. 15-19 under our proposed amendments and consequently do not need to be referenced again in another chapter of law.

Due to its changes in services and its long-term goals, CDE believes that DPI should serve as its parent state agency. This alignment will help provide the support CDE needs to continue its growth and delivery of quality online education for years to come.

## PROPOSED AMENDMENTS TO SENATE BILL 2269

Page 1, line 2, after “15-19-08,” insert “and”, remove “and “15.1-02-04”

Page 1, line 9, remove “administration includes the leadership of the center for distance education”

Page 1, line 10, remove overstrike over “~~Board means the~~” and insert “board of public school education”

Page 1, line 12, remove overstrike over “~~director,~~” remove “superintendent,” remove overstrike of “director,” remove “superintendent of public instruction,” insert “of the center for distance education”

Page 1, lines 22-23, remove overstrike over “~~of public instruction~~”

Page 2, line 6, after “superintendent”, insert “of public instruction”

Page 2, line 16, after “the responsibility of the” insert “director of the”

Page 2, line 17, after “superintendent”, insert “of public instruction and the board. The director is appointed by and reports to the superintendent of public instruction. The center must have a separate budget and separate staff from the department of public instruction”, remove “The”

Page 2, line 18, remove “superintendent shall hire administration and staff for the center for distance”

Page 2, line 19, remove “education”

Page 2, lines 19-20, replace “administration of the center” with “director”

Page 2, line 21, replace “state board for career and technical education” with “board”

Page 2, line 22, after “superintendent,” insert “of public instruction.”

Page 2, line 23, remove overstrike over “of public instruction”

Page 2, lines 24-26, remove “~~The state board for career and technical education superintendent shall administer the responsibilities of the board of a school district relating to the center for distance education.~~”

Page 3, lines 5, 11, 18, 22, and 29, after “superintendent,” insert “of public instruction”

## PROPOSED AMENDMENTS TO SENATE BILL 2269

Page 6, lines 21-22, remove “Shall administer and supervise the program and all activities of the center for distance education.”

Page 7, lines 22-23, remove “Shall administer and supervise the program and all activities of the center for distance education.”



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Sixty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2269**

Introduced by

Senators Davison, Schaible, Sorvaag

Representatives Bosch, Heinert, Monson

1 A BILL for an Act to amend and reenact sections 15-19-00.1, 15-19-01, 15-19-02, 15-19-06,  
2 15-19-08, ~~and~~ 15-20.1-03, ~~and 15.1-02-04~~ of the North Dakota Century Code, relating to the  
3 administration of the center for distance education.

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

5 **SECTION 1. AMENDMENT.** Section 15-19-00.1 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **15-19-00.1. Definitions.**

8 In this chapter, unless the context otherwise requires:

- 9 1. ~~"Administration" includes the leadership of the center for distance education.~~
- 10 2. ~~"Board" means the board of public school education.~~ "Board" means the state board for  
11 career and technical education.
- 11 3. "Center" means the North Dakota center for distance education.
- 12 4.3. ~~"Director" means the director of the center for distance~~ "DirectorSuperintendent" means the director of the center for distance  
13 education ~~director and executive officer of the department of~~  
14 career and technical ~~education~~ superintendent of public instruction.

14 **SECTION 2. AMENDMENT.** Section 15-19-01 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **15-19-01. North Dakota center for distance education courses - Establishment -**  
17 **Enrollment of students - Courses of instruction.**

18 The state shall provide kindergarten through grade twelve courses, comprehensive  
19 educational support, and high school diplomas through the center for distance education under  
20 the following provisions:

- 21 1. A complete curriculum prescribed by state-mandated education accreditation entities  
22 which meets the requirements for digital education the superintendent of public  
23 instruction ~~of public~~  
instruction has determined to be appropriate.

- 1        2. A superintendent or an administrator of a school may deny the enrollment of a student
- 2            in that district at the center for distance education except as provided in subsection 5.
- 3        3. The center for distance education may provide services to persons who are not North
- 4            Dakota residents.
- 5        4. Center for distance education students shall pay fees as may be prescribed by the
- 6            ~~state board for career and technical education superintendent of public instruction.~~
- 7        5. Students exempt from the compulsory school attendance laws pursuant to
- 8            subdivision e of subsection 1 of section 15.1-20-02 may enroll in distance education
- 9            courses offered through the center for distance education. These students may study
- 10           their center for distance education lessons in their learning environment under the
- 11           supervision of a parent.

12        **SECTION 3. AMENDMENT.** Section 15-19-02 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14        **15-19-02. Administration Center for distance education - Appointment and duties.**

15        The program of and all activities related to the center for distance education are the  
16 responsibility of the ~~state board for~~ director of the center for distance education and under the authority of the

17 ~~career and technical education superintendent of public instruction and the board. The director is~~  
~~appointed by and reports to the superintendent of public instruction. The center must have a~~  
~~separate budget and separate staff from the department of public instruction. The director of the~~  
~~department of career and~~

18 ~~technical education superintendent shall hire administration and staff for the center for distance~~ ←

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19 ~~education~~ who must be classified under the state personnel merit system. The ~~administration of~~

20 ~~the center~~ director shall carry out the responsibilities in operating the center for distance education ←

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21 ~~in~~  
22 ~~the manner approved by the~~ state board for career and technical education board, under the

23 ~~supervision of the director of the department of career and technical education superintendent of~~  
~~public instruction,~~

24 ~~and compliant with requirements established by the superintendent of public instruction of public~~  
~~instruction and the~~

25 ~~education standards and practices board for public school administrators and teachers. The~~

26 ~~state board for career and technical education superintendent shall administer the~~ ←

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27 ~~responsibilities of the board of a school district relating to the center for distance education.~~

28 SECTION 4. AMENDMENT. Section 15-19-06 of the North Dakota Century Code is

29 amended and reenacted as follows:

1 **15-19-06. Special funds - Deposit of collections - Transfers from general fund**  
2 **appropriations.**

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3 1. A special operating fund for the center for distance education must be maintained  
4 within the state treasury and all income and fees collected by the center for distance  
5 education from any source must be remitted monthly by the ~~director~~superintendent of  
public instruction to  
6 the state treasurer and credited to the special operating fund. All expenditures from the  
7 fund must be within the limits of legislative appropriations and must be made upon  
8 vouchers, signed and approved by the director. Upon approval of the vouchers by the  
9 office of the budget, warrant-checks must be prepared by the office of management  
10 and budget.

11 2. The ~~state board for career and technical education~~superintendent of public instruction  
may establish an  
12 endowment and scholarship fund to provide financial grants to students enrolled in  
13 courses offered through the center for distance education. The endowment and  
14 scholarship fund may consist only of those funds specifically appropriated by the  
15 legislative assembly and property received by the center for distance education as a  
16 gift, devise, or bequest. Any gift, devise, or bequest of property received by the center  
17 for distance education which is designated by the ~~state board for career and technical~~  
18 ~~education~~superintendent of public instruction and donor for the endowment and  
scholarship fund must be  
19 deposited in the scholarship fund at the Bank of North Dakota. The center for distance  
20 education may draw on the endowment and scholarship fund for the award of  
21 endowments and scholarships within the limits and rules adopted by the ~~state board~~  
22 ~~for career and technical education~~superintendent of public instruction.

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23 **SECTION 5. AMENDMENT.** Section 15-19-08 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **15-19-08. Distance education support and services.**

26 The amount of money appropriated by the legislative assembly for distance education  
27 support and services for a biennium, or so much thereof as may be necessary, must be  
28 expended first for work provided by distance education as determined by the center for distance  
29 education and approved by the ~~state board for career and technical education~~superintendent of  
public instruction.

30 **SECTION 6. AMENDMENT.** Section 15-20.1-03 of the North Dakota Century Code is  
31 amended and reenacted as follows:



1       **15-20.1-03. Powers and duties of state board relating to career and technical**  
2 **education.**

3       The state board shall have all authority necessary to cooperate with the United States  
4 department of education or other department or agency of the United States of America in the  
5 administration of acts of Congress relating to career and technical education, including the  
6 following powers and duties:

- 7       1. To administer any legislation enacted by the legislative assembly of this state pursuant  
8       to or in conformity with acts of Congress relating to career and technical education.
- 9       2. To administer the funds provided by the federal government and by this state for the  
10       promotion of career and technical education and to contract with:
  - 11       a. Any public or private institution or agency, board of trustees of any agricultural  
12       and training school, or school district of this state; or
  - 13       b. Any public or private institution or agency, or political subdivision, of another  
14       state.
- 15       3. To formulate plans for the promotion of career and technical education in such  
16       subjects as are an essential and integral part of the public school system of education  
17       in this state.
- 18       4. To provide for the preparation of teachers.
- 19       5. To fix the compensation of such officers and assistants as may be necessary to  
20       administer the federal acts and the provisions of this chapter relating to career and  
21       technical education and to pay the same and other necessary expenses of  
22       administration from any funds appropriated for such purpose.
- 23       6. To make studies and investigations relating to career and technical education.
- 24       7. To promote and aid in the establishment of schools, departments, or classes, and to  
25       cooperate with local communities in the maintenance of career and technical  
26       education schools, departments, or classes.
- 27       8. To prescribe the qualifications and provide for the certification of teachers, directors,  
28       and supervisors.
- 29       9. To cooperate with governing bodies of school districts and with organizations and  
30       communities in the maintenance of classes for the preparation of teachers, directors,  
31       and supervisors of career and technical education, to maintain classes for such

1 purposes under its own direction and control, and to establish and control, by general  
2 regulations, the qualifications to be possessed by persons engaged in the training of  
3 career and technical education teachers.

4 10. To coordinate new and existing farm management programs offered by any state  
5 agency or entity.

6 11. To create and expand marketing clubs as adjuncts to new and existing farm  
7 management programs.

8 ~~12. To administer and supervise the program and all activities of the center for distance  
9 education.~~

10 **SECTION 7. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **15.1-02-04. Superintendent of public instruction - Duties. (Effective through June 30,**  
13 **2023)**

14 The superintendent of public instruction:

- 15 1. Shall supervise the provision of elementary and secondary education to the students  
16 of this state.
- 17 2. Shall supervise the establishment and maintenance of schools and provide advice and  
18 counsel regarding the welfare of the schools.
- 19 3. Shall supervise the development of course content standards.
- 20 4. Shall supervise the assessment of students.
- 21 5. Shall serve as an ex officio member of the board of university and school lands.
- 22 6. Shall keep a complete record of all official acts and appeals.
- 23 7. As appropriate, shall determine the outcome of appeals regarding education matters.
- 24 8. Shall direct school district annexation, reorganization, and dissolution and employ and  
25 compensate personnel necessary to enable the state board of public school education  
26 to carry out its powers and duties regarding school district annexation, reorganization,  
27 and dissolution.
- 28 9. Shall facilitate a process to review and update annually the statewide prekindergarten  
29 through grade twelve education strategic vision. The process must include input and  
30 participation from a steering committee that includes representatives of all state-level  
31 entities receiving state education funding and education stakeholder groups. Each

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- 1 steering committee member entity receiving state education funds shall provide  
2 components of the entity's strategic plan which are aligned to the statewide strategic  
3 vision. The steering committee shall prepare a collaborative report of the strategic  
4 plans of each committee member entity receiving state education funds. The  
5 superintendent shall provide the collaborative report and any updates to the strategic  
6 vision to the legislative management during each interim and to a joint meeting of the  
7 education standing committees during each regular legislative session.
- 8 10. Shall administer a student loan forgiveness program for individuals teaching at grade  
9 levels, in content areas, and in geographical locations identified as having a teacher  
10 shortage or critical need.
- 11 11. Shall facilitate the development and implementation of a North Dakota learning  
12 continuum in collaboration with the department of career and technical education,  
13 upon the recommendation of the kindergarten through grade twelve education  
14 coordination council.
- 15 12. Shall collaborate with workforce development stakeholders and the kindergarten  
16 through grade twelve education coordination council to determine how best to  
17 integrate computer science and cybersecurity into elementary, middle, and high school  
18 curriculum under sections 15.1-21-01 and 15.1-21-02. Before September 1, 2022, the  
19 superintendent shall provide a report to the legislative management regarding the  
20 outcome of this collaboration.

~~21 13. Shall administer and supervise the program and all activities of the center for distance  
22 education.~~

**2321 Superintendent of public instruction - Duties. (Effective after June 30, 2023)**

2422 The superintendent of public instruction:

- 2523 1. Shall supervise the provision of elementary and secondary education to the students  
2624 of this state.
- 2725 2. Shall supervise the establishment and maintenance of schools and provide advice and  
2826 counsel regarding the welfare of the schools.
- 2927 3. Shall supervise the development of course content standards.
- 3028 4. Shall supervise the assessment of students.
- 3129 5. Shall serve as an ex officio member of the board of university and school lands.

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- 1       6. Shall keep a complete record of all official acts and appeals.
- 2       7. As appropriate, shall determine the outcome of appeals regarding education matters.
- 3       8. Shall direct school district annexation, reorganization, and dissolution and employ and
- 4       compensate personnel necessary to enable the state board of public school education
- 5       to carry out its powers and duties regarding school district annexation, reorganization,
- 6       and dissolution.
- 7       9. Shall facilitate a process to review and update annually the statewide prekindergarten
- 8       through grade twelve education strategic vision. The process must include input and
- 9       participation from a steering committee that includes representatives of all state-level
- 10      entities receiving state education funding and education stakeholder groups. Each
- 11      steering committee member entity receiving state education funds shall provide
- 12      components of the entity's strategic plan which are aligned to the statewide strategic
- 13      vision. The steering committee shall prepare a collaborative report of the strategic
- 14      plans of each committee member entity receiving state education funds. The
- 15      superintendent shall provide the collaborative report and any updates to the strategic
- 16      vision to the legislative management during each interim and to a joint meeting of the
- 17      education standing committees during each regular legislative session.
- 18      10. Shall facilitate the development and implementation of a North Dakota learning
- 19      continuum in collaboration with the department of career and technical education,
- 20      upon the recommendation of the kindergarten through grade twelve education
- 21      coordination council.
- ~~22      11. Shall administer and supervise the program and all activities of the center for distance~~
- ~~2322      education.~~