

February 19, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2104

Introduced by

Senator Beard

Representative Tveit

1 A BILL for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota  
2 Century Code, relating to review by the superintendent of public instruction of school district  
3 compliance with education-related state law ~~and rule~~; and to amend and reenact  
4 ~~sections~~section 15.1-02-04 ~~and 15.1-14-01~~ of the North Dakota Century Code, relating to  
5 school district compliance with education-related law and rule.

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

7 **SECTION 1. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **~~15.1-02-04. Superintendent of public instruction -- Duties -- Report. (Effective through~~**  
10 **~~December 31, 2024)~~**

11 The superintendent of public instruction:

- 12 1. ~~Shall supervise the provision of elementary and secondary education to the students~~  
13 ~~of this state.~~
- 14 2. ~~Shall supervise the establishment and maintenance of schools and provide advice and~~  
15 ~~counsel regarding the welfare of the schools.~~
- 16 3. ~~Shall supervise the development of course content standards.~~
- 17 4. ~~Shall supervise the assessment of students.~~
- 18 5. ~~Shall serve as an ex officio member of the board of university and school lands.~~
- 19 6. ~~Shall keep a complete record of all official acts and appeals.~~
- 20 7. ~~As appropriate, shall determine the outcome of appeals regarding education matters.~~

- 1       8.   ~~Shall direct school district annexation, reorganization, and dissolution and employ and~~  
2       ~~compensate personnel necessary to enable the state board of public school education~~  
3       ~~to carry out its powers and duties regarding school district annexation, reorganization,~~  
4       ~~and dissolution.~~
- 5       9.   ~~Shall facilitate a process to review and update annually the statewide prekindergarten~~  
6       ~~through grade twelve education strategic vision. The process must include input and~~  
7       ~~participation from a steering committee that includes representatives of all state-level~~  
8       ~~entities receiving state education funding and education stakeholder groups. Each~~  
9       ~~steering committee member entity receiving state education funds shall provide~~  
10      ~~components of the entity's strategic plan which are aligned to the statewide strategic~~  
11      ~~vision. The steering committee shall prepare a collaborative report of the strategic~~  
12      ~~plans of each committee member entity receiving state education funds. The~~  
13      ~~superintendent shall provide the collaborative report and any updates to the strategic~~  
14      ~~vision to the legislative management during each interim and to a joint meeting of the~~  
15      ~~education standing committees during each regular legislative session.~~
- 16      10. ~~Shall facilitate the development and implementation of a North Dakota learning~~  
17      ~~continuum in collaboration with the department of career and technical education,~~  
18      ~~upon the recommendation of the kindergarten through grade twelve education~~  
19      ~~coordination council.~~
- 20      11. ~~Shall appoint a task force in collaboration with the kindergarten through grade twelve~~  
21      ~~education coordination council. The task force shall review all statutes in this code~~  
22      ~~relating to literacy, dyslexia, and related teacher training and report the findings and~~  
23      ~~recommendations of the task force, together with any legislation necessary to~~  
24      ~~implement the recommendations, to the sixty-ninth legislative assembly.~~

25       **Superintendent of public instruction - Duties - Report. (~~Effective after December 31,~~**  
26      **~~2024~~)** The superintendent of public instruction:

- 27       1.   Shall supervise the provision of elementary and secondary education to the students  
28       of this state.
- 29       2.   Shall supervise the establishment and maintenance of schools and provide advice and  
30       counsel regarding the welfare of the schools.
- 31       3.   Shall supervise the development of course content standards.

- 1 4. Shall supervise the assessment of students.
- 2 5. Shall serve as an ex officio member of the board of university and school lands.
- 3 6. Shall keep a complete record of all official acts and appeals.
- 4 7. As appropriate, shall determine the outcome of appeals regarding education matters.
- 5 8. Shall direct school district annexation, reorganization, and dissolution and employ and
- 6 compensate personnel necessary to enable the state board of public school education
- 7 to carry out its powers and duties regarding school district annexation, reorganization,
- 8 and dissolution.
- 9 9. Shall facilitate a process to review and update annually the statewide prekindergarten
- 10 through grade twelve education strategic vision. The process must include input and
- 11 participation from a steering committee that includes representatives of all state-level
- 12 entities receiving state education funding and education stakeholder groups. Each
- 13 steering committee member entity receiving state education funds shall provide
- 14 components of the entity's strategic plan which are aligned to the statewide strategic
- 15 vision. The steering committee shall prepare a collaborative report of the strategic
- 16 plans of each committee member entity receiving state education funds. The
- 17 superintendent shall provide the collaborative report and any updates to the strategic
- 18 vision to the legislative management during each interim and to a joint meeting of the
- 19 education standing committees during each regular legislative session.
- 20 10. Shall facilitate the development and implementation of a North Dakota learning
- 21 continuum in collaboration with the department of career and technical education,
- 22 upon the recommendation of the kindergarten through grade twelve education
- 23 coordination council.
- 24 ~~11. Shall provide guidance to a school district to promote compliance with education-~~
- 25 ~~related state and federal law and the rules and regulations of any applicable state or~~
- 26 ~~federal agency and shall publish the guidance on the department of public instruction's~~
- 27 ~~website.~~
- 28 ~~12. Shall review a school district to verify compliance with education-related state law or~~
- 29 ~~rule or both and may issue guidance or withhold funding if a condition under~~
- 30 ~~subsection 1 of section 2 of this Act occurs a corrective action.~~

1       **SECTION 2.** A new section to chapter 15.1-02 of the North Dakota Century Code is created  
2 and enacted as follows:

3       **Review for compliance - Procedure - Complaints.**

4       1. As used in this chapter, "education-related state law" means title 15.1, except chapter  
5 15.1-15 and 15.1-16, unless the law has an alternative statutory enforcement  
6 mechanism.

7       2. The superintendent of public instruction ~~shall~~may conduct a review of a school district  
8 to verify compliance with an education-related state law ~~or rule or both~~ upon:

9       a. An exercise of discretion by the superintendent of public instruction, which may  
10 be prompted by ~~a complaint~~an allegation of noncompliance submitted under  
11 subsection 57.

12       b. Receipt of a resolution passed by ~~a~~the majority of a board of a school district ~~or~~  
13 ~~the state board of public school education~~alleging noncompliance with an  
14 education-related state law.

15       c. ~~Request~~Written request of a county superintendent of schools ~~or school district~~  
16 ~~superintendent~~alleging noncompliance with an education-related state law.

17       2-3. If the superintendent of public instruction determines a review is required under  
18 subsection ~~4~~2, the superintendent of public instruction shall:

19       a. Notify the school district superintendent and the board of that school district of  
20 the ~~proposed~~review; ~~stating the reasons for and the~~. The notification must  
21 include:

22       (1) A description of the alleged noncompliance;

23       (2) A copy of any documentation submitted to the superintendent of public  
24 instruction under subsection 2 alleging the noncompliance; and

25       (3) The anticipated scope and estimated timeline of the review ~~no later than ten~~  
26 ~~days after a condition under subsection 1 occurs.~~

27       b. ~~Investigate~~Request information from the school district and review the  
28 information as necessary to obtain facts related to the matter.

29       c. No ~~sooner than ten days after and no~~later than ninety days after the ~~affected~~  
30 ~~party~~school district has been notified of ~~a proposed~~the review:

1           (1) Issue ~~guidance~~a corrective action to the school district, including a timeline  
2           for compliance and suggested remedial steps to ~~become compliant~~come  
3           into compliance; or

4           (2) ~~Close~~Issue a letter of compliance to the school district closing the matter  
5           and notify the affected party in writing.

6 3.4. If a school district fails to comply with a corrective action, the superintendent of public  
7 instruction may issue a written warning to the school district. If the school district is not  
8 in compliance within thirty days after the issuance of a written warning, the  
9 superintendent of public instruction may impose sanctions pursuant to subsection 5.

10 5. If ~~the superintendent of public instruction issues guidance in a school year to a school~~  
11 ~~district more than once~~a school district fails to comply with a corrective action within  
12 thirty days after the issuance of a written warning, the superintendent of public  
13 instruction ~~shall deduct~~may impose sanctions against the school district, including  
14 deducting up to two percent of the total state payments to which a school district is  
15 entitled for that school year from the subsequent payment distribution under section  
16 15.1-27-01 for each ~~guidance letter~~corrective action issued except the first ~~guidance~~  
17 letter.

18 4.6. The school district may ~~respond to the superintendent of public instruction no later~~  
19 ~~than ten days after receipt of the notice of proposed review~~request a hearing before  
20 the superintendent of public instruction if a written request is made within ten days  
21 after the receipt of the corrective action or sanction. Upon receipt of a proper and  
22 timely request for a hearing, the superintendent of public instruction shall conduct an  
23 adjudicative proceeding under this section in accordance with chapter 28-32, unless  
24 otherwise provided for by law. If the superintendent of public instruction prevails in an  
25 adjudicative proceeding under this section, the department may assess the school  
26 district for all adjudicative proceeding and hearing costs, including reasonable  
27 attorney's fees and costs and expenses of the action.

28 5.7. The superintendent of public instruction shall provide a form that a state resident may  
29 use to submit ~~a complaint~~information alleging noncompliance with an education-  
30 related state law to the superintendent of public instruction regarding ~~a~~the school  
31 ~~district's failure to comply with education-related state law or rule~~district where the

1 resident is a qualified elector or the school district where the resident has a child  
2 enrolled.

3 8. A school district subject to review by the superintendent of public instruction is  
4 required to cooperate with the review to the full extent allowable by law. Failure of the  
5 school district to cooperate fully with the review performed by the superintendent of  
6 public instruction may be considered noncompliance with an education-related state  
7 law under this section.

8 ~~— **SECTION 3. AMENDMENT.** Section 15.1-14-01 of the North Dakota Century Code is~~  
9 ~~amended and reenacted as follows:~~

10 ~~— **15.1-14-01. School district superintendent – Duties.**~~

11 ~~— A school district superintendent shall:~~

12 ~~— 1. Supervise the general operation of the school district.~~

13 ~~— 2. Supervise the provision of education to students.~~

14 ~~— 3. Visit the schools of the district.~~

15 ~~— 4. Supervise school personnel.~~

16 ~~— 5. Prepare and deliver reports requested by the board of the district.~~

17 ~~— 6. Perform any other duties requested by the board.~~

18 ~~— 7. Create and enforce rules applicable to personnel to ensure the school district is in~~  
19 ~~compliance with the guidance provided by the superintendent of public instruction~~  
20 ~~under subsection 11 of section 15.1-02-04.~~