

FIRST ENGROSSMENT

ENGROSSED 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 to amend and reenact section 15.1-02-04 of
4 the North Dakota Century Code, relating to school district compliance with education-related
5 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.~~
- 21 8. ~~Shall direct school district annexation, reorganization, and dissolution and employ and~~
22 ~~compensate personnel necessary to enable the state board of public school education~~

1 to carry out its powers and duties regarding school district annexation, reorganization,
2 and dissolution.

3 9. ~~Shall facilitate a process to review and update annually the statewide prekindergarten~~
4 ~~through grade twelve education strategic vision. The process must include input and~~
5 ~~participation from a steering committee that includes representatives of all state-level~~
6 ~~entities receiving state education funding and education stakeholder groups. Each~~
7 ~~steering committee member entity receiving state education funds shall provide~~
8 ~~components of the entity's strategic plan which are aligned to the statewide strategic~~
9 ~~vision. The steering committee shall prepare a collaborative report of the strategic~~
10 ~~plans of each committee member entity receiving state education funds. The~~
11 ~~superintendent shall provide the collaborative report and any updates to the strategic~~
12 ~~vision to the legislative management during each interim and to a joint meeting of the~~
13 ~~education standing committees during each regular legislative session.~~

14 10. ~~Shall facilitate the development and implementation of a North Dakota learning~~
15 ~~continuum in collaboration with the department of career and technical education,~~
16 ~~upon the recommendation of the kindergarten through grade twelve education~~
17 ~~coordination council.~~

18 11. ~~Shall appoint a task force in collaboration with the kindergarten through grade twelve~~
19 ~~education coordination council. The task force shall review all statutes in this code~~
20 ~~relating to literacy, dyslexia, and related teacher training and report the findings and~~
21 ~~recommendations of the task force, together with any legislation necessary to~~
22 ~~implement the recommendations, to the sixty-ninth legislative assembly.~~

23 **Superintendent of public instruction - Duties - Report. (Effective after December 31,**
24 **2024)** The superintendent of public instruction:

- 25 1. Shall supervise the provision of elementary and secondary education to the students
26 of this state.
- 27 2. Shall supervise the establishment and maintenance of schools and provide advice and
28 counsel regarding the welfare of the schools.
- 29 3. Shall supervise the development of course content standards.
- 30 4. Shall supervise the assessment of students.
- 31 5. Shall serve as an ex officio member of the board of university and school lands.

- 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 review a school district to verify compliance with education-related state law and
23 may issue a corrective action.

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

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

- 27 1. As used in this chapter, "education-related state law" means title 15.1, except chapters
28 15.1-15 and 15.1-16, unless the law has an alternative statutory enforcement
29 mechanism.
- 30 2. The superintendent of public instruction may conduct a review of a school district to
31 verify compliance with an education-related state law upon:

- 1 a. An exercise of discretion by the superintendent of public instruction, which may
- 2 be prompted by an allegation of noncompliance submitted under subsection 7.
- 3 b. Receipt of a resolution passed by the majority of a board of a school district
- 4 alleging noncompliance with an education-related state law.
- 5 c. Written request of a county superintendent of schools alleging noncompliance
- 6 with an education-related state law.
- 7 3. If the superintendent of public instruction determines a review is required under
- 8 subsection 2, the superintendent of public instruction shall:
- 9 a. Notify the school district superintendent and the board of that school district of
- 10 the review. The notification must include:
- 11 (1) A description of the alleged noncompliance;
- 12 (2) A copy of any documentation submitted to the superintendent of public
- 13 instruction under subsection 2 alleging the noncompliance; and
- 14 (3) The anticipated scope and estimated timeline of the review.
- 15 b. Request information from the school district and review the information as
- 16 necessary to obtain facts related to the matter.
- 17 c. No later than ninety days after the school district has been notified of the review:
- 18 (1) Issue a corrective action to the school district, including a timeline for
- 19 compliance and suggested remedial steps to come into compliance; or
- 20 (2) Issue a letter of compliance to the school district closing the matter.
- 21 4. If a school district fails to comply with a corrective action, the superintendent of public
- 22 instruction may issue a written warning to the school district. If the school district is not
- 23 in compliance within thirty days after the issuance of a written warning, the
- 24 superintendent of public instruction may impose sanctions pursuant to subsection 5.
- 25 5. If a school district fails to comply with a corrective action within thirty days after the
- 26 issuance of a written warning, the superintendent of public instruction may impose
- 27 sanctions against the school district, including deducting up to two percent of the total
- 28 state payments to which a school district is entitled for that school year from the
- 29 subsequent payment distribution under section 15.1-27-01 for each corrective action
- 30 issued except the first.

- 1 6. The school district may request a hearing before the superintendent of public
2 instruction if a written request is made within ten days after the receipt of the corrective
3 action or sanction. Upon receipt of a proper and timely request for a hearing, the
4 superintendent of public instruction shall conduct an adjudicative proceeding under
5 this section in accordance with chapter 28-32, unless otherwise provided for by law. If
6 the superintendent of public instruction prevails in an adjudicative proceeding under
7 this section, the department may assess the school district for all adjudicative
8 proceeding and hearing costs, including reasonable attorney's fees and costs and
9 expenses of the action.
- 10 7. The superintendent of public instruction shall provide a form that a state resident may
11 use to submit information alleging noncompliance with an education-related state law
12 to the superintendent of public instruction regarding the school district where the
13 resident is a qualified elector or the school district where the resident has a child
14 enrolled.
- 15 8. A school district subject to review by the superintendent of public instruction is
16 required to cooperate with the review to the full extent allowable by law. Failure of the
17 school district to cooperate fully with the review performed by the superintendent of
18 public instruction may be considered noncompliance with an education-related state
19 law under this section.