

TESTIMONY ON SB 2362
SENATE EDUCATION COMMITTEE
Tuesday, February, 11 2025
By: Kirsten Baesler, State Superintendent
701-328-4570

Chairman Beard and members of the Senate Education Committee,

For the record, my name is Kirsten Baesler, and I serve as the Superintendent of the North Dakota Department of Public Instruction. Thank you for the opportunity to testify today on SB 2362 regarding the accreditation of schools and to provide an amendment.

I am here today in support of this legislation **only if** the language in the amendments are adopted. I have discussed these amendments with the bill's prime sponsor, Senator Schaible, and he has no objections to them. The Assistant Attorney General assigned to NDDPI drafted these necessary changes so they are aligned with honoring the intent of the legislature and affirming the authority provided to the state superintendent in the ND century code.

I request that the language in the first subsection 1(c) be amended to change the words "shall" to "may" and "must" to "may." As written, the language in the bill in Section 1 letter "c" unduly mandates the involvement of specific special interest lobbying organizations in the process of selecting accreditation options.

Although I respect and appreciate the work of our educational stakeholders for the work they are hired to do in representing specific adults in their membership groups, such a requirement clearly infringes on the responsibility of the elected Superintendent of Public Instruction, as authorized by the North Dakota Legislature in NDCC 15.1-02-04.

The Department does not make decisions in isolation or in an authoritarian manner—in fact, it is quite the opposite—the department actively engages teachers, principals, school board members, families, and students in the decision-making process frequently and consistently to ensure our work reflects the desire of the people who elected me.

However, the current prescriptive language overreaches and forces the law into administrative areas that the people of North Dakota have elected me to direct. It shifts decision-making power and influence into the hands of unelected special interest groups, undermining the superintendent's role in executing responsibilities specifically granted by the Legislature. Then, going even further, requiring me to select a dues-paying member or executive director as a representative of an association also registered as a lobbying organization - rather than any educator and administrator best positioned to provide meaningful feedback - is simply unreasonable.

As Superintendent, I will always vigorously oppose any and all attempts to erode the authority vested in this office or unnecessarily restrict my ability to carry out

my duties as the chief administrator of K-12 education in North Dakota, which I have sworn in an oath of office to do. It is imperative that the decisions impacting our students and schools remain with those who are elected to serve the people—not with special interests seeking to overtly control the state processes of education through legislative mandates that diminish the state superintendent’s ability to lead.

Therefore, the amendment changes the first subsection 1 (c) from “Shall” to “May” on page 1, line 17, and “must” to “may” on page 1, line 19 to allow the superintendent to exercise the administration authority already provided by the legislature in NDCC. This continues the permissive language of subsection 1 (a) - that details the superintendent’s ability to write administrative rules approved by you, the ND lawmakers – and subsection 1 (b).

There is a new subsection 4 that requires the Superintendent of Public Instruction to secure a state contract with an accreditation organization or vendor to create a state-provided accreditation option that is available to all school districts **at no charge to the districts**. This ensures that all districts have access to a high-quality accreditation process without financial barriers, maintaining a consistent standard across the state.

New Subsection 5 – This provision specifies that if a district chooses an accreditation process from the state-approved list rather than the state-provided option, the district will be responsible for any associated costs. This approach balances

flexibility with fiscal responsibility, ensuring that districts retain the ability to choose an accreditation pathway that aligns with their needs but assuming the costs for a contract not negotiated for a larger-scale state contract.

The amendment's language in Subsection 5 exactly mirrors the language the North Dakota Legislature passed last session regarding interim assessments, which provided a state contract for assessments at no cost to school districts while creating an approved list of other assessments districts could choose at their expense. That model has worked quite well, giving schools financial support while maintaining local flexibility. Ironically, Senator Schaible was the prime sponsor of that bill language as well. In speaking with him, he also recalled the interim assessment language we used last session and recognized the consistency in approach.

In summary, this bill introduces flexibility in school accreditation and as amended, maintains a cost-free state-provided option for districts. However, without all the changes in this amendment being adopted, NDDPI would not support this bill. The Superintendent of Public Instruction must retain the authority to execute the responsibilities granted by the Legislature without undue influence from special interest membership groups and the ability to fulfill their constitutional responsibility of Article VIII, Section 2, to provide for a **uniform** system of education

I respectfully ask the committee to adopt these necessary amendments to ensure that the accreditation process remains accountable to the students, families, and

taxpayers of North Dakota through their elected officials and then vote in favor of a “do-pass” recommendation.

Thank you for your time and consideration. I am happy to answer any questions.

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2362

Introduced by

Senators Schaible, Lemm, Weber

Representatives Jonas, Pyle

1 A BILL for an Act to amend and reenact section 15.1-02-11 of the North Dakota Century Code
2 relating to the accreditation of schools.

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

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

6 **15.1-02-11. Superintendent of public instruction- Accreditation of schools- Rules.**

7 1. The superintendent of public instruction ~~may~~:

8 a. May adopt rules governing the accreditation of public and nonpublic schools. Any
9 rule adopted under this section must incorporate measures of student
10 achievement and bear a direct relationship to improving student achievement.

11 b. May provide schools with a choice of accreditation options, including:

12 (1) Accreditation through a state-defined accreditation process established by the
13 superintendent of public instruction; or

14 (2) Accreditation through a nationally recognized accrediting organization, a
15 formal school improvement organization, or a continuous improvement
16 organization approved by the superintendent of public instruction.

17 c. ~~Shall~~ May establish a process to select the accreditation options for schools and
18 a process for schools to select an accreditation option. Development of the
19 process ~~must~~ ~~may~~ include input and participation from a steering committee,
20 including representatives of education stakeholder groups, including North
21 Dakota united and state associations of school administrators; secondary and
22 elementary school principals; and the North Dakota school boards association.

23 d. Periodically shall review and evaluate the effectiveness of each accreditation
24 option in improving student achievement and school performance.

25

- 1 2. Each accreditation option must:
- 2 a. Meet or exceed the state standards to ensure consistency in the quality of
- 3 education.
- 4 b. Provide measurable outcomes for student achievement, aligning with the
- 5 state goals.
- 6 3. A school may select the accreditation statement option best aligning to the
- 7 instructional goals and operational needs of the school, subject to approval by the
- 8 superintendent of public instruction.
- 9 4. The superintendent of public instruction shall contract with an accreditation
- 10 organization or vendor to create state-provided accreditation and offer to each
- 11 public school district, at no charge to the districts.
- 12 5. If a district chooses to use an accreditation process from the state-approved list,
- 13 the district is responsible for any accreditation-related costs.
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