CHAPTER 15.1-02
SUPERINTENDENT OF PUBLIC INSTRUCTION

15.1-02-01. Superintendent of public instruction - Qualifications.

The qualified electors of this state shall elect a superintendent of public instruction at the appropriate general election. The superintendent must be at least twenty-five years of age on the day of the election and have the qualifications of an elector for that office at all times during the superintendent's term of office.

15.1-02-02. Salary.

The annual salary of the superintendent of public instruction is one hundred forty-seven thousand nine hundred seventy-eight dollars through June 30, 2026, and one hundred fifty-two thousand four hundred seventeen dollars thereafter.

15.1-02-03. Appointment of assistant - Employment of personnel.

The superintendent of public instruction may appoint an assistant. The superintendent may also hire personnel or contract with other persons to perform the work of the department of public instruction.

15.1-02-04. Superintendent of public instruction - Duties.

The superintendent of public instruction:

1. Shall supervise the provision of elementary and secondary education to the students of this state.
2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.
3. Shall supervise the development of course content standards.
4. Shall supervise the assessment of students.
5. Shall serve as an ex officio member of the board of university and school lands.
6. Shall keep a complete record of all official acts and appeals.
7. As appropriate, shall determine the outcome of appeals regarding education matters.
8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.
9. Shall facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision. The process must include input and participation from a steering committee that includes representatives of all state-level entities receiving state education funding and education stakeholder groups. Each steering committee member entity receiving state education funds shall provide components of the entity's strategic plan which are aligned to the statewide strategic vision. The steering committee shall prepare a collaborative report of the strategic plans of each committee member entity receiving state education funds. The superintendent shall provide the collaborative report and any updates to the strategic vision to the legislative management during each interim and to a joint meeting of the education standing committees during each regular legislative session.
10. Shall facilitate the development and implementation of a North Dakota learning continuum in collaboration with the department of career and technical education, upon the recommendation of the kindergarten through grade twelve education coordination council.

15.1-02-05. Federal government - Contracts.

The superintendent of public instruction may contract with an agency of the federal government:

1. For and on behalf of the department of public instruction.
2. For and on behalf of a school district with the consent of the school district board.

15.1-02-06. Preservation of property.

The superintendent of public instruction shall provide for the preservation of all property that the superintendent acquires in an official capacity and which has educational interest and value or which records official acts by the superintendent. At the conclusion of the superintendent's term of office, the superintendent shall deliver the property to the superintendent's successor.

15.1-02-07. Superintendent of public instruction - Lease of unused real property.

1. The superintendent of public instruction may lease surplus portions of real property, including buildings and improvements, owned by the state and administered by the superintendent of public instruction at North Dakota vision services - school for the blind and the school for the deaf.
2. The superintendent may lease the unused portion of a building only after consultation with and adherence to conditions set by the administrator of the state fire and tornado fund.
3. A lease agreement under this section may not exceed five years.
4. A lease agreement under this section must provide that:
   a. It is cancelable by the state without liability at the end of any state fiscal biennium; or
   b. It is renewable at the sole discretion of the superintendent of public instruction at the beginning of each fiscal biennium.
5. The superintendent may set additional terms and conditions for leases under this section.
6. The attorney general shall review any lease under this section and approve its legal adequacy before its execution.
7. The superintendent may expend revenues from leases under this section only with legislative approval.

15.1-02-08. Accounting and reporting system - Uniformity.

The superintendent of public instruction shall implement a uniform system for the accounting, budgeting, and reporting of data for all school districts in the state and for all regional education associations governed by chapter 15.1-09.1. The superintendent of public instruction shall designate the software standards to be used by the school districts and by the regional education associations in their accounting, budgeting, and reporting functions.

15.1-02-09. School district finance facts report - Contents.

The superintendent of public instruction shall submit an annual report on the financial condition of school districts to the governor, legislative council, and the secretary of state by the end of February. The secretary of state shall transmit the report to the state archivist for official and public use. The report must include:

1. The number of school districts in the state.
2. The financial condition of each school district, including its receipts and expenditures.
3. The value of all property owned or controlled by each school district.
4. The cost of education in each school district.
5. The number of teachers employed by each school district and their salaries.
6. The number of students in average daily membership, in weighted average daily membership, and in average daily attendance, in each school district, the grades in which the students are enrolled, and, when applicable, the courses in which the students are enrolled.
7. Information regarding the state's approved nonpublic schools.
8. Other statistical data on public education in the state.

15.1-02-10. School district finance facts report - Distribution.

The superintendent of public instruction shall make the annual school district finance facts report available to each member of the legislative assembly upon request. The superintendent

shall provide eight copies of the report to the state library. The superintendent shall make the report available to the public on the superintendent of public instruction's website.

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

1. The superintendent of public instruction:
   a. May adopt rules governing the accreditation of public and nonpublic schools. Any rule adopted under this section must incorporate measures of student achievement and bear a direct relationship to improving student achievement.
   b. May provide schools with a choice of accreditation options, including:
      (1) Accreditation through a state-defined accreditation process established by the superintendent of public instruction; or
      (2) Accreditation through a nationally recognized accrediting organization, a formal school improvement organization, or a continuous improvement organization approved by the superintendent of public instruction.
   c. May establish a process to select the accreditation options for schools and a process for schools to select an accreditation option. Development of the process may include input and participation from a steering committee, including representatives of education stakeholder groups, school administrators, secondary and elementary school principals, and school board members.
   d. Periodically shall review and evaluate the effectiveness of each accreditation option in improving student achievement and school performance.
2. Each accreditation option must:
   a. Meet or exceed the state standards to ensure consistency in the quality of education.
   b. Provide measurable outcomes for student achievement, aligning with the state goals.
3. A school may select the accreditation option best aligning to the instructional goals and operational needs of the school, subject to approval by the superintendent of public instruction.
4. The superintendent of public instruction shall contract with an accreditation organization or vendor to create state-provided accreditation to offer to each public school district at no charge.
5. If a district chooses to use an accreditation process from the state-approved list, the district is responsible for any accreditation-related costs.

15.1-02-12. Expiration of existing rules.

Any rule adopted by the superintendent of public instruction in a manner other than that set forth in chapter 28-32 is ineffective after October 31, 1999. For purposes of this section, "rule" includes any regulation, standard, guideline, statement, or policy that has the effect of law or which has either direct or indirect financial consequences for noncompliance.

15.1-02-13. School district employee compensation report.

1. Before September eleventh of each year, each school district shall report the following information to the superintendent of public instruction, with respect to each teacher and class of teachers and with respect to each administrator and class of administrators:
   a. The number of days each was employed during the preceding school year.
   b. The base salaries.
   c. The amount of compensation provided for extended contracts.
   d. The amount of compensation provided for cocurricular activities.
   e. The amount expended for contract buyouts.
   f. The amount of compensation provided in lieu of salaries.
   g. The amount paid for signing bonuses.
   h. The amount of compensation provided for substitute teaching and workload adjustment.

i. The amount of compensation provided for any other purposes.
j. The amount expended for health insurance benefits.
k. The amount expended for dental, vision, and cancer insurance benefits.
l. The amount expended for life and long-term disability insurance benefits.
m. The amount of retirement contributions and assessments, including individual shares if paid by the district.
n. The district's share of Federal Insurance Contributions Act taxes.
o. The amount of dues or membership fees paid by the district.
p. Any other benefits provided by the district.

2. In addition to the requirements of subsection 1, each school district shall also indicate:
   a. Whether each teacher and administrator is employed on a full-time or a part-time basis.
   b. The number of days used to determine the base salary of each teacher and administrator.
3. The superintendent of public instruction shall:
   a. Compile the information required by this section in a manner that allows for accurate comparisons; and
   b. Forward a copy of the compiled information to the governor and the legislative council.
4. The superintendent of public instruction may not expand the reporting requirements of this section.
5. If any school district fails without good cause to provide the information required by this section on or before September tenth and in the manner directed by the superintendent of public instruction, the superintendent shall withhold all state aid until the information is received.
6. For purposes of this section:
   a. "Administrator" includes an individual who is employed by a school district in an administrative position and who is classified by the superintendent of public instruction as:
      (1) A class 67 school district superintendent;
      (2) A class 66 assistant or associate superintendent;
      (3) A class 53 principal;
      (4) A class 05 assistant principal;
      (5) A class 29 director, including a special education director and a career and technical education director;
      (6) A class 04 assistant director; and
      (7) Any other individual whose position requires an administrator's credential.
   b. "Teacher" means an individual, other than an administrator, who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and who is employed by the board of a school district in a position classified by the superintendent of public instruction as:
      (1) A class 22 coordinator;
      (2) A class 37 guidance counselor or school counselor;
      (3) A class 38 guidance counselor designate;
      (4) A class 40 instructional programmer;
      (5) A class 41 library media specialist;
      (6) A class 56 pupil personnel service provider;
      (7) A class 59 school psychologist;
      (8) A class 62 speech-language pathologist;
      (9) A class 68 supervisor;
      (10) A class 70 teacher or special education teacher; or
      (11) A class 72 tutor in training.

15.1-02-14. Duplicative payments - Transfer - Distribution.

If the superintendent of public instruction receives any federal or other moneys to pay programmatic administrative expenses for which the superintendent received a state general fund appropriation, the superintendent shall transfer the moneys to the state tuition fund. This section does not apply if the superintendent is required by federal law or by the terms of a grant to employ additional personnel.

15.1-02-15. Every Student Succeeds Act - Information required.

Whenever the superintendent of public instruction determines any bill or amendment under consideration by an interim committee of the legislative management or by a standing committee or a conference committee of the legislative assembly contains a provision required by the Every Student Succeeds Act of 2015 [Pub. L. 114-95; 114 Stat. 1177; 20 U.S.C. 28 et seq.] or by federal regulations promulgated to implement that Act, the superintendent shall provide the members of the appropriate committee with the specific language of the Every Student Succeeds Act which sets forth the requirement, together with the statutory citation for that language, or the specific language of the federal regulations which sets forth the requirement, together with the citation for the regulations.

15.1-02-16. Superintendent of public instruction - Issuance of credentials to teachers and administrators.

The superintendent of public instruction may adopt rules governing the issuance of:

1. Credentials for teachers of driver's education;
2. Credentials for teachers of early childhood special education;
3. Credentials for elementary school principals;
4. Credentials for teachers of students who are emotionally disturbed;
5. Credentials for teachers of students who are gifted and talented;
6. Credentials for secondary school principals;
7. Credentials for library media;
8. Credentials for teachers of title I;
9. Credentials for teachers of students who have intellectual disabilities;
10. Credentials for teachers of students who are physically disabled;
11. Credentials for coordinators of programs for students with limited English proficiency;
12. Credentials for school counselors;
13. Credentials for special education directors;
14. Credentials for special education strategists;
15. Credentials for teachers of students who have specific learning disabilities;
16. Credentials for superintendents;
17. Credentials for teachers of students who have vision impairments;
18. Credentials for teachers of students who are deaf or hard of hearing;
19. Credentials for specialists trained in dyslexia;
20. Credentials for teachers of computer and cyber science;
21. Certificates of completion for special education technicians;
22. Certificates of completion for paraprofessionals; and
23. Certificates of completion for school health technicians.

15.1-02-16.1. Teacher qualifications - Accreditation rules - Directives.

For purposes of accreditation, the superintendent of public instruction may not establish teacher qualification requirements that exceed those established by the education standards and practices board.

15.1-02-16.2. Credentials for teachers and coordinators of title I.

The superintendent of public instruction shall create a process to reinstate and recertify title I credentials for individuals in the state who held a valid certification, issued by the department of public instruction, as of July 1, 2018, and continue the process in perpetuity. A school district may advertise employment for a title I certified teacher each year until the position

is filled. The board of a school district may authorize the hiring of a teacher who is not certified as a title I teacher for the school year if the school district fails to receive applications from qualified applicants to fill the advertised position by July 1.

15.1-02-17. State accountability plan - Legislative review.

Before the superintendent of public instruction may submit to the United States secretary of education any proposed changes in the state accountability plan required under the Every Student Succeeds Act of 2015 [Pub. L. 114-95; 114 Stat. 1177; 20 U.S.C. 28 et seq.], the superintendent shall present the proposed changes to an interim committee designated by the legislative management. The committee shall review the proposed changes; accept testimony and documentary evidence regarding the impact of the proposed changes on the students, schools, school districts, and taxpayers of this state; and provide advice and recommendations regarding the proposed changes to the superintendent.

15.1-02-18. Statewide longitudinal data system committee - Membership - Powers and duties - Report to interim committee - Continuing appropriation.

Repealed by S.L. 2015, ch. 141, § 9.

15.1-02-18.1. Statewide longitudinal data system - Information technology department - Powers and duties.

Repealed by S.L. 2015, ch. 141, § 9.

15.1-02-18.2. State agencies - Mandatory provision of information - Confidentiality.

Repealed by S.L. 2015, ch. 141, § 9.

15.1-02-19. Health insurance programs - Joint enrollment program.

The superintendent of public instruction and the department of health and human services jointly shall develop a system under which families of children enrolling in the public school system are provided with information regarding state and federally funded health insurance programs and encouraged to apply for such coverage if determined to be eligible.

15.1-02-20. Education stabilization fund dollars - Notification of nonreplacement - Publication of notice.

Repealed by S.L. 2021, ch. 139, § 1.

15.1-02-21. North Dakota teacher of the year award - Selection - Announcement.

1. Annually, the superintendent of public instruction shall accept nominations for the North Dakota teacher of the year award.
2. The superintendent of public instruction shall develop and publish the criteria by which all nominees must be considered and shall appoint an eight-member committee to review the nominations and select the North Dakota teacher of the year. The committee must consist of:
   a. A former North Dakota teacher of the year award recipient;
   b. A representative of the North Dakota council of educational leaders;
   c. A representative of the North Dakota department of career and technical education;
   d. A representative of the North Dakota department of public instruction;
   e. A representative of North Dakota united;
   f. A representative of the North Dakota school boards association; and
   g. A representative of nonpublic schools in this state.
3. By September thirtieth of each year, the governor and the superintendent of public instruction shall jointly announce the award recipient and serve as the exclusive hosts of a ceremony and reception honoring the teacher of the year. The ceremony and reception must take place in the memorial hall of the state capitol or, if requested by

the award recipient, at a location in the municipality within which the recipient resides or works.

15.1-02-22. Loans - Teacher shortages - Loan forgiveness.

Expired under S.L. 2019, ch. 146, § 8

15.1-02-23. Intervention for chronically low-performing schools - Report.

1. As used in this section, unless context otherwise requires:
   a. "Chronically low-performing district" means a school district for which auditing and monitoring has revealed a consistent mishandling of processes, reporting, or funds resulting in inadequate educational services for the school district's students and has had chronically low-performing schools within the school district.
   b. "Chronically low-performing school" means a school identified by the state for comprehensive support and improvement in accordance with the Every Student Succeeds Act [Pub. L. 114-95; 114 Stat. 1177; 20 U.S.C. 28 et seq.] for more than one cycle.
   c. "Inadequate educational services" include a lack of annual progress in academic achievement, student engagement, resource allocation, teacher effectiveness, chronic absenteeism, and persistent subgroup opportunity gaps.
2. The superintendent of public instruction shall intervene directly when a public school is a chronically low-performing school and when a school district is a chronically low-performing school district. The superintendent of public instruction shall conduct an assessment and a review of past interventions of a chronically low-performing school or school district to identify areas of insufficient performance and develop an improvement plan. An improvement plan under this section may include a directive from the superintendent of public instruction requiring:
   a. Funds to be held in escrow for the school or school district or spent as designated by the superintendent of public instruction.
   b. Changes to curriculum, training, instruction, assessment, or the school calendar in the school or school district.
   c. Reassignment or hiring of school or school district staff to fill roles associated with school or school district needs.
3. A memorandum of understanding must be entered between the department of public instruction and a chronically low-performing school or school district.
4. A chronically low-performing school or school district shall complete a school board leadership program as required by the department of public instruction.
5. The superintendent of public instruction shall report annually to the state board of public school education, the education standing committees of the legislative assembly during a legislative session, and an interim committee of the legislative management when the legislative assembly is not in a legislative session regarding the implementation of this section.

15.1-02-24. Superintendent of public instruction - Cardiac emergency response plan for public and nonpublic schools and athletic events.

1. As used in this section:
   a. "Automated external defibrillator" means a lightweight, portable device capable of delivering an electric shock through an individual's chest to the individual's heart, which is used in the event of cardiac arrest to attempt to stop an irregular heartbeat and allow a normal rhythm to resume.
   b. "Cardiac arrest" means a life-threatening event in which an individual's heart unexpectedly stops beating.
   c. "Cardiac emergency response plan" or "plan" means a written document establishing the specific steps to reduce the chance of death from cardiac arrest.

2. The department of health and human services, in collaboration with the superintendent of public instruction, shall create a customizable cardiac emergency response plan template for schools and nonpublic schools to use to develop a plan tailored to the school or nonpublic school.
3. The cardiac emergency response plan template must integrate core elements established by the American heart association or other nationally recognized organization. The plan template must require:
   a. Review and adoption of the cardiac emergency response plan by the district crisis management team, which must be reviewed annually.
   b. Activation of the team if an individual experiences sudden cardiac arrest.
   c. Placement of automated external defibrillators on school grounds.
   d. Routine maintenance of automated external defibrillators.
   e. Distribution of the plan on school grounds.
   f. Stipulation of appropriate school personnel, including licensed coaches, school nurses, and athletic trainers, to receive training.
   g. Coordination with local emergency medical services providers.
   h. Annual review and evaluation of the plan.
4. Beginning with the 2027-28 school year, each public and nonpublic school shall:
   a. Using the template provided by the department of health and human services, develop a cardiac emergency response plan for inclusion in the school district crisis management plan for use by school personnel if an individual experiences sudden cardiac arrest or a similar life-threatening emergency on school-owned grounds, and school-owned athletic venues.
   b. Place each automated external defibrillator on school grounds according to the guidelines established by the American heart association or an organization focused on emergency cardiovascular care.
   c. Identify each automated external defibrillator with appropriate signage.
5. A school, board of a school district and each individual member of the board, governing board and each individual governing board member of a nonpublic school, administrator, principal, teacher, school employee, and any member of the school district crisis management team, whether a student or an adult, are immune from any liability that might otherwise be incurred as a result of an injury caused by any act or omission while carrying out any elements of the cardiac emergency response plan as developed or implemented in accordance with this section.

15.1-02-25. School buildings - Assessment - Rules.

The superintendent of public instruction:

1. May collect regularly conducted assessments by school districts of each building located on school grounds in the state, including the interior and exterior of the building, doors, windows, fire sprinklers, fire protection systems, components of heating, cooling, plumbing, electrical, and security systems, and handicap accessibility features.
2. May, every four years, document the inventory of buildings, including building type, original construction year, facility additions, facility addition construction year, and facility square footage as submitted by school districts.
3. May develop and maintain a system for tracking the assessments of buildings, including construction, repairs, modifications, and maintenance recommended for each school.
4. Shall adopt rules under chapter 28-32 to implement this section.
5. May contract for professional services to implement this section, including contracting to study appropriate criteria to establish for public school facility standards.